
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1785 Session of
2021

INTRODUCED BY BENNINGHOFF, JOZWIAK, MOUL, NEILSON, OWLETT,
PICKETT, ROWE, ROZZI, SCHMITT AND WHEELAND, AUGUST 12, 2021

REFERRED TO COMMITTEE ON TRANSPORTATION, AUGUST 12, 2021

AN ACT

1 Amending Title 74 (Transportation) of the Pennsylvania
2 Consolidated Statutes, in authority of Department of
3 Transportation, further providing for authority of
4 department.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 5301(e)(1) of Title 74 of the
8 Pennsylvania Consolidated Statutes is amended to read:

9 § 5301. Authority of department.

10 * * *

11 (e) Limitation on powers.--

12 (1) No license for a new airport, which is proposed to
13 be located within a five-mile radius of an existing airport,
14 or for the conversion of a military airport to joint use
15 shall be issued by the department unless it has held a public
16 hearing on the license application. The hearing shall be held
17 in the area where the proposed airport is to be located and
18 at least 60 days' notice of the date, time and place of the
19 hearing shall be given to the public in at least one

1 newspaper of general circulation. No license shall be issued
2 unless the department is satisfied that fair consideration
3 has been given to the interest of the communities in or near
4 which the proposed airport is to be located [and in no event
5 shall the department license any airport within two miles of
6 the boundary of an existing airport]. Any person aggrieved by
7 a decision of the department to grant or deny a license for a
8 new airport or for a conversion of a military airport to
9 joint use may take an appeal as provided in Title 2 (relating
10 to administrative law and procedure). Nothing in this
11 subsection shall be construed as applying to the licensing of
12 heliports, existing airports, upgrading of existing airports
13 or airports under construction unless for conversion of
14 military airports to joint use.

15 * * *

16 Section 2. This act shall take effect in 60 days.