

S.134

Introduced by Senators Hardy and Chittenden

Referred to Committee on

Date:

Subject: Municipal and county government; aeronautics; land use; municipal
zoning; Act 250; Agency of Transportation; Aviation Advisory
Council; air space navigation

Statement of purpose of bill as introduced: This bill proposes to clarify the
municipal authority over restricted landing areas through zoning, to create the
Aviation Advisory Council, and to require the Agency of Transportation to
collect and make available to the public certain data regarding aircraft
operations at State-owned air navigation facilities.

An act relating to municipal regulation of private airstrips

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 24 V.S.A. § 4411 is amended to read:

§ 4411. ZONING BYLAWS

(a) A municipality may regulate land development in conformance with its
adopted municipal plan and for the purposes set forth in section 4302 of this
title to govern the use of land and the placement, spacing, and size of structures
and other factors specified in the bylaws related to public health, safety, or

1 welfare. Zoning bylaws may permit, prohibit, restrict, regulate, and determine
2 land development, including the following:

- 3 (1) specific uses of land and shoreland facilities;
- 4 (2) dimensions, location, erection, construction, repair, maintenance,
5 alteration, razing, removal, and use of structures;
- 6 (3) areas and dimensions of land to be occupied by uses and structures,
7 as well as areas, courts, yards, and other open spaces and distances to be left
8 unoccupied by uses and structures;
- 9 (4) timing or sequence of growth, density of population, and intensity of
10 use;
- 11 (5) uses within a river corridor and buffer, as those terms are defined in
12 10 V.S.A. §§ 1422 and 1427; and
- 13 (6) location, construction, repair, maintenance, and alteration of
14 restricted landing areas as defined in 5 V.S.A. § 202.

15 * * *

16 Sec. 2. 10 V.S.A. § 6001 is amended to read:

17 § 6001. DEFINITIONS

18 As used in this chapter:

19 * * *

20 (3)(A) “Development” means each of the following:

21 * * *

1 (xiv) The construction of improvements for or operation of a
2 restricted landing area as defined in 5 V.S.A. § 202.

3 * * *

4 Sec. 3. 5 V.S.A. § 205a is added to read:

5 § 205a. AVIATION ADVISORY COUNCIL

6 (a) Creation and purpose.

7 (1) There is created the Aviation Advisory Council to act as a forum to
8 discuss and recommend:

9 (A) Aviation policy that is in the best interests of the residents of
10 Vermont.

11 (B) State-owned air navigation facilities use or infrastructure changes
12 to ensure efficient use of public resources and access to members of the public.

13 (C) Air navigation facilities use or infrastructure changes to ensure
14 minimal impact on neighborhoods and natural resources surrounding air
15 navigation facilities.

16 (D) State-owned air navigation facility use fees and hangar rental
17 rates that support the maintenance and operation of State-owned air navigation
18 facilities.

19 (E) Practices to reduce the environmental and public health and
20 safety impacts of air traffic and airport operations and infrastructure.

1 (F) Means to support a responsible and healthy aviation community
2 and industry in Vermont, including protocols to ensure that State-owned air
3 navigation facilities are available for emergency response and preparedness.

4 (G) Public safety standards and policies for reducing the impact and
5 proliferation of private restricted landing areas.

6 (H) Policies to monitor, prevent, and deter aerial harassment. As
7 used in this section, “aerial harassment” means using an aircraft to harass
8 someone by buzzing, flying low, or circling them or their property with the
9 intent of intimidating or creating distress.

10 (2) The Council shall encourage and facilitate open communication
11 between aviators, air navigation facility users, State and local officials, and
12 members of the public and shall seek to balance the priorities of aviators with
13 the health and well-being of the general public.

