

Executive Subcommittee Meeting

Tuesday, March 5, 2019

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AGENDA

South Carolina
House of Representatives



Legislative Oversight Committee

EXECUTIVE SUBCOMMITTEE

Chairman Gary E. Clary

The Honorable Chandra E. Dillard

The Honorable Laurie Slade Funderburk

The Honorable Wm. Weston J. Newton

Tuesday, March 5, 2019

10:00 a.m.

Room 317, Blatt Building

Pursuant to Committee Rule 6.8, S.C. ETV shall be allowed access for internet streaming whenever technologically feasible.

AGENDA

- I. Approval of Subcommittee Meeting Minutes**
- II. Discussion of the study of the S.C. Aeronautics Commission**
- III. Adjournment**

MEETING MINUTES

Chair Wm. Weston J. Newton

*First Vice-Chair:
Laurie Slade Funderburk*

Legislative Oversight Committee



South Carolina House of Representatives

*Micajah P. (Micah) Caskey, IV
Neal A. Collins
Patricia Moore (Pat) Henegan
William M. (Bill) Hixon
Jeffrey E. (Jeff) Johnson
Marvin R. Pendarvis
Tommy M. Stringer
Bill Taylor
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*Gary E. Clary
Chandra E. Dillard
Lee Hewitt
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Mandy Powers Norrell
Robert L. Ridgeway, III
Edward R. Tallon, Sr.
John Taliaferro (Jay) West, IV
Chris Wooten*

*Jennifer L. Dobson
Research Director*

*Cathy A. Greer
Administration Coordinator*

**Post Office Box 11867
Columbia, South Carolina 29211
Telephone: (803) 212-6810 • Fax: (803) 212-6811
Room 228 Blatt Building**

*Charles L. Appleby, IV
Legal Counsel*

*Carmen J. McCutcheon Simon
Research Analyst/Auditor*

*Kendra H. Wilkerson
Fiscal/Research Analyst*

Executive Subcommittee

**Tuesday, February 26, 2019
10:00 a.m.
Blatt Room 110**

Archived Video Available

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

Attendance

- I. Subcommittee Chairman Gary E. Clary calls the Executive Subcommittee meeting to order on Tuesday, February 26, 2019, in Room 110 of the Blatt Building. The following members of the Subcommittee are present during all or part of the meeting: Subcommittee Chairman Clary, Representative Chandra E. Dillard, Representative Laurie Slade Funderburk, and Representative Wm. Weston J. Newton.

Minutes

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.
- II. Representative Funderburk moves to approve the minutes from the prior Subcommittee meeting. A roll call vote is held, and the motion passes.

Rep. Funderburk moves to approve the minutes from the Subcommittee's February 6, 2019, meeting:	Yea	Nay	Not Voting (Not Present)
Rep. Clary			✓
Rep. Dillard	✓		
Rep. Funderburk	✓		
Rep. Newton	✓		

Discussion of the S.C. Aeronautics Commission

- I. Subcommittee Chairman Clary explains the purpose of today's meeting is for the S.C. Aeronautics Commission (SCAC) to present information on its first organizational unit, airport development.
- II. Subcommittee Chairman Clary explains that all testimony given to this subcommittee, which is an investigating committee, must be under oath. He reminds all agency personnel previously sworn in that they remain under oath.
- III. Mr. James Stephens, Executive Director of SCAC, presents information on the agency's airport development organizational unit. Members ask questions, which Director Stephens answers.
- IV. Representative Dillard makes a motion during the meeting for a recommendation to include in the Subcommittee Study report, which is listed on the next page. A roll call vote is held for the motion, and, among the members present, the motion passes unanimously.

Rep. Dillard moves that the Subcommittee Study include a recommendation that the Aeronautics Commission work with the Department of Archives and History to develop a records retention policy and follow the policy.	Yea	Nay	Not Voting (Not Present)
Rep. Clary			✓
Rep. Dillard	✓		
Rep. Funderburk	✓		
Rep. Newton	✓		

V. There being no further business, the meeting is adjourned.

STUDY TIMELINE

The House Legislative Oversight Committee's (Committee) process for studying the S.C. Aeronautics Commission (agency, Department, or SCAC) includes actions by the full Committee; Executive Subcommittee (Subcommittee); the agency; and the public. Key dates and actions are listed below.

Legislative Oversight Committee Actions

- May 3, 2018 - Holds **Meeting #1** to prioritize the agency for study
- May 9, 2018 - Provides the agency notice about the oversight process
- July 17 - August 20, 2018 - Solicits input about the agency in the form of an online public survey
- January 28, 2019 - Holds **Meeting #2** to obtain public input about the agency

Executive Subcommittee Actions

- February 6, 2019 - Holds **Meeting #3** to discuss the agency's history; legal directives; mission; vision; general information about finances and employees; and agency organization
- February 26, 2019 - Holds **Meeting #4** to discuss the agency's airport development program.
- March 5, 2019 – (TODAY) Holds **Meeting #5** to continue to discuss the agency's airport development program.

Aeronautics Commission

- March 31, 2015 - Submits its **Annual Restructuring and Seven-Year Plan Report**
- January 12, 2016 - Submits its **2016 Annual Restructuring Report**
- September 2016 - Submits its **2015-16 Accountability Report**
- September 2017 - Submits its **2016-17 Accountability Report**
- September 2018 - Submits its **2017-18 Accountability Report**
- October 19, 2018 - Submits its **Program Evaluation Report**

Public's Actions

- July 17 – August 20, 2018 - Provides input about the agency via an **online public survey**
- Ongoing - Submits written comments on the Committee's webpage on the General Assembly's website (www.scstatehouse.gov)

Figure 1. Key dates in the study process, May 2018 to present.

