

111TH CONGRESS  
2D SESSION

# H. R. 4815

To amend title 49, United States Code, to allow through-the-fence access to general aviation airports, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2010

Mr. GRAVES (for himself, Mr. BOSWELL, Mr. EHLERS, and Mr. PETRI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 49, United States Code, to allow through-the-fence access to general aviation airports, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Community Airport  
5 Access and Protection Act of 2010”.

1 **SEC. 2. AGREEMENTS GRANTING THROUGH-THE-FENCE AC-**  
2 **CESS TO GENERAL AVIATION AIRPORTS.**

3 (a) IN GENERAL.—Section 47107 of title 49, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 “(t) AGREEMENTS GRANTING THROUGH-THE-FENCE  
7 ACCESS TO GENERAL AVIATION AIRPORTS.—

8 “(1) IN GENERAL.—Subject to paragraph (2), a  
9 sponsor of a general aviation airport shall not be  
10 considered to be in violation of this subtitle, or to be  
11 in violation of a grant assurance made under this  
12 section or under any other provision of law as a con-  
13 dition for the receipt of Federal financial assistance  
14 for airport development, solely because the sponsor  
15 enters into an agreement that grants to a person  
16 that owns real property adjacent to the airport, in-  
17 cluding any residential, nonresidential, or commer-  
18 cial property, access for aircraft located on that  
19 property to the airfield of the airport.

20 “(2) THROUGH THE FENCE AGREEMENTS.—

21 “(A) IN GENERAL.—An agreement de-  
22 scribed in paragraph (1) between an airport  
23 sponsor and a property owner shall be a written  
24 agreement that prescribes the rights, respon-  
25 sibilities, charges, duration, and other terms de-  
26 termined necessary to establish and manage the

1 airport sponsor’s relationship with the property  
2 owner.

3 “(B) TERMS AND CONDITIONS.—An agree-  
4 ment described in paragraph (1) between an  
5 airport sponsor and a property owner shall re-  
6 quire the property owner, at minimum—

7 “(i) to pay airport access charges that  
8 are not less than those charged to tenants  
9 and operators on-airport making similar  
10 use of the airport;

11 “(ii) to bear the cost of building and  
12 maintaining the infrastructure necessary to  
13 provide aircraft located on the property ad-  
14 jacent to the airport access to the airfield  
15 of the airport; and

16 “(iii) to operate and maintain the  
17 property, and conduct any construction ac-  
18 tivities on the property, at no cost to the  
19 airport and in a manner that—

20 “(I) is consistent with sub-  
21 sections (a)(7) and (a)(9);

22 “(II) does not alter the airport,  
23 including the facilities of the airport;

1                   “(III) does not adversely affect  
2                   the safety, utility, or efficiency of the  
3                   airport;

4                   “(IV) is compatible with the nor-  
5                   mal operations of the airport; and

6                   “(V) is consistent with the air-  
7                   port’s role in the National Plan of In-  
8                   tegrated Airport Systems.

9                   “(3) GENERAL AVIATION AIRPORT DEFINED.—

10                  In this subsection, the term ‘general aviation air-  
11                  port’ means a public airport that is located in a  
12                  State and that, as determined by the Secretary of  
13                  Transportation—

14                         “(A) does not have scheduled service; or

15                         “(B) has scheduled service with less than  
16                         2,500 passenger boardings each year.”.

17                  (b) APPLICABILITY.—The amendment made by sub-  
18                  section (a) shall apply to an agreement between an airport  
19                  sponsor and a property owner entered into before, on, or  
20                  after the date of enactment of this Act.

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