14 (b) Membership. The Council shall be composed of the following:

15 (1) the Secretary of Transportation or designee, who shall serve as chair;

16 (2) the Adjutant General of the Vermont National Guard or designee;

17 (3) one member representing the aviation industry, appointed by the
18 Governor;

19 (4) two members, appointed by the Vermont Association of Planning
20 and Development Agencies, who shall be members of different regional
21 planning commissions;

1 (5) two members representing independent pilots, appointed by the
2 Vermont Aviators Association;

3 (6) one member from a community or neighborhood association
4 representing the interests and concerns of a community or neighborhood
5 adjacent to a State-owned air navigation facility, appointed by the Speaker of
6 the House;

7 (7) one member from a community or neighborhood association
8 representing the interests and concerns of a community or neighborhood
9 adjacent to a municipal-owned air navigation facility, appointed by the
10 Committee on Committees;

11 (8) one member with expertise on the environmental impacts of aviation
12 who shall not be a member of the aviation industry or Vermont Aviators
13 Association, appointed by the Speaker of the House; and

14 (9) one member with expertise on the public health impacts of aviation
15 who shall not be a member of the aviation industry or Vermont Aviators
16 Association, appointed by the Committee on Committees.

17 (c) Assistance. The Council shall have the administrative, technical, and
18 legal assistance of the Agency of Transportation.

19 (d) Compensation and reimbursement; annual meetings. Members of the
20 Council who are not employees of the State of Vermont and who are not
21 otherwise compensated or reimbursed for their attendance shall be entitled to

1 per diem compensation and reimbursement of expenses as permitted under
2 32 V.S.A. § 1010 for not more than four meetings per year.

3 (e) Terms. The terms of the members of the Council, other than the terms
4 of the Secretary of Transportation and the Adjutant General of the Vermont
5 National Guard, shall be as follows:

6 (1) initially, members appointed pursuant to subdivisions (b)(3), (7), and
7 (8) of this section; one member appointed pursuant to subdivision (b)(4) of this
8 section; and one member appointed pursuant to subdivision (b)(5) of this
9 section for one year;

10 (2) initially, members appointed pursuant to subdivisions (b)(6) and (9)
11 of this section; one member appointed pursuant to subdivision (b)(4) of this
12 section; and one member appointed pursuant to subdivision (b)(5) of this
13 section for two years; and

14 (3) all subsequent appointments except those to the unexpired term of a
15 former member shall be for a period of two years.

16 Sec. 4. 5 V.S.A. § 810 is added to read:

17 § 810. STATE AIR NAVIGATION FACILITIES; DATA TRACKING

18 (a) The Agency shall track the date; time; aircraft category or class, as
19 those are defined in 14 C.F.R. § 1.1, as amended; elevation of aircraft; and
20 takeoff or landing for every aircraft operation, as defined in 14 C.F.R. § 170.3,
21 as amended, at a State-owned air navigation facility.

1 **(b)(1) The Agency shall maintain a web-accessible and web-searchable**
2 **data source dedicated to flight data at State-owned air navigation facilities that**
3 **shall include the data required to be tracked under subsection (a) of this**
4 **section.**

5 **(2) The web-accessible and web-searchable data source required under**
6 **this subsection shall:**

7 **(A) be updated on at least a quarterly basis;**

8 **(B) be provided to the municipality where the State-owned air**
9 **navigation facility is located on at least a quarterly basis to be maintained at**
10 **the municipality's municipal offices and posted on the municipality's website,**
11 **if a website is maintained; and**

12 **(C) include how the data was recorded.**

13 **Sec. 5. DATA TRACKING TECHNOLOGY; APPROPRIATION;**

14 **IMPLEMENTATION**

15 **(a) The sum of \$100,000.00 is appropriated from the Transportation**
16 **Fund to the Agency of Transportation in fiscal year 2026 for the purpose of**
17 **acquiring the technology necessary to perform the data tracking required under**
18 **5 V.S.A. § 810, as added by Sec. 4 of this act. Prior to using the funds**
19 **appropriated under this section, the Agency shall consult with the Federal**
20 **Aviation Administration on whether acquiring the technology necessary to**
21 **perform the data tracking required under 5 V.S.A. § 810, as added by Sec. 4 of**

1 this act, is eligible for Federal Aviation Administration grant funds and shall
2 apply for federal grant funds as applicable.

3 (b) The sum of \$91,000.00 is appropriated from the Transportation Fund
4 to the Agency of Transportation in fiscal year 2026 for the establishment of the
5 following new permanent full-time classified position: one Airport Data
6 Technician.

7 (c) The Agency of Transportation shall commence tracking data as
8 required under 5 V.S.A. § 810, as added by Sec. 4 of this act, not later than
9 January 1, 2026.

10 Sec. 6. EFFECTIVE DATE

11 This act shall take effect on July 1, 2025.