

# **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.]



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*

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*

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The within ..... this the.....  
day of ....., 2022.

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*Governor*