
OLR Bill Analysis

sHB 5308

AN ACT CONCERNING THE CONNECTICUT AIRPORT AUTHORITY AND THE TWEED-NEW HAVEN AIRPORT AUTHORITY.

SUMMARY

This bill makes various changes in laws concerning airports, aircraft, the Connecticut Airport Authority (CAA), and the Tweed-New Haven Airport Authority. Among other things, the bill:

1. transfers airport- and aviation- related eminent domain power from the Department of Transportation (DOT) to the CAA (§§ 1, 6, 7, 14, 21-29 & 32);
2. requires that at least 10 of the 13 members (instead of six under current law) appointed by the mayors of New Haven and East Haven to the Tweed-New Haven Authority board of directors have principal residences in one of those cities (§ 30);
3. specifies that the Tweed-New Haven Airport Authority is independent from the CAA and that CAA has no jurisdiction or authority over it or the Tweed-New Haven Airport, including the power to inspect or approve the airport's alteration or extension (§ 31);
4. requires owners and operators of aircraft hangered in the state to maintain liability insurance meeting specified coverage criteria (§ 20);
5. generally eliminates the CAA's role in aircraft registration, which is currently primarily handled by municipalities (§§ 2-5 & 11);
6. specifies documentation that must be provided to CAA when seeking a certificate of approval or license for an air navigation facility (§ 10, also see BACKGROUND); and

7. requires publicly owned airport owners or operators, rather than CAA, to develop and revise the approach plans for their airports after considering specified criteria (§ 17).

The bill also makes the following minor changes:

1. eliminates a requirement that federal airport grants be deposited in the state treasury before disbursal, to conform with current practice (§ 9);
2. allows, rather than requires, the state to fund capital improvements at private airports up to a specified level (§ 12);
3. adds CAA special police to the list of officials who may enforce laws related to aeronautics (§ 13);
4. eliminates the specific deadline for CAA to approve Bradley Airport's annual operating budget, which under current law is 30 days before the beginning of the fiscal year (§ 19); and
5. eliminates a number of obsolete statutes (§§ 18 & 32).

It also makes numerous technical and conforming changes, including in §§ 8, 15 and 16.

EFFECTIVE DATE: July 1, 2022, except that (1) the provision on Tweed-New Haven board changes is effective upon passage and (2) the aircraft liability insurance requirements are effective July 1, 2023.

§§ 1, 6, 7, 14, 21-29 & 31 — TRANSFER OF EMINENT DOMAIN AUTHORITY

Under current law, the state's Department of Transportation has jurisdiction over property takings connected with airports. The bill transfers this authority to CAA, a quasi-public agency, generally subject to the same conditions, requirements, and exceptions that currently apply to DOT.

Thus, the bill allows the CAA executive director to take (in addition to his existing authority to purchase or lease) any property or property

interest in any airport, landing area, or other air navigation facility owned by a person or a municipality if he finds that doing so is necessary to maintain adequate air transportation or is required by public safety and convenience.

As under current law, air navigation facilities are exempt from takings if they owned or controlled by, and used as part of, a research, development, or manufacturing facility, unless the owner consents. For purchases or takings of property owned by anyone other than a municipality, the executive director's determination that the taking or purchase is necessary is conclusive, and the taking must be done in the same manner that the law prescribes for taking land for state institutions.

Taking Municipal Property

Under the bill, when the CAA executive director purchases or takes municipal-owned property, he must file with the municipality's chief executive officer or first selectman a written statement finding that the purchase or taking is necessary, proving the reasoning supporting the finding, and requesting municipal approval. The approval must be by a referendum held at the next regular election. If the municipality disapproves the purchase or taking by vote, the executive director may, within 30 days, appeal to the Superior Court of the judicial district in which the municipality is located and the appeal must be given privileged status.

The court must, after a hearing, determine if the executive director has proven the purchase or taking is necessary, and he bears the burden of proof. If the court determines the executive director has not proven necessity, the court must enter judgement for the municipality and may award reasonable costs. If the court determines that the executive director has proven necessity, the court may set aside the municipality's vote and may enter an order upon terms and conditions that it deems appropriate to safeguard the parties' and public's rights. After the purchase or taking has been approved or its disapproval set aside by the court, CAA may proceed with the taking upon paying just compensation to the municipality. If the municipality and CAA cannot

agree on a compensation amount, the amount must be determined in accordance with existing law.