AGENCY SNAPSHOT

Aeronautics Commission

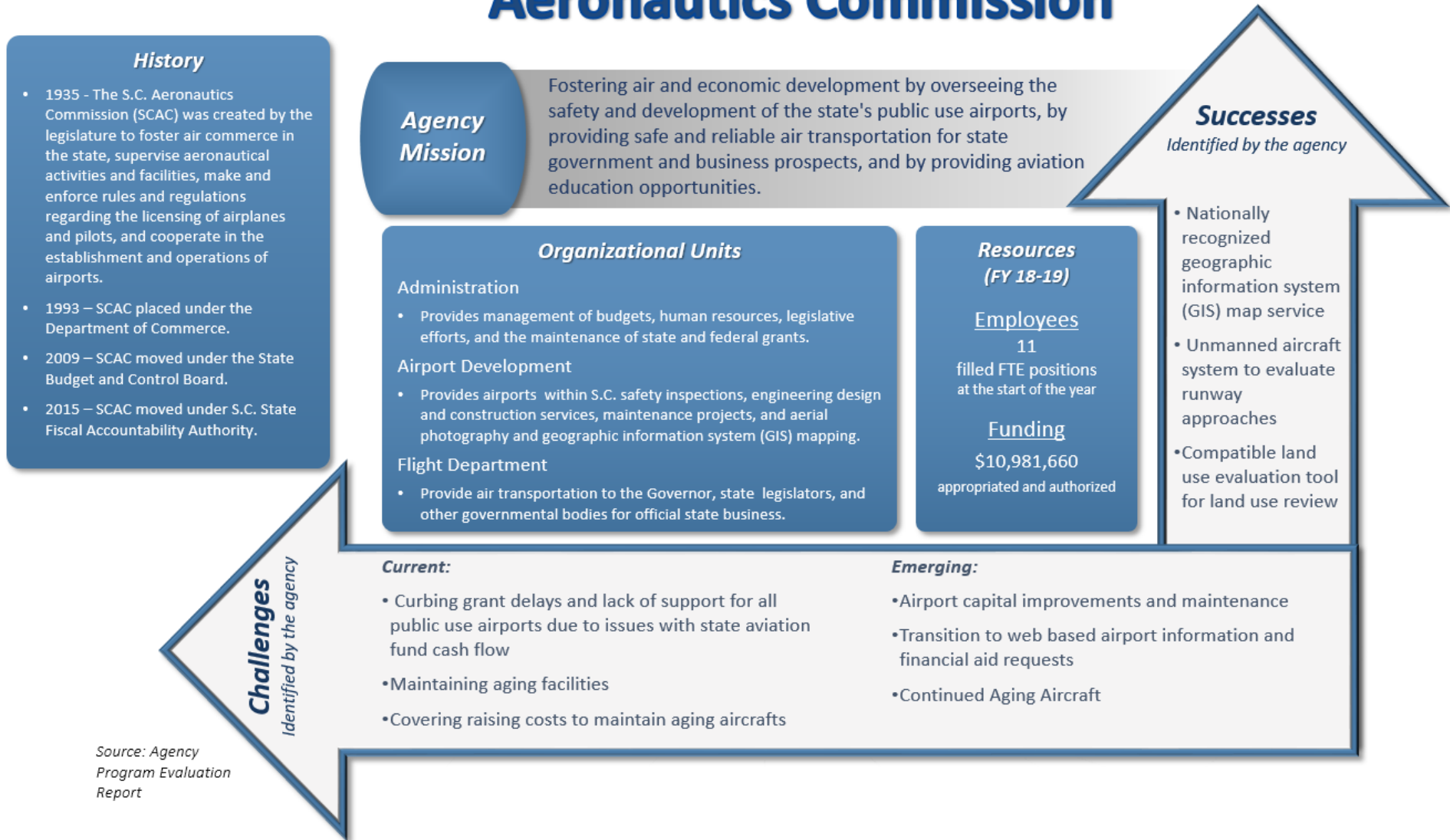


Figure 2. Snapshot of the agency's history, mission, organizational units, fiscal year 2018-19 resources (employees and funding), successes, and challenges.¹

AIRPORTS IN AND AROUND SOUTH CAROLINA

The map below shows the locations of airports in South Carolina as of February 2019. In addition to the airports in South Carolina, this map shows the commercial service airport in Charlotte, North Carolina; August, Georgia; and Savannah, Georgia.

