

**Neutral Testimony on House Bill 2273**

**House Committee on Energy, Utilities and Telecommunications**

**Jesse R. Romo, A.A.E., President**

**Kansas Association of Airports**



Chairman Seiwert and members of the committee, thank you for this opportunity to appear before you today to explain why the Kansas Association of Airports (KAA) is neutral on HB 2273.

As you may be aware, there are approximately 138 public-use airports in the state of Kansas that contribute over \$10 billion to the state's economy. From aerial applicators to air ambulance providers, general aviation plays a vital role to the quality of life for all Kansans. In addition, we recognize the value of alternative energy and understand that Kansas is also a prime location for wind turbine development; however, the proximity of wind turbines to airport airspace can lead to serious safety concerns and reduction of airport utility if not properly sited.

While we appreciate the effort to establish setback distances of wind turbines from airports, some of the language in HB 2273 could cause unintended challenges and conflicts.

First, the definition of airport is not consistent with other definitions of airports and should be clarified to avoid confusion. Next, the bill establishes a certain level of authority with the board of county commissioners that may be in direct conflict with the powers in zoning authorities that were established through Chapter 3 of Kansas statutes. Several airports across the state have passed height and hazard ordinances utilizing Chapter 3, Article 7, which is specifically written for airport airspace protection. We would like to see clarification on authority and a reference to that statute in a future version of the bill.

Another issue with HB 2273 is the lack of reference to federal regulations that stipulate when a proponent of a vertical structure needs to file with the Federal Aviation Administration (FAA) for an airspace analysis. An FAA determination may require that a structure be equipped with lights to increase visibility. Language in this bill states the board can modify a lighting requirement, which would be in direct violation of a federal determination.

Therefore, the KAA would like to amend and add language that would assure proponents of vertical construction adhere to all applicable federal regulations that pertain to obstruction evaluations. It may be beneficial to also consider establishing a state review process that would act as a third party evaluator of airspace conflicts and implement a penalty for non-compliance.

Again, the KAA stands neutral to the bill as it is currently written. However, we appreciate the effort to de-conflict wind turbine development from airport airspace and welcome any discussion on a future version of the bill. We thank you for the opportunity to weigh in on HB 2273.