



NATIONAL CONFERENCE of STATE LEGISLATURES

*The Forum for America's Ideas*

March 1, 2016

**Curtis Bramble**  
*Senate President Pro Tempore*  
*Utah*  
*President, NCSL*

**Karl Aro**  
*Director of Administration*  
*Department of Legislative Services*  
*Maryland*  
*Staff Chair, NCSL*

**William T. Pound**  
*Executive Director*

The Honorable John Thune  
Chairman  
Committee on Commerce, Science  
and Transportation  
United States Senate  
512 Dirksen Senate Building  
Washington D.C., 20510

The Honorable Bill Nelson  
Ranking Member  
Committee on Commerce, Science  
and Transportation  
United States Senate  
716 Hart Senate Building  
Washington D.C., 20510

Re: FAA Reauthorization

Dear Chairman Thune and Senator Nelson,

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 look forward to the U.S. Senate Committee on Commerce, Science and Transportation reauthorizing the Federal Aviation Administration (FAA). 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 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 language that preserves and protects this vital program and recommends that language be included 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 would welcome language that expands the State Block Grant Program so all states can be eligible to participate.

### **Airport and Airway Trust Fund**

We support maintaining full funding for the trust fund including General Fund contributions. Additionally, NCSL would recommend clarifying that federal aviation fees collected in the trust fund be used solely for aviation purposes.

### **Unmanned Aerial Systems (UAS)**

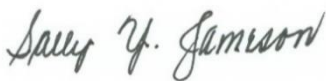
If the committee decides to include UAS requirements in the FAA reauthorization, NCSL requests that you keep in mind that a majority of states have introduced UAS legislation over the past few years. In 2015 alone, 45 states introduced legislation addressing UAS and 24 states enacted new laws or resolutions. 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 would oppose any provision in the reauthorization that preempts or restricts 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](mailto:ben.husch@ncsl.org)) or Melanie Condon ([melanie.condon@ncsl.org](mailto: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](#)