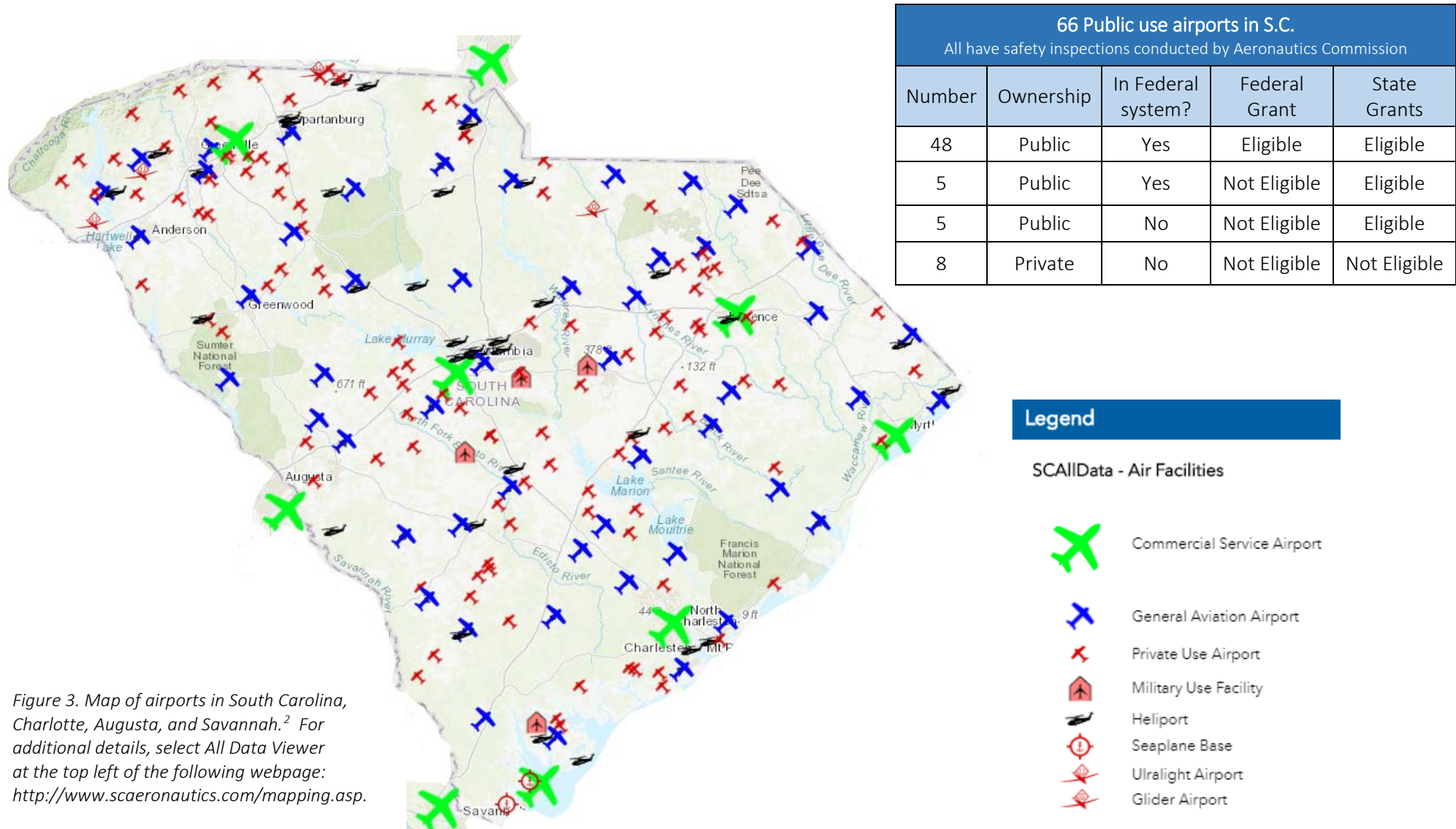


Figure 3. Map of airports in South Carolina, Charlotte, Augusta, and Savannah.² For additional details, select All Data Viewer at the top left of the following webpage: <http://www.scaeronautics.com/mapping.asp>.

Table 1 includes a list of airports in South Carolina, grouped by ownership and grant eligibility. There are three counties without an airport: Abbeville, Calhoun, and Cherokee.

Table 1. List of S.C. Airports.³

Public + In Federal system + Federal Grant eligible + State Grant eligible					
County	City	Airport Name	County	City	Airport Name
Aiken	Aiken	Aiken Municipal	Horry	Conway	Conway-Horry County
Allendale	Allendale	Allendale County	Horry	N. Myrtle Beach	Grand Strand
Anderson	Anderson	Anderson Regional	Horry	Myrtle Beach	Myrtle Beach International
Barnwell	Barnwell	Barnwell Regional	Horry	Loris	Twin City
Beaufort	Beaufort	Beaufort County	Jasper	Ridgeland	Ridgeland-Claude Dean
Beaufort	Hilton Head	Hilton Head	Kershaw	Camden	Woodward Field
Berkeley	Moncks Corner	Berkeley County	Lancaster	Lancaster	Lancaster County - MC Whirter
Charleston	Charleston	Charleston AFB/Int.	Laurens	Laurens	Laurens County
Charleston	Charleston	Charleston Executive	Lexington	Columbia	Columbia Metropolitan
Charleston	Mt. Pleasant	Mount Pleasant Regional-Faison	Lexington	Pelion	Lexington County At Pelion
Chester	Chester	Chester Catawba Regional	Marion	Marion	Marion County
Chesterfield	Cheraw	Cheraw Municipal - Lynch Bellinger	Marlboro	Bennettsville	Marlboro Cty Jetport-H.E. Avent
Chesterfield	Pageland	Pageland	Newberry	Newberry	Newberry County
Clarendon	Manning	Santee Cooper Regional	Oconee	Clemson	Oconee County Regional
Colleton	Walterboro	Lowcountry Regional	Orangeburg	Orangeburg	Orangeburg Municipal
Darlington	Darlington	Darlington Cty Jetport	Pickens	Pickens	Pickens County
Darlington	Hartsville	Hartsville Regional	Richland	Columbia	Jim Hamilton L B Owens
Dorchester	Summerville	Summerville	Saluda	Saluda	Saluda County
Fairfield	Winnsboro	Fairfield County	Spartanburg	Greer	Greenville Spartanburg Int.
Florence	Florence	Florence Regional	Spartanburg	Spartanburg	Spartanburg Downtown Memorial
Georgetown	Georgetown	Georgetown County	Sumter	Sumter	Sumter
Greenville	Greenville	Donaldson Field	Union	Union	Union County - Troy Shelton
Greenville	Greenville	Greenville Downtown	Williamsburg	Kingstree	Williamsburg Regional
Greenwood	Greenwood	Greenwood County	York	Rock Hill	Rock Hill-York County - Bryant

