

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1395-01
Bill No.: SB 324
Subject: Aircraft & Airports; Transportation; Transportation Department
Type: Original
Date: February 8, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(\$66,563)	(\$72,024)	(\$73,828)
Total Estimated Net Effect on <u>All</u> State Funds	(\$66,563)	(\$72,024)	(\$73,828)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials with the **Department of Transportation (MoDOT)** assume the proposal will require the hiring of one Airspace Coordinator (1 FTE at \$48,216 per year) to administer the permit and hearing process created by this bill.

This bill requires the Missouri Highways and Transportation Commission to regulate structures that may be erected in proximity to public airports of the state to ensure that they do not interfere with air navigation. The Missouri Highways and Transportation Commission shall promulgate rules to implement this bill. Based on experience with other divisions, the **Office of the Secretary of State (SOS)** assumes the rules, regulations and forms issued by the Missouri Highways and Transportation Commission could require as many as 16 pages in the Code of State Regulations. For any given rule, roughly half again as many pages are published in the Missouri Register in the Code because cost statements, fiscal notes and the like are not repeated in Code. These costs are estimated. The estimated cost of a page in the Missouri Register is \$23.00. The estimated cost of a page in the Code of State Regulations is \$27.00. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded or withdrawn.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

The **Office of Administration–Division of Design & Construction** assumes the proposal would have no fiscal impact on their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
GENERAL REVENUE FUND			
Costs–MoDOT			
Personal Service	(\$41,185)	(\$50,657)	(\$51,923)
Fringe Benefits	(\$16,643)	(\$20,470)	(\$20,982)
Expense & Equipment	<u>(\$8,735)</u>	<u>(\$897)</u>	<u>(\$923)</u>
ESTIMATED NET EFFECT TO GENERAL REVENUE FUND	<u>(\$66,563)</u>	<u>(\$72,024)</u>	<u>(\$73,828)</u>

FISCAL IMPACT - Local Government

FY 2002
(10 Mo.)

FY 2003

FY 2004

\$0

\$0

\$0

FISCAL IMPACT - Small Business

This bill would have a direct fiscal impact on small businesses erecting, adding to, or replacing a structure near an airport that would require a permit. Small business could experience a long-term benefit from safer or expanded airports.

DESCRIPTION

This act creates the Missouri Airport Protection Act. Under this act, the Transportation Commission will establish an airspace review and permit process to regulate structures that are built near public airports to ensure that they do not interfere with public safety.

PERMIT FOR CONSTRUCTING STRUCTURES:

1. A permit is required before erecting any structure within 12,000 feet of the midpoint of the primary runway and 100 feet or higher above the elevation of the public airport.
2. A permit is required for a structure erected between 12,001 feet and 17,000 feet of the midpoint of the primary runway and 150 feet or higher above the elevation of the public airport.

PERMIT APPLICATION - The permit to erect a structure shall include at least the following:

1. Location of the airport.
2. Ground elevation and maximum height of the proposed structure.
3. Distance and direction from, and the elevation of the nearest airport runway.
4. A 7.5 minute quadrangle topographical map showing the location of the proposed structure.

No permit is required for the emergency repair or replacement of public utility, rural electric cooperative or federally licensed radio or television structures when the height of such structures is not increased by such emergency repair.

LOCAL ORDINANCES SUPERCEDE IF MORE RESTRICTIVE - No permit will be required if local aviation zoning rules are more restrictive than this act. If local zoning ordinances or regulations are more restrictive, then those rules supercede this act.

INVESTIGATION - The Commission shall investigate all permit applications to ensure that they meet the safety criteria of the act. The Commission may approve applications for temporary structures. The Commission will withhold permit approval if the Federal Aviation

DESCRIPTION(continued)

Administration (FAA) determines that a aeronautical study is needed. The Commission will also deny a permit for a structure if granting the permit would violate FAA rules and regulations.

PERMIT APPROVAL OR DENIAL - The Commission will notify the applicant if his or her permit is approved. If the permit is denied or if the Commission determines that another height or location is more appropriate, the Commission must notify the applicant in writing. The applicant may appeal the Commission's decision within 30 days of notification.

LIGHTING OR OTHER REQUIREMENTS - The permit will specify any obstruction markings, lighting or other visual or aural identification required to be installed near the structure.

NONCONFORMING STRUCTURES - Structures which are out of service, dismantled or destroyed must be demolished or removed at the owner's expense.

HEARINGS - Appeal hearings are to be conducted within 45 days after an appeal request. The review board will be made up of two representatives from the Commission and the local chief executive officer. If the proposed structure is a telecommunications tower, then two members of the Missouri Telecommunications Industry Association shall be on the review board. Parties are entitled to judicial review.

RULE-MAKING AND INJUNCTIONS - Gives the Commission rule-making power to enforce this act. The Commission shall notify by mail individuals who are violating this act. The Commission may institute court action in order to enforce the act and its regulations and may petition for an injunction to restrain those violating this act.

This legislation is not federally mandated and would not require additional capital improvements or rental space. MoDOT notes that there is currently a federal process to review proposed tall structures, though it is advisory and only determines if the structure is or is not a hazard.

SOURCES OF INFORMATION

Department of Transportation
Office of the Secretary of State
Office of Administration
Administrative Hearing Commission



Jeanne Jarrett, CPA
Director

February 8, 2001