

House File 87 - Introduced

HOUSE FILE 87
BY WILLS

A BILL FOR

1 An Act relating to public access to vertiports.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **330B.1 Definitions.**

2 As used in this chapter:

3 1. "Department" means the state department of transportation.

4 2. "Local authority" includes every county, municipality,
5 and other local board or body having authority to adopt local
6 regulations under the Constitution of the State of Iowa and laws
7 of this state.

8 3. "Vertiport" means infrastructure, including a system
9 with supporting services and equipment, intended for landing,
10 ground-handling, and take-off of crewed or uncrewed vertical
11 take-off and landing aircraft.

12 Sec. 2. NEW SECTION. **330B.2 Vertiport policy.**

13 This chapter is intended to promote the development of a
14 network of vertiports that must provide equitable access to the
15 citizens of this state who may benefit from advanced air mobility
16 operations for cargo and passenger service, and to prohibit
17 vertiport monopolization and discrimination, by doing all of the
18 following:

19 1. Encouraging the general assembly to fund the planning for
20 and construction of public-use vertiports.

21 2. Encouraging local zoning authorities and other land use
22 authorities to ensure an adequate number and a varied location of
23 vertiports to serve citizens of this state throughout this state.

24 3. Promoting competition and equity of access by prohibiting
25 the grant of an exclusive right to vertiport owners or to
26 vertiport operators at one or more vertiports.

27 Sec. 3. NEW SECTION. **330B.3 Applicability.**

28 This chapter applies to any vertiport that is available for
29 public use by an advanced air mobility operator who is authorized
30 by the United States department of transportation or federal
31 aviation administration to engage in passenger or cargo services
32 in scheduled or nonscheduled service in or affecting interstate
33 commerce.

34 Sec. 4. NEW SECTION. **330B.4 Federal compliance — design
35 and layout plan.**

1 1. A vertiport must comply with any federal aviation
2 administration-published rule or advisory circular containing
3 standards for vertiport design and performance characteristics.

4 2. An owner or operator of a public-use vertiport shall
5 submit a vertiport layout plan to the administrator of the
6 federal aviation administration in the form and manner determined
7 by the administrator, and shall not conduct operations at the
8 vertiport until such layout plan is approved.

9 Sec. 5. NEW SECTION. **330B.5 Exclusive rights prohibited.**

10 A local authority shall not grant or authorize an exclusive
11 right to one or more vertiport owners or operators through zoning
12 regulations or other means and shall promote reasonable access to
13 advanced air mobility operators at public-use vertiports within
14 the local authority's jurisdiction through the use of zoning
15 regulations.

16 Sec. 6. NEW SECTION. **330B.6 Harmonization.**

17 This chapter is intended to supplement any provision of
18 federal law pertaining to the design, construction, operation,
19 or maintenance of a vertiport designed or constructed with a
20 grant under 49 U.S.C. §47101 et seq., and any provision of this
21 chapter found to be in conflict with or otherwise preempted by
22 federal law is unenforceable. Pursuant to section 4.12, an
23 unenforceable provision does not invalidate any other provision
24 of this chapter.

25 Sec. 7. NEW SECTION. **330B.7 Right of action.**

26 A person who is injured due to a violation of this chapter has
27 a right of action for all damages actually sustained, severally
28 or jointly, against the person who violated this chapter.

29 Sec. 8. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3,
30 shall not apply to this Act.

31 **EXPLANATION**

32 The inclusion of this explanation does not constitute agreement with
33 the explanation's substance by the members of the general assembly.

34 This bill relates to public access to vertiports, defined
35 in the bill. The bill is intended to promote the development

1 of a network of vertiports that provide equitable access to
2 Iowa citizens and to prohibit vertiport monopolization and
3 discrimination.

4 The bill specifies the type of vertiports covered by the bill,
5 requires federal compliance relating to vertiport design and
6 required layout plans, and prohibits exclusive and discriminating
7 zoning regulations.

8 The bill specifies that an injured person has a right of
9 action for all damages actually sustained, severally or jointly,
10 against a person who violates the bill.

11 The bill may include a state mandate as defined in Code
12 section 25B.3. The bill makes inapplicable Code section 25B.2,
13 subsection 3, which would relieve a political subdivision from
14 complying with a state mandate if funding for the cost of the
15 state mandate is not provided or specified. Therefore, political
16 subdivisions are required to comply with any state mandate
17 included in the bill.