State of Misconsin 2023 - 2024 LEGISLATURE

LRB-5409/1 ZDW:cdc

2023 SENATE BILL 867

January 5, 2024 - Introduced by Senator Tomczyk, cosponsored by Representatives Gustafson, Penterman, Palmeri and Schmidt. Referred to Committee on Transportation and Local Government.

1 AN ACT *to create* 114.002 (21), 114.105 (5) and 114.41 of the statutes; **relating**

to: operation of vertiports.

Analysis by the Legislative Reference Bureau

This bill defines and regulates vertiports, which the bill defines as "infrastructure or a system with supporting services and equipment intended for landing, ground-handling, and takeoff of crewed or uncrewed vertical takeoff and landing aircraft."

Under the bill, no person may operate a vertiport that is available for public use by an advanced air mobility operator to engage in service in interstate commerce unless the vertiport layout is approved by the Federal Aviation Administration, and the vertiport is operated in accordance with FAA rules or guidance pertaining to vertiport design and performance.

Under the bill, counties, cities, villages, and towns must use zoning and land use authority to promote reasonable access to advanced air mobility operators at public vertiports and may not grant or permit an exclusive right of operation to one or more vertiport owners or operators.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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SENATE BILL 867

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114.002 (21) "Vertiport" means infrastructure or a system with supporting
services and equipment intended for landing, ground-handling, and takeoff of
crewed or uncrewed vertical takeoff and landing aircraft.

Section 2. 114.105 (5) of the statutes is created to read:

- 114.105 (5) (a) A political subdivision shall exercise its zoning and land use authority to promote reasonable access to advanced air mobility operators at public vertiports within its jurisdiction.
- (b) A political subdivision may not exercise its zoning and land use authority to grant or permit an exclusive right of operation to one or more vertiport owners or operators.

Section 3. 114.41 of the statutes is created to read:

- **114.41 Vertiports.** No person may operate a vertiport that is available for public use by an advanced air mobility operator authorized by the U.S. department of transportation or federal aviation administration to engage in scheduled or nonscheduled service carrying passengers or cargo in interstate commerce unless all of the following apply:
- (1) The person has submitted a vertiport layout plan to the administrator of the federal aviation administration, in the form and manner determined by the administrator, and the layout plan has been approved by the administrator.
- (2) The operation of the vertiport complies with all rules and advisory circulars promulgated or published by the federal aviation administration that contain standards for vertiport design and performance characteristics.

23