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BILL ANALYSIS

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Senate Bill 713 (Substitute S-1 as reported)
Sponsor: Senator Mitch Irwin
Committee: Economic Development

Date Completed: 2-9-90

RATIONALE

The Michigan Aeronautics Commission, by statute, may publish and distribute maps, charts, and information relating to the State's airways system. The Commission reportedly would like to become more involved in promoting aviation safety and pilot proficiency by participating in the design, development, and implementation of educational programs, including those targeted for elementary and secondary school-aged children. Recently, the Commission provided staff support to a task force of educators and Department of Education personnel on the development of "Come Fly With Me", an aviation interest program for children in grades K-9. The Attorney General's office, however, has advised the Commission that since the Commission's charter does not specifically allow it to participate in educational programs or publish educational materials, the Commission should obtain clarification that such activities are indeed within its purview.

According to some, one of the most important factors affecting an area's economic development is the proximity of an airport capable of handling commercial traffic. Macomb County apparently does not have such an airport, so the county's board of commissioners reportedly requested a study of the feasibility of expanding existing airport facilities or constructing new facilities to accommodate commercial traffic. The study suggested three alternative solutions; i.e., expand the use of Selfridge Air Force Base to include commercial traffic, construct a new

airport facility near New Baltimore, or expand a private airport in Macomb Township. Because of Federal regulations, the use of Selfridge for commercial traffic is not feasible. According to some, however, expansion of the existing airport or construction of a new airport at the suggested site would place these facilities very close to residential neighborhoods. Homeowners and other residents of these areas have expressed concern over the higher noise levels and greater safety problems that could accompany airport expansion or construction and, therefore, have requested the right to decide whether such expansion or construction should take place.

In a related manner, it also has been suggested that the condemnation of land for the purpose of providing sites for airport expansion and construction should be permitted only if it has been approved by the majority of the county commissioners in the relevant county or adjoining political subdivision. Apparently, such condemnation now may take place without the approval of the commissioners if it is to provide sites for the enlargement of existing aeronautical facilities, or if the site to be condemned is wholly or partially located within a charter township of fewer than 35,000 people or a political subdivision adjoining such a township and "in a county other than that in which the condemning authority is located". Some feel that the right of the public (as represented by the commissioners) to approve or disapprove condemnation of property for airport facilities should not be subject to the

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size of the township's population or the nature of the project (i.e., expansion or new construction).

CONTENT

The bill would amend the Aeronautics Code to allow the Michigan Aeronautics Commission to develop educational programs and publish educational material, provide for voter approval of airport expansion and construction, provide for approval by county commissioners of condemnation of land for airport development, define "expansion", and delete a requirement that the commission promulgate rules governing the location, construction, and operation of airports and landing fields.

Specifically, the bill would allow the Michigan Aeronautics Commission to develop and implement aviation education and training programs, publish and distribute educational material relating to aviation, and provide appropriate financial assistance for the implementation of these activities for the purpose of encouraging and fostering aviation and aviation safety in Michigan.

Further, the bill specifies that a county with a population of 650,000 or more but less than 900,000 that is contiguous to a Great Lake or a connecting waterway of a Great Lake could not allow any individual or body, either public or private, to purchase or expand an existing airport or construct or expand a proposed airport without the approval of the registered electors of each political subdivision within the county in which the airport or proposed airport was or would be located and each political subdivision within that county that was located within one mile of the outer boundary of the airport or proposed airport. The term "expansion" would be defined as the purchase of additional real property and the construction of new, and enlargement of existing, runways or other aeronautical facilities. The term would not include the purchase of additional real property for the location of an approach light system.

The bill also would delete language specifying that condemnation of land for the construction of airports and other aeronautical facilities in

a charter township of more than 35,000 people, or a political subdivision next to such a township, cannot occur until evidence is presented in court that the condemnation was approved by a majority of the county commissioners of the county in which the proposed site would be located and of the county in which the adjoining political subdivision is located. Instead, the bill would prohibit any condemnation of property until evidence of the county commissioners' approval was presented.

MCL 259.51

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on local government. Factors that would affect financial implications include the number of airport expansions rejected by the voters and the comparative costs of alternative sites.

ARGUMENTS

Supporting Argument

Allowing the Michigan Aeronautics Commission to develop and implement educational programs and publish educational materials on aviation and aviation safety would confirm the Commission's right and responsibility to promote the enjoyment of flying and the safe operation and maintenance of aircraft.

Supporting Argument

The bill would help protect the interests of homeowners and other residents in close proximity to airports or proposed sites for airports. The expansion or construction of such aeronautical facilities can result in higher noise levels, increased traffic flow, greater potential for hazardous situations and other conditions that affect the health and welfare of persons living and working nearby. It is only right that the concerns of these people be respected, and that they be given the right to determine whether property near their residences should be condemned or purchased for the construction or expansion of airports.

Response: In most cases, the airport or aeronautical facility has been in existence long before homeowners and housing developers move into the area. They should know that the facility eventually will have to be expanded

or modernized for efficiency or safety reasons or to meet the demands for economic development in the community. It is the residents' choice to live close to the airport and it is unfair to subject airport development plans to a vote because of that choice.

Opposing Argument

Zoning ordinances, ballot proposals, recalls, court actions, and elections procedures all offer residents of areas surrounding airports sufficient means of ensuring that they have a voice in determining whether a facility should be expanded or a new one built. The State should not mandate the method by which the general public decides issues of local concern.

Opposing Argument

The bill would set an untenable precedent that could jeopardize the modernization or construction of aeronautical facilities throughout the State. The general public has little, if any, say in the location and construction of bridges and highways because of their importance to economic development and the health and welfare of the people. Those who choose to live near them must accept the disadvantages of the location as well as the advantages. Airports, too, play a vital role in the transportation system and should be accorded the same protection from the interests of small groups of residents that roads and bridges receive.

Opposing Argument

Townships could face a very heavy financial burden depending on the number of airport expansion or construction proposals submitted for public approval since the townships would have to conduct all of the elections.

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