

SENATE BILL NO. 470—COMMITTEE ON TRANSPORTATION
AND HOMELAND SECURITY

MARCH 29, 2005

Referred to Committee on Transportation and Homeland Security

SUMMARY—Provides for regulation of pedestrian traffic in airports. (BDR 44-1340)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to airports; requiring airports to regulate the flow of pedestrian traffic within the airport; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 494.030 is hereby amended to read as follows:
2 494.030 1. The State is authorized, out of ~~fmoneys~~ *money*
3 made available for the purposes of this chapter:
4 (a) To plan, establish, develop, construct, enlarge, improve,
5 maintain and operate airports and air navigation facilities either
6 within or without the territorial boundaries of this State. *The State*
7 *shall ensure that airport pedestrian traffic remains unimpeded by*
8 *persons forming lines at boarding gates.*
9 (b) To contract or otherwise provide, by condemnation if
10 necessary, for the removal or the relocation of all private structures,
11 railways, mains, pipes, conduits, wires, cables, poles and all other
12 facilities and equipment which may interfere with the location,
13 expansion, development or improvement of such airports, restricted
14 landing areas, and other air navigation facilities, or with the safe
15 approach thereto or takeoff therefrom by aircraft.
16 (c) To pay the cost of removal or relocation.
17 (d) To pay the cost of construction, installation, equipment,
18 maintenance and operation at such airports of buildings and other



1 facilities for the servicing of aircraft or for the comfort and
2 accommodation of air travelers and the purchase and sale of
3 supplies, goods and commodities as an incident to the operation of
4 its airport properties.

5 2. For such purposes the State may use any available property
6 that it may now or hereafter own or control and may, by purchase,
7 gift, devise, lease, eminent domain proceedings or otherwise,
8 acquire property, real or personal, or any interest therein, including
9 easements in airport hazards or land outside the boundaries of an
10 airport or airport site, as are necessary to permit safe and efficient
11 operation of the airport or to permit the removal, elimination,
12 obstruction, marking and lighting of airport hazards, or to prevent
13 the establishment of airport hazards.

14 **Sec. 2.** NRS 495.030 is hereby amended to read as follows:

15 495.030 In connection with the erection or maintenance of any
16 ~~{airport or}~~ airports or air navigation facilities, any city, county,
17 town or any municipal corporation ~~{shall have}~~ :

18 **1. Has** the power and jurisdiction:

19 ~~{1.}~~ (a) To regulate the receipt, deposit and removal, the
20 embarkation or debarkation of passengers or property for and from
21 such landing places or moorage as may be provided.

22 ~~{2.}~~ (b) To exact and require charges, fees and tolls, together
23 with a lien to enforce their payment.

24 ~~{3.}~~ (c) To lease or assign for operation such space or area,
25 appurtenances, appliances or other conveniences necessary or useful
26 in connection therewith.

27 ~~{4.}~~ (d) To own and operate municipal aircraft.

28 ~~{5.}~~ (e) To employ pilots.

29 ~~{6.}~~ (f) To provide rules and regulations ~~{covering}~~ **governing**
30 the use of such **an** airport ~~{and facilities}~~ **or facility** and the use of
31 other property or means of transportation within or over ~~{the airport.~~
32 ~~—7.}~~ **such an airport.**

33 (g) To perform any duties necessary or convenient for the
34 regulation of air traffic.

35 ~~{8.}~~ (h) To enter into contracts or otherwise cooperate with the
36 Federal Government or other public or private agencies.

37 ~~{9.}~~ (i) To exercise such powers as may be required or
38 convenient in the promotion of aeronautics and the furtherance of
39 commerce and navigation by air.

