

By Mr. Durand, a petition of Robert A. Durand for legislation to clarify the authority of the Massachusetts Aeronautics Commission and cities and towns with respect to the maintenance of runway clear zones at airports that are open to the public. Transportation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Four.

AN ACT TO CLARIFY THE AUTHORITY OF THE MASSACHUSETTS AERONAUTICS COMMISSION AND CITIES AND TOWNS WITH RESPECT TO MAINTENANCE OF RUNWAY CLEAR ZONES AT AIRPORTS THAT ARE OPEN TO THE PUBLIC.

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

1 Section 35A of Chapter 90 of the General Laws, as inserted by
2 Chapter 756 of the Acts of 1960, is hereby amended by inserting
3 at the end thereof the following four paragraphs:—

4 The growth of vegetation into a runway approach zone of an
5 airport certificated annually by the Commission shall be main-
6 tained to the originally approved specifications of the runway.
7 Such maintenance costs as may be incurred, including tree
8 replacement and trimming, shall be borne by the owners of the
9 several airports at which such maintenance is performed.

10 Replacement trees shall be of equal quality, with anticipated
11 growth that will not exceed a predetermined height. Maintenance
12 shall not commence until the following have been accomplished:

13 The runway approach zone has been inspected by qualified
14 Federal Aviation Administration or Massachusetts Aeronautics
15 Commission inspectors to meet the national standard of runway
16 clear zones cited in Federal Aviation Administration 14 CFR
17 (Code of Federal Regulations) Part 77, or its successor. Such
18 inspection must document each tree with growth that has penetrat-
19 ed the approach slope as being in compliance with Part 77.

20 An open hearing between the airport and the owner or owners
21 of the documented trees has been conducted by the Massachusetts

22 Aeronautics Commission and the Massachusetts Department of
23 Environmental Management in which both the operator and the
24 owner have attempted to reach a reasonable conclusion. The com-
25 mission shall act in mediation at the request of either party and
26 shall authorize such an airport to engage the services of a profes-
27 sional arborist when a determination has been made that the docu-
28 mented tree growth constitutes a hazard to navigation.

29 This act shall not pertain to areas covered under any generic
30 environmental impact reports required pursuant to the Massa-
31 chusetts Environmental Policy Act guidelines.