

**78th Oregon Legislative Assembly - 2016 Regular Session**  
**STAFF MEASURE SUMMARY**  
**House Committee On Transportation and Economic Development**

**MEASURE: HB 4039**  
**CARRIER: Rep. Gorsek**

**Fiscal:** No fiscal impact

**Revenue:** No Revenue Impact

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**Action Date:** 02/03/16

**Action:** Do Pass And Rescind Subsequent Referral To Rural Communities, Land Use  
And Water.

**Meeting Dates:** 02/01, 02/03

**Vote:**

Yeas: 6 - Davis, Gorsek, Hack, Lively, McKeown, McLain

Exc: 1 - Bentz

**Prepared By:** Patrick Brennan, Committee Administrator

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**WHAT THE MEASURE DOES:**

Modifies definition of “rural airport” for purposes of the “through the fence” operations pilot program. Repeals the requirement that non-resident pilots register with the State of Oregon prior to piloting aircraft into the state. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- History of “through the fence” program
- Examples of economic development and innovation at airports
- Growth and development at Aurora Airport
- Need to ensure non-compatible uses do not occur

**EFFECT OF COMMITTEE AMENDMENT:**

No amendment.

**BACKGROUND:**

Many of Oregon’s public airports have adjacent private properties that are allowed access to airport taxiways and runways. These properties may be developed just as any other private industrial or commercial property, with the additional condition that to remain functional, they must maintain access to the public airport runway. In Federal Aviation Administration terminology, these are called “through the fence” properties, as their aviation access must cross the airport property line (the “fence”). Oregon established a pilot program in 2003 to allow three rural airports to encourage “through the fence” economic development within airport boundaries; Senate Bill 170 (2009) increased the number of eligible airports to six and specified that rural airports without control towers would be eligible to participate. The Aurora Airport recently added a control tower, and is an active user of “through the fence” development. House Bill 4039 deletes the restriction on airports with control towers participating in the program by removing the restriction from the definition of “rural airport” with relation to the through the fence program.

House Bill 4039 also eliminates the requirement that pilots who are registered in other states first obtain an Oregon registration prior to flying into Oregon.