40 **2. Shall ensure that airport pedestrian traffic remains**
41 **unimpeded by persons forming lines at boarding gates.**

42 **Sec. 3.** NRS 496.130 is hereby amended to read as follows:

43 496.130 1. A municipality that establishes or acquires an
44 airport or air navigation facility ~~{may}~~ :



1 (a) *May* adopt, amend and repeal such reasonable ordinances,
2 resolutions, rules, regulations or orders as it deems necessary for the
3 management, government and use of the airport or air navigation
4 facility under its control, whether situated within or outside of the
5 territorial limits of the municipality **[H]**; and

6 (b) *Shall ensure that airport pedestrian traffic remains*
7 *unimpeded by persons forming lines or boarding gates.*

8 2. For the enforcement thereof, the municipality may, by
9 ordinance or resolution, as appropriate, appoint airport guards or
10 police with full police powers which must be performed in
11 compliance with the provisions of NRS 171.1223, and fix penalties,
12 within the limits prescribed by law, for the violation of the
13 ordinances, resolutions, rules, regulations and orders. Penalties must
14 be enforced in the same manner in which penalties prescribed by
15 other ordinances or resolutions of the municipality are enforced.

16 3. A rule, regulation or ordinance must not be adopted,
17 amended or repealed under this chapter, except by action of the
18 governing body of the municipality after a public hearing in relation
19 thereto at which public utilities owning facilities in the areas
20 involved, and other interested persons, have an opportunity to be
21 heard. At least 15 days' notice of the hearing must:

22 (a) Be given to all public utilities owning facilities in the area
23 involved; and

24 (b) Be published in an official paper or a paper of general
25 circulation in the municipality or municipalities in which the airport
26 is located.

27 ➡ This subsection does not apply to ordinances adopted pursuant to
28 NRS 350.579.

29 4. All ordinances, resolutions, rules, regulations or orders
30 which are issued by the municipality must be kept in substantial
31 conformity with the laws of this State, or any regulations adopted or
32 standards established pursuant thereto, and, as nearly as possible,
33 with the federal laws governing aeronautics and the rules,
34 regulations or standards duly issued thereunder.

35 5. To the extent that an airport or other air navigation facility
36 controlled and operated by a municipality is located outside the
37 territorial limits of the municipality, it is subject to federal and state
38 laws, rules or regulations, and under the jurisdiction and control of
39 the municipality controlling or operating it. No other municipality
40 has any authority to charge or exact a license fee or occupation tax
41 for operations thereon.



1 **Sec. 4.** Section 10 of the Airport Authority Act for Battle
2 Mountain, being Chapter 458, Statutes of Nevada 1983, as amended
3 by Chapter 230, Statutes of Nevada 1991, at page 508, is hereby
4 amended to read as follows:

5 Sec. 10. The Authority may do all things necessary to
6 accomplish the purposes of this act. The Authority may, by
7 reason of example and not of limitation:

8 1. Have perpetual succession and sue and be sued.
9 2. Plan, establish, acquire, construct, improve and
10 operate an airport within Lander County. *The Authority shall*
11 *ensure that airport pedestrian traffic remains unimpeded by*
12 *persons forming lines at boarding gates.*

13 3. Acquire real or personal property or any interest
14 therein by gift, lease or purchase for any of the purposes
15 provided in this section, including the elimination, prevention
16 or marking of airport hazards.

17 4. Sell, lease or otherwise dispose of any real property.

18 5. Acquire real property or any interest therein in areas
19 most affected by aircraft noise for the purpose of resale or
20 lease thereof, subject to restrictions limiting its use to
21 industrial or other purposes least affected by aircraft noise.

22 6. Enter into agreements with Lander County and Battle
23 Mountain to acquire, by lease, gift, purchase or otherwise,
24 any airport of the county or municipality and to operate the
25 airport.

26 7. Exercise the power of eminent domain and dominant
27 eminent domain in the manner provided by law for the
28 condemnation by a town of private property for public use to
29 take any property necessary to the exercise of the powers
30 granted, within the designated district in Lander County.

31 8. Apply directly to the proper federal, state, county and
32 municipal officials and agencies or to any other source, public
33 or private, for loans, grants, guarantees or other financial
34 assistance in aid of airports operated by it, and accept the
35 same.