Public + In Federal system + Not Federal Grant eligible + State Grant eligible		
County	City	Airport Name
Bamberg	Bamberg	Bamberg County
Dillon	Dillon	Dillon County
Dorchester	St. George	St George
Georgetown	Andrews	Robert F Swinnie
Lee	Bishopville	Lee County - Butters Field

Public + Not in Federal system + Not Federal Grant eligible + State Grant eligible		
County	City	Airport Name
Edgefield	Trenton	Edgefield County
Florence	Lake City	Lake City Municipal - CJ Evans Field
Hampton	Hampton	Hampton-Varnville
McCormick	McCormick	Mc Cormick County
Orangeburg	Holly Hill	Holly Hill

Private + Not in Federal system + Not Federal Grant eligible + Not State Grant eligible		
County	City	Airport Name
Aiken	Graniteville	Twin Lakes
Darlington	Darlington	Branhams
Florence	Timmonsville	Huggins Memorial
Horry	Green Sea	Green Sea
Lancaster	Lancaster	Kirk Air Base
Marlboro	Clio	Clio Crop Care
Orangeburg	Orangeburg	Dry Swamp
Spartanburg	Landrum	Fairview

RECOMMENDATIONS FROM OTHER STUDIES

There is no record of a Legislative Audit Council audit of SCAC in the last ten years. Below are recommendations from the April 2018 Senate Oversight Study Report of SCAC.⁴

- SCAC should notify the legislative delegations of vacancies on the commission in order to assist in getting vacancies filled in a timely manner with qualified members.
- SCAC should request the General Assembly provide a dedicated source of funding for state grants which would be available at the beginning of the state's fiscal year in order to maximize grant funds available to the state through the Federal Aviation Administration.
- With input from SCAC, the General Assembly should establish the requirements for awarding aviation grants from the State Aviation Fund in the S.C. Code of Laws.

AIRPORT DEVELOPMENT

House Legislative Oversight

**South Carolina Aeronautics Commission
Airport Development**

February 26, 2019

Our Mission

Fostering air and economic development by overseeing the safety and development of the state's public use airports, by providing safe and reliable air transportation for state government and business prospects, and by providing aviation education opportunities.

Airport Development's Primary Purpose

§55-5-70: “The division shall promote and foster air commerce within the State and the division shall have an interest in the maintenance and enhancement of the aeronautical activities and facilities within the State. The division shall adopt reasonable rules and promulgate regulations as it may deem necessary and advisable, in conjunction with Federal Aviation Administration regulations, for the public safety and for the promotion of aeronautics governing the designing, laying out, location, building, equipping, operation and use of all airports.”

Airport Development Organization

- 4 FTEs
 - Overhead covered by General Fund appropriations
- 66 Public Use Airports
 - No state aid offered to 8 Privately Owned, Public Use Airports
- 58 Publicly Owned, Public Use Airports
 - Support Programs funded by General Funds and State Aviation Funds, which currently include Recurring Appropriations, Aircraft Fuel Sales Taxes and Airline Property Taxes



Airport Development Programs

- Capital Projects
 - 5% State Matching for FAA eligible
 - 60% State Matching for State/Local
- Airport Maintenance
 - 5% State Matching for FAA eligible
 - 75% State Matching for State/Local
 - Electrical, Pavements, Vegetation



Airport Development Programs

- Administrative Support
 - Aviation Educational Programs
 - Automated Weather Observation Station (AWOS) Maintenance (29 Systems)
 - Assistance with FAA Precision Approach Path Indicator (PAPI) Flight Checks
 - Aerial Photography, Mapping, and Surveying
 - Ground Surveying
 - Unmanned Aircraft System Obstruction Analysis
 - Aeronautical Charts & Directories
 - Airport Construction Safety - Barricades and Runway Closure Markers
 - Airport Compatible Land Use Evaluation (CLUE) Tool

General Airport Oversight

- Deliverable 21: Promote and foster air commerce within SC
- Deliverable 25: Interests in maintenance, enhancements, and safety of aeronautical activities and facilities



21: Promote and foster air commerce within SC

SC Code Ann. §55-5-70: “The division shall promote and foster air commerce within the State”

No recommended law change

Deliverable 21



25: Interests in maintenance, enhancements, and safety of aeronautical activities and facilities

SC Code Ann. §55-5-70: “**The division shall...have an interest in the maintenance and enhancement of the aeronautical activities and facilities within the State.**”

SC Code Ann. §55-5-80(d): Consultation with the FAA “**for the purpose of enhancing the public safety and the safety of those engaged in aeronautics.**”

No recommended law change

Deliverable 25

Airport Development Funding

- Deliverable 17.1: State Aviation Fund Management
- Deliverable 17.2: Fines and Fees Assessed by the Division
- Deliverable 17.3: Disbursements from the State Aviation Fund
- Deliverable 18: Transfers of Unspent Airport Development Funds
- Deliverable 19: Grant and Aid and FAA Grant Administration



17.1: State Aviation Fund Management

SC Code Ann. §55-5-280(a)(4) and (c); 2018-2019 Proviso 87.5: **Manage and verify that funds attributed to the State Aviation Fund are being properly used toward maintenance and repairs of the division's aircraft or toward maintenance, rehabilitation, and capital improvements to public airports; not towards operating expenses.**

No State Aviation Funds are being used for the maintenance and repairs of the division's aircraft.

