

HOUSE No. 2037

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 3, 1946.

The committee on Aeronautics, to whom was referred the additional report of the special commission (including members of the General Court) established (under Chapter 87 of the Resolves of 1945) to make an investigation relative to the construction and operation of airports by the Commonwealth and cities and towns and related matters (House, No. 1975), report (in part) the accompanying bill (House, No. 2037).

For the committee,

CHARLES E. FERGUSON

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Six.

AN ACT RELATING TO THE ACQUISITION, ESTABLISHMENT, MAINTENANCE, OPERATION AND REGULATION OF AIRPORTS BY THE COMMONWEALTH AND THE CITIES AND TOWNS THEREOF.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter ninety of the General Laws is hereby
2 amended by striking out section fifty-one, as most
3 recently amended by section three of chapter three
4 hundred and ninety-three of the acts of nineteen
5 hundred and thirty-nine, and inserting in place
6 thereof the following nine sections: —

7 *Section 51.* Airports and air navigation facilities
8 may be established from time to time and may be
9 maintained and operated by the commission, or by
10 other public officials in charge of any land owned
11 or controlled by the commonwealth; provided, that
12 no action shall be taken hereunder by the commis-
13 sion or by any other official or officials of the com-
14 monwealth in charge of land owned or controlled by
15 the commonwealth unless sufficient appropriations to
16 cover the expenses thereto shall have been made.

17 *Section 51A.* Upon appropriation airports and air
18 navigation facilities may be established from time

19 to time and may be maintained and operated by
20 any city or town as hereinafter provided.

21 *Section 51B.* In any city or town in which an
22 airport is established under section fifty-one A,
23 there shall be established a board consisting of an
24 odd number of members not less than three in num-
25 ber, to be called the airport commission, which shall
26 have the custody, care and management of the mu-
27 nicipal airport within said city or town. The mem-
28 bers of the airport commission shall be appointed,
29 in cities, by the mayor with the approval of the city
30 council, and in towns by the selectmen. In the
31 initial appointment of the members of such airport
32 commission, their terms shall be so arranged that
33 one third of the members, as nearly as possible, will
34 expire each year; and thereafter when the term of
35 any member expires his successor shall be appointed
36 to serve for the term of three years; and in each
37 instance until the qualification of their respective
38 successors. Vacancies in the commission shall be
39 filled for the unexpired term by the appointing au-
40 thority. The members of said airport commission
41 shall annually choose one of their members as chair-
42 man. Subject to appropriation, the commission
43 shall appoint and fix the salary of all employees
44 appointed or employed by it.

45 *Section 51C.* An airport commission with the
46 approval of the mayor and city council or the board
47 of selectmen, as the case may be, may let or lease
48 such airport, or any part thereof, for a period not
49 to exceed twenty years, and, with the approval of
50 the city council or of the town, as the case may be,
51 may so let or lease for such longer period as may
52 be voted.

53 *Section 51D.* For the purpose of establishing an
54 airport, the airport commission of a city, town or
55 airport district, whenever appropriations have been
56 made therefor, may take property by eminent do-
57 main under chapter seventy-nine or chapter eighty
58 of the General Laws, or may acquire property by
59 purchase, lease or otherwise, both within and with-
60 out its territorial limits for airport purposes and
61 may so take or acquire such easements in airport
62 hazards outside the boundaries of an airport or air-
63 port site as may be necessary for the removal or, the
64 prevention of the establishment of any airport
65 hazard. No real property shall be purchased for
66 any purpose by any airport commission for a price
67 more than twenty-five per cent in excess of its aver-
68 age assessed valuation during the previous three
69 years. For the purpose of making surveys or exam-
70 inations relative to any proposed taking by eminent
71 domain, such airport commission or its authorized
72 agent may make a reasonable entry upon land.

73 *Section 51E.* An airport commission shall de-
74 termine the charges or rentals for the use of any
75 properties under its control and the charges for any
76 services, including concessions, thereat, and the
77 terms and conditions under which such properties
78 may be used; provided, that in all cases the public
79 is not deprived of its rightful, equal and uniform use
80 of such property. Such charges or rentals shall be
81 reasonable and shall be established with due regard
82 to the property used and the expenses to the airport
83 commission of the operation thereof.

84 *Section 51F.* All revenue obtained by an airport
85 commission of a city or town from the ownership,
86 control and operation of any airport or air naviga-

87 tion facilities shall be deposited with the city or town
88 treasurer, and may be appropriated by the city or
89 town airport commissioners for the operating ex-
90 penses of such airport, including debt maturing
91 annually and the interest thereon. Revenues in
92 excess of the foregoing requirements may be applied
93 to finance the extensions or improvement of the
94 airport or other air navigation facilities.

95 *Section 51G.* In all matters not regulated by
96 by-laws or by ordinance, an airport commission may
97 adopt rules and regulations for the use of municipal
98 airports or for the safety of the public upon or
99 beyond the limits of airports under its control,
100 whether such airport facilities are within or without
101 the territorial limits of the city or town. Such rules
102 and regulations shall not be effective until approved
103 by the Massachusetts aeronautics commission and
104 published in the same manner that by-laws and
105 ordinances are required to be published. Such rules
106 and regulations shall conform to and be consistent
107 with the laws of the commonwealth and the rules
108 and regulations of the Massachusetts aeronautics
109 commission, and shall not be inconsistent with or
110 contrary to any act of the congress of the United
111 States relating to aeronautics or any regulations
112 promulgated or standards established pursuant
113 thereto.

114 *Section 51H.* The airport commission of any city
115 or town shall not accept, receive or receipt for federal
116 funds, but such airport commission shall designate
117 the Massachusetts aeronautics commission as its
118 agent to accept, receive and receipt for federal
119 moneys in its behalf for airport purposes and to
120 contract for the acquisition, establishment, con-

121 struction, enlargement, improvement, protection,
122 equipment, maintenance or operation of such air-
123 ports, or other air navigation facilities, and shall
124 enter into an agreement with said commission pre-
125 scribing the terms and conditions of such agency in
126 accordance with federal laws, rules and regulations
127 and applicable laws of this commonwealth. Such
128 moneys as are paid over to the Massachusetts aero-
129 nautic commission by the United States govern-
130 ment shall in turn be paid over to said city or town
131 airport commission under such terms and conditions
132 as may be imposed by the United States government
133 in making such grant.

134 *Section 51I.* All contracts for the acquisition,
135 establishment, construction, enlargement, improve-
136 ment, protection, equipment, maintenance or opera-
137 tion of airports or other air navigation facilities,
138 made by an airport commission itself or through
139 the agency of the Massachusetts aeronautics com-
140 mission, shall be made pursuant to the laws of the
141 commonwealth governing the making of like con-
142 tracts; provided, however, that where such acquisi-
143 tion, establishment, construction, enlargement,
144 improvement, protection, equipment, maintenance
145 or operation is financed wholly or partly with federal
146 moneys the airport commission, or the Massachu-
147 setts aeronautics commission as its agent, may let
148 contracts in the manner prescribed by the federal
149 authorities, acting under the laws of the United
150 States, and any rules or regulations made thereunder,
151 notwithstanding any other law of the commonwealth
152 to the contrary.