36 9. Prepare and adopt a comprehensive, long-term
37 general plan for the physical development of all property
38 owned and operated by the Authority for submission to the
39 Board of County Commissioners of Lander County. The
40 Authority may prepare and adopt for approval by the Board
41 of County Commissioners of Lander County a comprehensive
42 zoning plan of all property owned or operated by the
43 Authority. The zoning plan must be consistent with the
44 requirements of chapter 497 of NRS and any applicable
45 federal laws and regulations.



1 10. Have control of its airports with the right and duty to
2 establish and charge fees, rentals, rates and other charges, and
3 collect revenues therefrom, not inconsistent with the rights of
4 the holders of its bonds, and enter into agreements with
5 carriers for the payment of landing fees, rental rates and other
6 charges.

7 11. Use in the performance of its functions the officers,
8 agents, employees, services, facilities, records and equipment
9 of Lander County or Battle Mountain, with the consent of the
10 county or municipality and subject to such terms and
11 conditions as may be agreed upon.

12 12. Enter upon such lands, waters or premises as in the
13 judgment of the Authority may be necessary for the purpose
14 of making surveys, soundings, borings and examinations to
15 accomplish any purpose authorized by this act. The Authority
16 is liable for actual damage done.

17 13. Provide its own fire protection, police and crash and
18 rescue service.

19 14. Contract with carriers with regard to landings and
20 the accommodations of the employees and passengers of such
21 carriers.

22 15. Contract with persons or corporations to provide
23 goods and services for the use of the employees and
24 passengers of the carriers and the employees of the Authority,
25 as necessary or incidental to the operation of the airports.

26 16. Hire and retain officers, agents and employees,
27 including a fiscal adviser, engineers, attorneys or other
28 professional or specialized personnel.

29 17. Adopt regulations governing vehicular traffic on its
30 airports relating but not limited to speed restrictions,
31 stopping, standing and parking, loading zones, turning
32 movements and parking meters. It is unlawful for any person
33 to do any act forbidden or fail to perform any act required in
34 such regulations.

35 **Sec. 5.** Section 9 of the Airport Authority Act for Carson City,
36 being Chapter 844, Statutes of Nevada 1989, at page 2026, is hereby
37 amended to read as follows:

38 Sec. 9. **1.** The Board may:

39 ~~(1)~~ **(a)** Acquire real and personal property by gift or
40 devise for the purposes provided in this act.

41 ~~(2)~~ **(b)** With the approval of the Board of Supervisors:

42 ~~(a)~~ **(1)** Acquire real and personal property by purchase
43 or lease for the purposes provided in this act.

44 ~~(b)~~ **(2)** Lease, sell or otherwise dispose of any property.



~~[3.]~~ (c) Recommend to the Board of Supervisors any changes in the laws governing zoning necessary to comply with the regulations of the Federal Aviation Administration or to limit the uses of the area near the airport to those least affected by noise.

~~[4.]~~ (d) Use, in the performance of its functions, the officers, employees, facilities and equipment of Carson City, with the consent of Carson City and subject to such terms and conditions as may be agreed upon by the Board and the Board of Supervisors.

~~[5.]~~ (e) Provide emergency services for the Authority.

~~[6.]~~ (f) Contract with any person, including any person who transports passengers or cargo by air, to provide goods and services as necessary or desirable to the operation of the airport. Any contract between the Board and a fixed base operator must be submitted for approval by the Board of Supervisors.

~~[7.]~~ (g) Employ a manager of the airport, fiscal advisers, engineers, attorneys and other personnel necessary to the discharge of its duties.

~~[8.]~~ (h) Apply to any public or private source for loans, grants, guarantees or other financial assistance.

~~[9.]~~ (i) Establish fees, rates and other charges for the use of the airport.

~~[10.]~~ (j) Regulate vehicular traffic at the airport.

~~[11.]~~ (k) Adopt, enforce, amend and repeal any rules and regulations necessary for the administration and use of the airport.

~~[12.]~~ (l) Take such other action as is necessary to comply with any statute or regulation of this State or of the Federal Government.