No recommended law change

Deliverable 17.1



17.2: Fines and Fees Assessed by the Division

SC Code Ann. §55-1-7: **“All fees and fines assessed by the division under this title must be deposited into the State Aviation Fund.”**

SC Code Ann. §55-5-280(a)(1)-(3) and (b): Additional monies received, carry-over fund balance, and Airline Property Tax revenues related to the State Aviation Fund

Recommended law change to §55-5-280(B)

Deliverable 17.2



CURRENT SC Code Ann. §55-5-280(B): In any fiscal year in which the tax levied by the State pursuant to Section 12-37-2410, et seq., exceeds two and one-half million dollars, the revenues in excess of two and one-half million dollars must be directed to the State Aviation Fund; however, any revenue in excess of five million dollars must be credited in equal amounts to the general fund and the State Aviation Fund.

Recommended law change to §55-5-280(B):
~~In any fiscal year in which the tax levied by the State pursuant to Section 12-37-2410, et seq., exceeds two and one-half million dollars, the revenues in excess of two and one-half million dollars must be directed to the State Aviation Fund; however, any revenue in excess of five million dollars must be credited in equal amounts to the general fund and the State Aviation Fund.~~

Deliverable 17.2



17.3: Disbursements from the State Aviation Fund

SC Code Ann. §55-5-280(d): “**The division may promulgate regulations governing the eligibility requirements and procedures for disbursements from the State Aviation Fund.**”

No recommend law change

Deliverable 17.3



18: Transfers of unspent Airport Development funds

SC Code Ann. §55-9-220: **“Any unexpended monies appropriated for airport development for a particular county may be transferred to repairs to airports for that particular county upon request of the division.”**

No recommended law change

Deliverable 18



19: Grant and Aid, and FAA Grant Administration

SC Code Ann. §55-5-80(b): **“The division shall enter into contracts or agreements with the Federal Aviation Administration to administer, and shall administer grant programs, maintenance programs, or other programs in the support of the state aeronautical system.”**

No recommended law change

Deliverable 19

Division Creation of an Airport

- Deliverable 20: Serve as agent for Clemson University's public use airport
- Deliverable 36.1: Acquire, establish, construct, expand, own, lease, control, equip, improve, maintain, operate, regulate and police airports
- Deliverable 36.2: Acquisition of an existing public use or private airport
- Deliverable 36.3: Construction of a new public use airport, or expansion of an existing airport
- Deliverable 36.4: Division ownership of an airport
- Deliverable 36.5: Division operation of an airport
- Deliverable 40: Transfer of authority to a political subdivision for constructing, equipping, improving, maintaining, or operating an airport



Deliverable 20

20: Serve as agent for Clemson University's public use airport

SC Code Ann. §55-11-10(5): **“designate the Division of Aeronautics of the State Fiscal Accountability Authority as its agent, to accept, receive, receipt for and disburse federal or state funds or other funds, public or private, made available for the purposes of this section, as may be required or authorized by law”**

The Aeronautics Commission has never been designated by the Clemson board of Trustees to serve as their agent, and the Oconee County Airport serves as the local airport for Clemson University.

No recommended law change



Deliverables

36.1 – 36.5

36.1: Acquire, establish, construct, expand, own, lease, control, equip, improve, maintain, operate, regulate and police airports

36.2: Acquisition of an existing public use or private airport

36.3: Construction of a new public use airport, or expansion of an existing airport

36.4: Division ownership of an airport

36.5: Division operation of an airport

SC Code Ann. §55-5-80(e)-(g): “The division shall assist in the development of aviation and aviation facilities within the State”

SC Code Ann. §55-9-30: “The division and the municipalities, counties, airport commissions, special purpose districts, and other political subdivisions of this State may, separately or jointly, acquire, establish, construct, expand, own, lease, control, equip, improve, maintain, operate, regulate and police airports”

SC Code Ann. §55-9-40: “Any lands acquired, owned, leased, controlled or occupied...are hereby declared to be acquired, owned, leased, controlled or occupied for public, governmental and municipal purposes”

No recommended law change



Deliverable 40

40: Transfer of authority to a political subdivision for constructing, equipping, improving, maintaining, or operating an airport

SC Code Ann. §55-9-190(1): “The division, counties, municipalities, and other political subdivisions of this State which have established airports which acquire, lease or set apart real property for these purposes may: (1) construct, equip, improve, maintain and operate airports or vest authority for the construction, equipment, improvement, maintenance and operation of it in an officer, board or body of the political subdivision, the expense of the construction, equipment, improvement, maintenance and operation to be a responsibility of such political subdivision; ...”

