

Senate Bill 680

Sponsored by Senator JOHNSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Oregon Department of Aviation to establish pilot program to foster economic development adjacent to rural airports by encouraging through the fence operations.

A BILL FOR AN ACT

1 Relating to through the fence operations at rural airports.

2 **Be It Enacted by the People of the State of Oregon:**

3 **SECTION 1. Sections 2 and 3 of this 2005 Act are added to and made a part of ORS**
4 **chapter 836.**

5 **SECTION 2. As used in sections 2 and 3 of this 2005 Act:**

6 (1) "Pilot site" means a rural airport identified to participate in the pilot program pur-
7 suant to section 3 (3) of this 2005 Act.

8 (2) "Rural airport" means an airport described in ORS 836.610 (1) that is located:

9 (a) Outside the urban growth boundary of a city with a population of 75,000 or more ac-
10 cording to the 2000 federal decennial census; or

11 (b) In or serves a city or other population center with a population of fewer than 75,000
12 according to the 2000 federal decennial census.

13 (3) "Through the fence operation" means an aviation-related activity of a commercial or
14 industrial user of private property adjacent to the rural airport that requires aircraft to taxi
15 directly from the adjacent private property across the airport property boundary.

16 **SECTION 3. (1) The Oregon Department of Aviation shall establish by rule a pilot pro-**
17 **gram to facilitate economic development by encouraging development of through the fence**
18 **operations at up to six rural airports. The pilot program rules must provide minimum stan-**
19 **dards:**

20 (a) For through the fence operations that:

21 (A) Ensure that those operations are conducted according to a written contract between
22 the commercial or industrial user and the rural airport sponsor;

23 (B) Ensure that a pilot site continues to operate in a safe manner and to fulfill its role
24 in Oregon's emergency response system;

25 (C) Preserve investments in the pilot site and the level of service provided by the pilot
26 site;

27 (D) Facilitate orderly management of the pilot site;

28 (E) Ensure consistent quality of facilities;

29 (F) Provide equitable and uniform treatment of tenants and users at a pilot site;

30 (G) Advance economic development through qualified aviation-related services on or ad-
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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 jacent to a pilot site;

2 (H) Encourage well-ordered economic development on and adjacent to a pilot site;

3 (I) Facilitate and foster good relations within the community surrounding a pilot site;

4 (J) Enable conformity with approved Airport Master Plans;

5 (K) Make a pilot site available for public use on reasonable terms without undue dis-
6 crimination;

7 (L) Assist a pilot site to maintain a fee and rental structure with the goal of financial
8 self-sustainability; and

9 (M) Encourage economic growth in rural Oregon by ensuring adequate access to local,
10 regional and national markets;

11 (b) For commercial or industrial users and the employees or independent contractors
12 engaged by the users to ensure that obligations under a written contract for through the
13 fence operations are performed by qualified individuals, including a documented business plan
14 that identifies:

15 (A) The services to be offered;

16 (B) The amount of land required, if the intention is to lease rural airport property;

17 (C) Building space that will be constructed or leased;

18 (D) The number of aircraft or quantity of equipment and tooling to be provided;

19 (E) The number of persons to be employed and, when appropriate, the license, registra-
20 tion, certification or other evidence of qualification of those persons;

21 (F) The resume of each owner, manager and financial backer;

22 (G) Periods of operation;

23 (H) The amounts and types of insurance to be maintained;

24 (I) Evidence of the projected revenues for the first year and succeeding four years;

25 (J) Methods and amenities to be used to attract new business;

26 (K) Plans for physical expansion if the aviation-related commercial or industrial use
27 warrants expansion; and

28 (L) Procedures, practices or safeguards designed to ensure that the through the fence
29 operations of the commercial or industrial user do not jeopardize the safety of airport oper-
30 ations or hinder access of the general public to the airport; and

31 (c) For through the fence operations that meet the requirements of the Federal Aviation
32 Administration, including compliance with the airport sponsor assurances provided if the
33 rural airport is a recipient of federal assistance pursuant to the Airport Improvement Plan
34 or a predecessor program of the Federal Aviation Administration.

35 (2) The Department of Land Conservation and Development and the municipalities within
36 whose jurisdiction a pilot site is located shall cooperate with the Oregon Department of
37 Aviation to ensure that statewide land use planning goals, comprehensive plans and land use
38 regulations do not prevent the development of through the fence operations and, if neces-
39 sary, to implement a rural airport zoning classification that facilitates economic development
40 on and adjacent to a pilot site, including through the fence operations.

41 (3) The Oregon Department of Aviation shall operate the pilot program at:

42 (a) The Aurora State Airport;

43 (b) The Brookings Airport;

44 (c) The Scappoose Industrial Airpark; and

45 (d) Three additional rural airports selected by the department according to criteria es-

1 **tablished by the department by rule that are intended to increase the likelihood for suc-**
2 **cessful economic development at and adjacent to the pilot site.**

3 **SECTION 4. (1) The Oregon Department of Aviation shall:**

4 **(a) Adopt rules to establish the pilot program and criteria for selection of pilot sites re-**
5 **quired by section 3 of this 2005 Act within six months after the effective date of this 2005**
6 **Act; and**

7 **(b) Complete the selection of additional pilot sites pursuant to section 3 of this 2005 Act**
8 **within one year after the effective date of this 2005 Act.**

9 **(2) The Department of Land Conservation and Development and municipalities shall co-**
10 **operate with the Oregon Department of Aviation to ensure that land use barriers to imple-**
11 **mentation of sections 2 and 3 of this 2005 Act are eliminated:**

12 **(a) For a pilot site identified in section 3 of this 2005 Act, within one year after the ef-**
13 **fective date of this 2005 Act; and**

14 **(b) For a pilot site selected by the Oregon Department of Aviation pursuant to section 3**
15 **of this 2005 Act, within 18 months after the effective date of this 2005 Act.**

16 **SECTION 5. Section 4 of this 2005 Act is repealed January 2, 2009.**

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