2. The Board shall ensure that airport pedestrian traffic remains unimpeded by persons forming lines at boarding gates.

Sec. 6. Section 10 of the Airport Authority Act for Washoe County, being Chapter 474, Statutes of Nevada 1977, as last amended by Chapter 359, Statutes of Nevada 1997, at page 1299, is hereby amended to read as follows:

Sec. 10. The Authority may do all things necessary to accomplish the purposes of this act. The Authority has perpetual succession and may, by way of example and not of limitation:

1. Sue and be sued.

2. Plan, establish, acquire, construct, improve and operate one or more airports within Washoe County. *The*



Authority shall ensure that airport pedestrian traffic remains unimpeded by persons forming lines at boarding gates.

3. Acquire real or personal property or any interest therein by gift, lease or purchase for any of the purposes provided in this section, including the elimination, prevention or marking of airport hazards.

4. Sell, lease or otherwise dispose of any real property in such manner and upon such terms and conditions as the Board deems proper and in the best interests of the Authority.

5. Acquire real property or any interest therein in areas most affected by the noise of aircraft for the purpose of resale or lease thereof, subject to restrictions limiting its use to industrial or other purposes least affected by aircraft noise.

6. Enter into agreements with Washoe County and the cities of Reno and Sparks to acquire, by lease, gift, purchase or otherwise, any airport of such county or municipality and to operate that airport.

7. Exercise the power of eminent domain and dominant eminent domain in the manner provided by law for the condemnation by a city of private property for public use to take any property necessary to the exercise of the powers granted, within Washoe County.

8. Apply directly to the proper federal, state, county and municipal officials and agencies or to any other source, public or private, for loans, grants, guarantees or other financial assistance in aid of airports operated by it, and accept the same.

9. Study and recommend to the Board of County Commissioners of Washoe County and the city councils of the cities of Reno and Sparks zoning changes in the area of any airport operated by the Authority with respect to noise, height and aviation obstructions in order to enable the Authority to meet the requirements of any regulations of the Federal Aviation Administration.

10. Control its airports with the right and duty to establish and charge fees, rentals, rates and other charges, and collect revenues therefrom, not inconsistent with the rights of the holders of its bonds, and enter into agreements with carriers for the payment of landing fees, rental rates and other charges.

11. Use in the performance of its functions the officers, agents, employees, services, facilities, records and equipment of Washoe County or the cities of Reno and Sparks, with the



1 consent of the respective county or municipality, and subject
2 to such terms and conditions as may be agreed upon.

3 12. Enter upon such lands, waters or premises as in the
4 judgment of the Authority may be necessary for the purpose
5 of making surveys, soundings, borings and examinations to
6 accomplish any purpose authorized by this act. The Authority
7 is liable for actual damage done.

8 13. Provide its own fire protection, police and crash and
9 rescue service. A person employed by the Authority to
10 provide police service to the Authority has the powers and
11 must have the training required of a law enforcement officer
12 pursuant to Part 107 of Title 14 of the Code of Federal
13 Regulations, as those provisions existed on January 1, 1997.
14 A person employed by the Authority to provide police service
15 shall be deemed to be a peace officer for the purposes of
16 determining retirement benefits under the Public Employees'
17 Retirement System.

18 14. Contract with carriers with regard to landings and
19 the accommodations of the employees and passengers of
20 those carriers.

21 15. Contract with persons or corporations to provide
22 goods and services for the use of the employees and
23 passengers of the carriers and the employees of the Authority,
24 as necessary or incidental to the operation of the airports.

25 16. Hire and retain officers, agents and employees,
26 including a fiscal adviser, engineers, attorneys or other
27 professional or specialized personnel.

28 17. Adopt regulations governing vehicular traffic on the
29 public areas of its airports relating to but not limited to speed
30 restrictions, turning movements and other moving violations.
31 It is unlawful for any person to do any act forbidden or fail to
32 perform any act required in such regulations.

33 18. Adopt regulations governing parking, loading zones
34 and ground transportation operations on its airports and
35 governing traffic on restricted areas of its airports. The
36 Authority may establish a system of:

37 (a) Administrative procedures for review of alleged
38 violations of such regulations; and

39 (b) Remedies for violations of such regulations, including
40 the imposition of administrative fines to be imposed upon and
41 collected from persons violating such regulations.