No recommended law change

Division Operation of an Airport

- Deliverable 37: Establishment of rules and regs related to airport design, operations, and use of an airport
- Deliverable 45.1: Adoption of regulations for use of an airport
- Deliverable 45.2: Setting penalties for violation of regs established for the airport
- Deliverable 46: Establishment of charges, fees, and tolls for use of an airport that is owned and managed by the division
- Deliverable 47: Establishing liens to enforce payment of charges, fees, and tolls at an airport
- Deliverable 48: Leasing the airport to private parties for operation
- Deliverable 49: Leasing of space at the airport to private parties for operations space, areas, improvements, and equipment

Deliverable 37

37: Establishment of rules and regs related to airport design, operations, and use of an airport

SC Code Ann. §55-5-70: “The division shall adopt reasonable rules and promulgate regulations as it may deem necessary and advisable, in conjunction with Federal Aviation Administration regulations, for the public safety and for the promotion of aeronautics governing the designing, laying out, location, building, equipping, operation and use of all airports.”

No recommended law change

MINIMUM STANDARDS FOR COMMERCIAL AERONAUTICAL ACTIVITIES



South Carolina Code of Laws Title 55 - Aeronautics

CHAPTER 1 - GENERAL PROVISIONS
CHAPTER 3 - STATE LAW FOR AERONAUTICS
CHAPTER 5 - STATE AERONAUTICAL REGULATORY ACT
CHAPTER 7 - REGISTRATION OF AIRCRAFT [REPEALED]
CHAPTER 8 - UNIFORM AIRCRAFT FINANCIAL RESPONSIBILITY ACT [REPEALED]
CHAPTER 9 - SOUTH CAROLINA AIRPORTS ACT
CHAPTER 11 - PARTICULAR AIRPORTS
CHAPTER 13 - PROTECTION OF AIRPORTS AND AIRPORT PROPERTY
CHAPTER 15 - RELOCATION ASSISTANCE
CHAPTER 17 - REGIONAL AIRPORT DISTRICTS

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C 150/5300-13A - Airport Design Document Information

50/5300-13A - Airport Design

Effective Date

September 28, 2012

Responsible Office

AAS-100, Office of Airport Safety & Standards - Airport Engineering Division

Deliverables

45.1 and 45.2

45.1: Adoption of regulations for use of an airport

45.2: Setting penalties for violation of regulations established for the airport

SC Code Ann. §55-9-190(2): **“The division, counties, municipalities, and other political subdivisions of this State which have established airports which acquire, lease or set apart real property for these purposes may: ... (2) adopt regulations and establish charges, fees and tolls for the use of such airports fix penalties for the violation of such regulations and establish liens to enforce payment of such charges, fees and tolls...”**

No recommended law change



South Carolina Code of Laws Title 55 - Aeronautics
CHAPTER 1 - GENERAL PROVISIONS
CHAPTER 3 - STATE LAW FOR AERONAUTICS
CHAPTER 5 - STATE AERONAUTICAL REGULATORY ACT
CHAPTER 7 - REGISTRATION OF AIRCRAFT [REPEALED]
CHAPTER 8 - UNIFORM AIRCRAFT FINANCIAL RESPONSIBILITY ACT [REPEALED]
CHAPTER 9 - SOUTH CAROLINA AIRPORTS ACT
CHAPTER 11 - PARTICULAR AIRPORTS
CHAPTER 13 - PROTECTION OF AIRPORTS AND AIRPORT PROPERTY
CHAPTER 15 - RELOCATION ASSISTANCE
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50/5300-13A - Airport Design

Effective Date

September 28, 2012

Responsible Office

AAS-100, Office of Airport Safety & Standards - Airport Engineering Division

Deliverable 46

46: Establishment of charges, fees, and tolls for use of an airport that is owned and managed by the division

SC Code Ann. §55-9-190(2): “The division, counties, municipalities, and other political subdivisions of this State which have established airports which acquire, lease or set apart real property for these purposes may: ... (2) adopt regulations and establish charges, fees and tolls for the use of such airports fix penalties for the violation of such regulations and establish liens to enforce payment of such charges, fees and tolls...”

No recommended law change

MINIMUM STANDARDS FOR COMMERCIAL AERONAUTICAL ACTIVITIES



South Carolina Code of Laws Title 55 - Aeronautics

CHAPTER 1 - GENERAL PROVISIONS
CHAPTER 3 - STATE LAW FOR AERONAUTICS
CHAPTER 5 - STATE AERONAUTICAL REGULATORY ACT
CHAPTER 7 - REGISTRATION OF AIRCRAFT [REPEALED]
CHAPTER 8 - UNIFORM AIRCRAFT FINANCIAL RESPONSIBILITY ACT [REPEALED]
CHAPTER 9 - SOUTH CAROLINA AIRPORTS ACT
CHAPTER 11 - PARTICULAR AIRPORTS
CHAPTER 13 - PROTECTION OF AIRPORTS AND AIRPORT PROPERTY
CHAPTER 15 - RELOCATION ASSISTANCE
CHAPTER 17 - REGIONAL AIRPORT DISTRICTS

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Effective Date

September 26, 2012

Responsible Office

AAS-100, Office of Airport Safety & Standards - Airport Engineering Division

Deliverable 47

47: Establishing liens to enforce payment of charges, fees, and tolls at an airport

SC Code Ann. §55-9-190(2): “The division, counties, municipalities, and other political subdivisions of this State which have established airports which acquire, lease or set apart real property for these purposes may: ... (2) adopt regulations and establish charges, fees and tolls for the use of such airports fix penalties for the violation of such regulations and establish liens to enforce payment of such charges, fees and tolls...”

