

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2499-01
Bill No.: SB 725
Subject: Aircraft and Airports; Transportation Dept.; Transportation
Type: Original
Date: December 27, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
GENERAL REVENUE	(\$59,776) to Unknown	(\$63,593) to Unknown	(\$65,190) to Unknown
Total Estimated Net Effect on <u>All</u> State Funds	<u>(\$59,776) to Unknown</u>	<u>(\$63,593) to Unknown</u>	<u>(\$65,190) to Unknown</u>

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
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 2003	FY 2004	FY 2005
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials with the **Department of Transportation (MoDOT)** assume this proposal would require 1 additional FTE (Airspace Coordinator) with the annual salary of \$42,538. The duties of an Airspace Coordinator would include receive, process and evaluate tall structures permits; conduct airspace studies to determine possible impacts from tall structure; work with local governmental agencies and tall structure applicants to minimize aviation impacts; an establish an educational program for public use airport owners about airport protection and compatible land uses.

Per section 305.714.1, there is potential income for administrative fees, however an estimate can not be provided without the MHTC's approval on the fee amount.

All expenditures for this legislation will have to be paid from general revenue or special funding only.

The **Office of the Secretary of State (SOS)** assumes the bill requires the Department of Transportation to promulgate rules to create the Missouri Airport Protection Act. The Transportation Commission will issue permits as they pertain to standards for determining obstructions and navigable airspace. Based on experience with other divisions, the rules, regulations, and forms issued previously by the Department of Transportation; the promulgation of these rules could require as many as 10 pages in the Code of State Regulations. For any given rule, approximately one and one-half times as many pages are published in the Missouri Register, as compared to those published in the Code, because cost statements, fiscal notes, etc. are not reprinted in the 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 total costs for the Code of State Regulations could be \$270 (10 pages x \$27) while the total costs for the Missouri Register could be \$345 (15 pages x \$23). Therefore, the total estimated costs incurred would be \$615 (\$345 + \$270). The actual cost could be more or less than the numbers provided. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules files, amended, rescinded and/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 (COA)** assumes the proposal would have no fiscal impact on their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
GENERAL REVENUE FUND			
<u>Income – MoDOT</u>			
Administrative Fees	Unknown	Unknown	Unknown
<u>Cost - MoDOT</u>			
Personal Service	(\$35,448)	(\$43,601)	(\$44,691)
Fringe Benefits	(\$15,023)	(\$18,478)	(\$18,940)
Expense and Equipment	(\$9,305)	(\$1,514)	(\$1,559)
ESTIMATED NET EFFECT TO GENERAL REVENUE FUND	<u>(\$59,776) to Unknown</u>	<u>(\$63,593) to Unknown</u>	<u>(\$65,190) to Unknown</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
None	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

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.

DESCRIPTION (continued)

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 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 a federal regulation (FAR Part 77) that deals with objects affecting navigable airspace however, this regulation is only advisory and only determines if a tall structure is or is not a hazard to aviation.

SOURCES OF INFORMATION

Department of Transportation
Office of the Secretary of State
Office of Administration – Division of Design and Construction



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Director
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