

CORRECTED REPRINT

[Similar Matter Filed During Past Session —

SENATE . . . . . No. 1465  
See Senate No. 1101 of 1989.]

By Mr. Edward L. Burke, a petition (accompanied by bill, Senate, No. 1465) of Edward L. Burke for legislation 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. Natural Resources and Agriculture.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety.

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
- 6 maintained to the originally approved specifications of the
- 7 runway. Such maintenance costs as may be incurred, including
- 8 tree replacement and trimming, shall be borne by the Commission.
- 9 Replacement trees shall be of equal quality, with anticipated
- 10 growth that will not exceed a predetermined height. Maintenance
- 11 shall not commence until the following have been accomplished:
- 12 The runway approach zone has been surveyed by a registered
- 13 land surveyor, for a width not to exceed 250 ft. either side of the
- 14 runway extended centerline for a distance not to exceed 3,000 ft.
- 15 from the end of the runway and based on an approach slope not
- 16 less than one foot vertically for every 20 ft. measured horizontally
- 17 from the runway end. Such survey must document each tree with
- 18 growth that has penetrated the approach slope.

19 An open hearing between the airport and the owner or owners  
20 of the documented trees, has been conducted by the Massachusetts  
21 Aeronautics Commission and the Massachusetts Department of  
22 Environmental Management in which both the operator and the  
23 owner have attempted to reach a reasonable conclusion. The  
24 Commission shall act in mediation at the request of either party  
25 and shall engage the services of a professional arborist when a  
26 determination has been made that the documented tree growth  
27 constitutes a hazard to navigation.

28 The Commission has agreed to restore the owner's property to  
29 a condition not less than the condition that existed before any  
30 tree trimming has commenced.