



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

Feb. 9, 2016

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Utah
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The Honorable Bill Shuster
Chairman
Transportation and Infrastructure Committee
United States House of Representatives
2165 Rayburn House Office Building
Washington D.C., 20515

The Honorable Peter DeFazio
Ranking Member
Transportation and Infrastructure Committee
United States House of Representatives
2134 Rayburn House Office Building
Washington D.C., 20515

Re: H.R. 4441 – The Aviation Innovation, Reform and Reauthorization Act (AIRR Act)

Dear Chairman Shuster and Representative DeFazio,

On behalf of the National Conference of State Legislatures (NCSL), the bipartisan organization that serves all legislators and legislative staff of the nation's states, commonwealths and territories, we applaud the House Transportation and Infrastructure Committee for moving forward to reauthorize the Federal Aviation Administration (FAA) with the introduction of H.R. 4441, the Aviation Innovation, Reform and Reauthorization Act. Aviation is a key component of a balanced transportation system, and is vitally linked to regional growth and economic development efforts. NCSL supports expeditious action on a long-term FAA reauthorization to minimize the negative effects caused by short-term extensions of these critical programs. However, we do have certain concerns and recommendations for your consideration.

Passenger Facility Charge (PFC)

NCSL urges the committee to raise the federal cap on the individual PFC user fee to restore its purchasing power and keep up with inflation. The PFC has been capped at \$4.50 since 2000 and when adjusted for inflation is worth almost \$2 less today. An increase in the PFC would help ensure that airport operators have sufficient funding to be competitive in a changing marketplace and implement needed safety, security, capacity and noise abatement projects at their airports.

Airport Improvement Program (AIP)

NCSL is a proponent of the AIP and is supportive of the language in Title I of the AIRR Act that preserves and protects this vital program. However, we recommend that language be added to ensure that states can use these funds for increased security measures required by federal law at a 100-percent federal share.

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State Block Grant Program

NCSL approves of the language within Sec. 129 of the bill that expands the State Block Grant Program to no more than 20 states. We remain hopeful that in the future the program will be expanded further so all states can be eligible to participate.

Airport and Airway Trust Fund

We are pleased to see that the AIRR Act maintains full funding for the trust fund and continues a General Fund contribution. However, NCSL would recommend clarifying within the legislation that federal aviation fees collected in the trust fund be used solely for aviation purposes.

Unmanned Aerial Systems (UAS)

As the committee discusses the various UAS provisions within the AIRR Act, NCSL requests that the committee keep in mind that a majority of states have introduced UAS legislation over the past few years. In 2015 alone, 45 states introduced legislation addressing UAS and 24 states enacted new laws or resolutions. We urge the committee to utilize this knowledge and experience of state legislatures by ensuring that states are given their proper role in enforcing federal UAS requirements within their bounds, if they so choose.

Federal Preemption

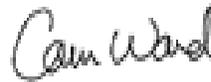
NCSL opposes any legislation or regulation that would preempt or restrict a state's ability to regulate intrastate commerce.

NCSL believes that the development and preservation of a balanced system of airports, which is responsive to the needs of all sectors of the nation, is the mutual responsibility of federal, state and local governments. We would welcome the opportunity to further discuss our positions and hope the committee will take our recommendations into consideration as it moves forward in reauthorization of the FAA. Please contact Ben Husch (ben.husch@ncsl.org) or Melanie Condon (melanie.condon@ncsl.org) for any additional information.

Sincerely,



Delegate Sally Jameson
Maryland House of Delegates
Co-Chair, NCSL Natural Resources and
Infrastructure Committee



Senator Cam Ward
Alabama Senate
Co-Chair, NCSL Natural Resources and
Infrastructure Committee

Attached:

[NCSL's Airport Infrastructure Funding Policy Resolution](#)
[NCSL's Aviation Policy Directive](#)
[NCSL's Organized Deployment of Unmanned Aerial Systems](#)