

HB 4827

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

House Bill 4827

BY DELEGATES HOWELL, RILEY, B. WARD AND HAMRICK

[Passed March 12, 2022; in effect from passage.]

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2022 MAR 28 P 4: 39

FILED

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1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §5B-2K-1, §5B-2K-2, §5B-2K-3, §5B-2K-4 and §5B-2K-5, and §5B-2K-6, all
3 relating to the promotion of the development of public-use vertiports; establishing policy
4 of state; defining “vertiport”; providing for applicability of article; establishing requirements
5 for vertiport design and performance characteristics and vertiport layout plans; prohibiting
6 political subdivisions from exercising zoning and land use authority to grant or permit
7 exclusive rights to vertiport owners or operators; requiring political subdivisions to use
8 zoning and land use authority to promote reasonable access to advanced air mobility
9 operators and public vertiports within their jurisdiction; providing for harmonization of
10 article with federal law.

Be it enacted by the Legislature of West Virginia:

CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.

ARTICLE 2K. PROMOTING PUBLIC-USE VERTIPORTS ACT.

§5B-2K-1. Policy.

1 It is the policy of this state to promote the development of a network of vertiports that
2 will provide equitable access to citizens of this state who may benefit from advanced air
3 mobility operations for cargo and passenger service, and to avoid any vertiport
4 monopolization or discrimination, by: (i) Funding the planning for and construction of
5 public-use vertiports, with any funding appropriated by the Legislature; (ii) encouraging
6 local zoning and other land use authorities to ensure an adequate number and a varied
7 location of vertiports to serve citizens throughout the state; and (iii) promoting competition
8 and equity of access by prohibiting the grant of an exclusive right to one or more vertiport
9 owners and operators or to vertiport operators at one or more vertiports.

§5B-2K-2. Definitions.

1 For purposes of this article, “vertiport” means infrastructure or a system with supporting
2 services and equipment intended for landing, ground-handling, and take-off of manned or
3 unmanned vertical take-off and landing (VTOL) aircraft.

§5B-2K-3. Applicability.

1 This article applies to any vertiport that is available for public use by any advanced air
2 mobility operator authorized by the U.S. Department of Transportation or Federal Aviation
3 Administration to engage in passenger and/or cargo services in scheduled or non-scheduled
4 service in or affecting interstate commerce.

§5B-2K-4. Vertiport safety.

1 (a) *Vertiport Design.* – Each vertiport subject to this article shall comply with any Federal
2 Aviation Administration published rule or advisory circular containing standards for vertiport
3 design and performance characteristics.

4 (b) *Vertiport Layout Plan.* – Each vertiport subject to this article shall submit a vertiport
5 layout plan to the administrator of the Federal Aviation Administration in the form and manner
6 determined by the administrator, and no operations may be conducted at the vertiport until such
7 layout plan is approved.

§5B-2K-5. Exclusionary and discriminatory zoning prohibited.

1 A political subdivision of this state shall not exercise its zoning and land use authority
2 to grant or permit an exclusive right to one or more vertiport owners or operators and shall use
3 such authority to promote reasonable access to advanced air mobility operators at public-use
4 vertiports within the jurisdiction of the subdivision.

§5B-2K-6. Harmonization.

1 The provisions of this article are intended to supplement any provision of federal law
2 pertaining to the design, construction, operations, or maintenance of a vertiport designed or
3 constructed with a grant under 49 U.S.C. § 47101 *et seq.*, and any provision of this article found
4 in conflict with or otherwise preempted by federal law shall be null and void, without invalidating
5 any other provision of this article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman, House Committee


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Chairman, Senate Committee

FILED
2022 MAR 28 P 4:40
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

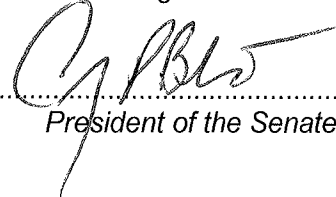
Originating in the House.

In effect from passage.

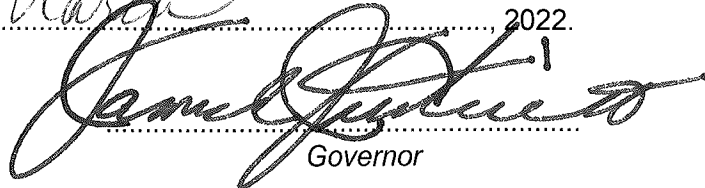

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Clerk of the House of Delegates


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Clerk of the Senate


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Speaker of the House of Delegates


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President of the Senate

The within is approved this the 28th
day of March, 2022.


.....
Governor

PRESENTED TO THE GOVERNOR

MAR 24 2022

Time 10:01 am