These procedures largely correspond with those applicable to DOT takings of municipal property under current law.

§§ 2-5 & 11 — AIRCRAFT REGISTRATION

Under existing law and the bill, owners must annually register their aircraft with the municipality in which it is based or primarily used. But under current law, CAA is responsible for establishing the aircraft registration program and certain related tasks.

The bill generally eliminates CAA's role in administering the registration program with regards to (1) establishing the aircraft registration program, (2) adopting any necessary rules and procedures for implementing it, and (3) preparing and distributing registration and renewal forms to municipalities. However, it retains the requirement that CAA prepare and distribute registration decals to municipalities.

By law, aircraft registration fees are retained by the municipality. Current law requires municipalities to annually report to CAA the amount of aircraft registration fees they collected, the number of registrations issued, registrants' names, and descriptions of registered aircraft. The bill eliminates the requirement that they report the amount of fees collected and sets a specific deadline (February 1) for annually reporting the remaining information from the preceding calendar year.

The bill also (1) expands the type of information that owners and operators of air navigation facilities must report to CAA on aircraft based at their facilities and (2) requires that they additionally report this information directly to the municipality in which the aircraft is based, rather than requiring the CAA executive director to forward the information to municipalities, as under current law.

Under existing law, these facilities must report the owner's name and address, the type of aircraft, and the Federal Aviation Aircraft Registration number. The bill additionally requires that they report information currently required on registration forms, namely (1) the

form of ownership, including whether the owner is an individual, partnership, corporation, or other entity, and (2) the aircraft's year of manufacture, the manufacturer, the model, and the certified gross weight. The bill eliminates current law's requirement that this information be contained in aircraft registration forms.

§ 10 — CAA CERTIFICATES OF APPROVAL AND LICENSES

Under existing law, the CAA executive director is responsible for approving and licensing airports, heliports, restricted landing areas, and other air navigation facilities (CGS § 13b-46). The law establishes various factors that the executive director must consider when deciding whether to issue a certificate of approval or license (e.g., its proposed size, location, layout, nature of the terrain, and planned uses of the proposed facility).

The bill specifically requires that public and private air navigation facilities, when seeking a certificate of approval, license, or license renewal, provide CAA with documentation, in a form the executive director prescribes, showing that these factors demonstrate that the facility will provide or currently provides for safe aircraft operations.

The bill also changes a reference to "commercial use airport" to "public use airport," which conforms to the scope of CAA oversight authority under existing law.

§ 20 — AIRCRAFT LIABILITY INSURANCE

Beginning July 1, 2023, the bill prohibits people from operating, or owners from allowing someone to operate, aircraft based or hangered in the state without liability insurance coverage. Specifically, the policy must cover the owner and pilot for claims by passengers or other people for bodily injuries, death, or property damage that may arise from the aircraft's operation in the amount of at least (1) \$500,000 per accident and (2) \$100,000 per passenger seat.

Under the bill, these aircraft owners and operators must provide proof of insurance satisfying the bill's requirements upon request by CAA's executive director, authority officials, or a law enforcement

officer.

The bill requires in-state air navigation facility owners and operators to keep a list of aircraft based or hangered at the facility. The list must include the following information for each aircraft:

1. its registration number, type, and model;
2. its owner or operator's name and address;
3. how long it has been based or hangered at the facility;
4. the liability insurance policy or binder number;
5. the insurance company's name, as shown on the policy; and
6. the name of the liability insurance agent or broker.

The bill's requirements do not apply to aircraft subject to federal liability insurance requirements.

BACKGROUND

Air Navigation Facility

By law, an air navigation facility is any facility, other than one owned or controlled by the federal government, used in, available for, or designed for use in, aid of air navigation. They include airports, heliports, restricted landing areas, and any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid to the (1) safe taking-off, navigation, and landing of aircraft or (2) safe and efficient operation or maintenance of an airport, heliport, or restricted landing area, and any combination of these facilities.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 35 Nay 0 (03/24/2022)