No recommended law change

MINIMUM STANDARDS FOR COMMERCIAL AERONAUTICAL ACTIVITIES



South Carolina Code of Laws Title 55 - Aeronautics

CHAPTER 1 - GENERAL PROVISIONS
CHAPTER 3 - STATE LAW FOR AERONAUTICS
CHAPTER 5 - STATE AERONAUTICAL REGULATORY ACT
CHAPTER 7 - REGISTRATION OF AIRCRAFT [REPEALED]
CHAPTER 8 - UNIFORM AIRCRAFT FINANCIAL RESPONSIBILITY ACT [REPEALED]
CHAPTER 9 - SOUTH CAROLINA AIRPORTS ACT
CHAPTER 11 - PARTICULAR AIRPORTS
CHAPTER 13 - PROTECTION OF AIRPORTS AND AIRPORT PROPERTY
CHAPTER 15 - RELOCATION ASSISTANCE
CHAPTER 17 - REGIONAL AIRPORT DISTRICTS

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Effective Date

September 26, 2012

Responsible Office

AAS-100, Office of Airport Safety & Standards - Airport Engineering Division

Deliverables 48 and 49

48: Leasing the airport to private parties for operation

49: Leasing of space at the airport to private parties for operations space, areas, improvements, and equipment

SC Code Ann. §55-9-190(3): “The division, counties, municipalities, and other political subdivisions of this State which have established airports which acquire, lease or set apart real property for these purposes may: ... (3) lease these airports to private parties for operation or lease to private parties for operation space, area, improvements and equipment on such airports provided in each case that in so doing the public is not deprived of its rightful, equal, and uniform use of it.”

No recommended law change



South Carolina Code of Laws Title 55 - Aeronautics
CHAPTER 1 - GENERAL PROVISIONS
CHAPTER 3 - STATE LAW FOR AERONAUTICS
CHAPTER 5 - STATE AERONAUTICAL REGULATORY ACT
CHAPTER 7 - REGISTRATION OF AIRCRAFT [REPEALED]
CHAPTER 8 - UNIFORM AIRCRAFT FINANCIAL RESPONSIBILITY ACT [REPEALED]
CHAPTER 9 - SOUTH CAROLINA AIRPORTS ACT
CHAPTER 11 - PARTICULAR AIRPORTS
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Effective Date

September 28, 2012

Responsible Office

AAS-100, Office of Airport Safety & Standards - Airport Engineering Division

Development of a Public Airport and Land Use

- Deliverable 38: Review and approval of airport construction plans
- Deliverable 39: Acquisition of property for a new airport or expansion of an existing airport
- Deliverable 50.1: Creation of land use maps for each public use airport
- Deliverable 50.2: Provision of land use maps to public airport owners for their compliance to state airport land use law

Deliverable 38

38: Review and approval of airport construction plans

SC Code Ann. §55-5-72: “Except as provided in this section, no airport open for public use shall be constructed in this State unless the master plan study, or airport layout plan, or the construction plans and specifications for such airport or landing strip have been approved in writing by the division.”

SC Code Ann. §55-5-73: “No state airport construction funding or funding from the State Aviation Fund shall be provided to an airport unless it has an airport layout plan and construction plan approved by, and on file with the division at the time the request for funding is made.”

SC Code Ann. §55-5-80(j): “The division shall have the authority to review and approve airport master plans pursuant to Section 55-5-72.”

No recommended law change



South Carolina Airport
Compatible Land Use Evaluation (CLUE) Tool



Deliverable 39

39: Acquisition of property for a new airport or expansion of an existing airport

SC Code Ann. §55-9-70: “Private property needed by the division or a county, municipality or other political subdivision for an airport, or for the expansion of an airport may be acquired by grant, purchase, lease or other means, if such political subdivision or the division, as the case may be, is able to agree with the owner of the property on the terms of the acquisition and otherwise by condemnation in the manner provided by the law under which such political subdivision or the division is authorized to acquire real property for public purposes.”

No recommended law change



South Carolina Airport
Compatible Land Use Evaluation (CLUE) Tool



Deliverables 50.1 and 50.2

50.1: Creation of land use maps for each public use airport

50.2: Provision of land use maps to public airport owners for their compliance to state airport land use law

SC Code Ann. §55-13-5: “Create a map of each public use airport in the State showing airport property, runways, taxiways, runway approach and departure zones, airport safety zones and airport land use zones which are extended zones from each runway in which land use considerations should be made to prevent incompatible uses with aircraft and airport operations.”

SC Code Ann. §55-13-5: “The division shall provide a copy of these maps to the county council, city council, the respective planning agencies, and airport commission, and the agencies responsible for the granting of plat subdivision approval and building permits having jurisdiction over the airport, or having jurisdiction in the vicinity of the airport under aircraft flight profiles arriving and departing the airport...”

No recommended law change



South Carolina Airport
Compatible Land Use Evaluation (CLUE) Tool



Airport Safety

- Deliverable 31: Evaluation of waterways for safety of use by aircraft
- Deliverable 32: Inspection of runways for safety
- Deliverable 33: Inspection of aviation facilities for compliance
- Deliverable 34: Legal action for directing the abatement of hazards to airport operations
- Deliverable 41: Authorization of a private airport near a public airport

Deliverable 31

31: Evaluation of waterways for safety of use by aircraft

SC Code Ann. §55-3-90: “In no event shall the landing, docking, or takeoff of seaplanes be approved if the landing, docking, or takeoff would pose unreasonable risks to public health, safety, or property as determined by the division.”

