

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

**Originating**

### **House Bill 4827**

BY DELEGATES HOWELL, RILEY, B. WARD AND HAMRICK

[Originating in the Select Committee on Tourism and  
Economic Diversification; reported on February 17,  
2022]



1 A BILL 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, all relating to the  
3 promotion of the development of public-use vertiports.

*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  
2 that will provide equitable access to citizens of this State who may benefit from advanced  
3 air 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 public-  
5 use vertiports, as the State may appropriate; (ii) encouraging local zoning and other land  
6 use authorities to ensure an adequate number and a varied location of vertiports to serve  
7 citizens throughout the State; and (iii) promoting competition and equity of access by  
8 prohibiting the grant of an exclusive right to one or more vertiport owners and operators  
9 or to vertiport operators at an one or more vertiports.

#### **§5B-2K-2. Applicability.**

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

#### **§5B-2K-3. Vertiport Safety.**

1 (a) Vertiport Design. Each vertiport subject to this Act 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 Act 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-4. 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-5. Harmonization.**

1           The provisions of this Act 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 Chapter 471 of title 49, United States Code, and any provision  
4 of law found in conflict with or otherwise preempted by Federal law shall be null and void,  
5 without invalidating any other provision of this Act.