SC Code Ann. §55-3-100: “If the division determines that use of a waterway by a seaplane poses an unreasonable risk to public health, safety, or property, the division or commission may withdraw approval or limit use of the waterway or make the use of the waterway subject to conditions, after following criteria set forth in this section.”

No recommended law change



Deliverable 32

32: Inspection of runways for safety

SC Code Ann. §55-5-150: “(A) The division may close, order closure, or approve closure of an airport, airport runway, or any portion of one only when a condition exists on the airport property that constitutes an imminent and substantial endangerment to aircraft operations and aviation safety, and the condition remains unabated after notice to the airport owner and operator, and a reasonable opportunity has expired to correct any deficiencies determined by the division. The division may promulgate regulations to administer this section.”

No recommended law change



Deliverable 33

33: Inspection of aviation facilities for compliance

SC Code Ann. §55-5-80(h): “The division may conduct inspections of aviation facilities for compliance with federal grants, or to assist in obtaining grants from federal agencies, or to ensure compliance with national building or fire codes, including premises and the buildings and other structures at airports, or at prospective airports or other air navigation facilities. In order to effectuate this purpose, the division shall cooperate with the local governing body of an airport and any state or municipal officer or agency that may have jurisdiction over the airport.”

No recommended law change



Deliverable 34

34: Legal action for directing the abatement of hazards to airport operations

SC Code Ann. §55-5-80(k)-(m): **“The division shall have the authority to take action to abate any imminent or foreseeable hazard to aviation safety at a public use airport in the State or in the vicinity of a public use airport...”**

“(L) Legal action may include the issuance of an order directing the abatement or removal of the hazard, an action in circuit court or the Administrative Law Court to enjoin the construction or maintenance of a hazard, or the removal and abatement of a hazard.”

No recommended law change



Deliverable 41

41: Authorization of a private airport near a public airport

SC Code Ann. §55-5-71: “It is unlawful for a restricted use airport, or other air navigation facility within three nautical miles of a public use facility to be used or operated without the written approval of the division. This approval must be based upon consideration of aviation safety, including a location that would constitute a collision or air traffic hazard or conflict with flight operations in the vicinity of a public use airport.”

No recommended law change



Property Acquisition

- Deliverable 42: Acquisition of air rights over private property
- Deliverable 43: Acquisition of rights to operate and maintain markers or lighting for obstructions
- Deliverable 44.1: Payment to individuals displaced through airport property acquisition
- Deliverable 44.2: Adoption of rules and regulations to assure payment and/or services provided to displaced individuals
- Deliverable 44.3: Entering contracts with other entities to provide services related to relocation assistance programs



Deliverable 42

42: Acquisition of air rights over private property

SC Code Ann. §55-9-80: **“When necessary in order to provide unobstructed airspace for the landing and taking off of aircraft utilizing airports acquired or maintained under the provisions of this chapter, the division and the counties, municipalities, and other subdivisions, including duly constituted airport commissions and special purpose districts of this State may acquire air rights, including aviation easements, over private property necessary to ensure safe approaches to the landing areas of the airports, and for the purpose of establishing and protecting airports and runways.”**

No recommended law change





Deliverable 43

43: Acquisition of rights to operate and maintain markers or lighting for obstructions

SC Code Ann. §55-9-90: **“The division and such counties, municipalities and other political subdivisions of this State may acquire the right or easement for a term of years, or perpetually, to place and maintain suitable markers for the daytime and to place, operate and maintain suitable lights for the nighttime marking of buildings or other structures or obstructions...”**

No recommended law change





Deliverables

44.1 – 44.3

44.1: Payment to individuals displaced through airport property acquisition

44.2: Adoption of rules and regulations to assure payment and/or services provided to displaced individuals

44.3: Entering contracts with other entities to provide services related to relocation assistance programs



SC Code Ann. §55-15-20: Payment to displaced persons

SC Code Ann. §55-15-30: Additional payments for owners who occupy property

SC Code Ann. §55-15-40: Additional payments for certain other persons

SC Code Ann. §55-15-50: Relocation advisory assistance programs

SC Code Ann. §55-15-60: Available dwellings shall be assured for displaced persons

SC Code Ann. §55-15-110: Condemnation procedure and requirements



No recommended law change

Thank You!

James D. Stephens

jstephens@aeronautics.sc.gov

803-896-6272

If you have questions, comments or concerns, please feel free to contact me or request additional information through your staff.



- Website - <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>
- Phone Number - 803-212-6810
- Email - HCommLegOv@schouse.gov
- Location - Blatt Building, Room 228

END NOTES

¹ Visual Summary Figure 1 is compiled from information in the agency's study materials available online under "Citizens' Interest," under "House Legislative Oversight Committee Postings and Reports," and then under "Aeronautics Commission, S.C." <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/AeronauticsCommission.php> (accessed February 1, 2019).

² <http://scac.maps.arcgis.com/apps/webappviewer/index.html?id=6265e9bc64144950bd9039a044a0b4eb> (accessed February 1, 2019).

³ Confirmed accurate by Director Stephens, SCAC in February 2019.

⁴ S.C. Senate, Senate Transportation Committee, "SC Aeronautics Commission Oversight Report and Summary," under "Committee Postings and Reports," and under "Senate Transportation Committee," <https://www.scstatehouse.gov/CommitteeInfo/SenateTransportationCommittee/SCAC%20Final%20Report%20and%20Summary%205818.pdf> (Accessed February 6, 2019).