

AERONAUTICS CODE OF THE STATE OF MICHIGAN (EXCERPT)
Act 327 of 1945

259.143 Regional authority; powers; limitations; actions by local government.

Sec. 143.

(1) A regional authority may do any of the following:

(a) Adopt a corporate seal.

(b) Sue or be sued in any court of this state or file suit in any federal court.

(c) Plan, promote, extend, maintain, acquire, purchase, construct, install, improve, repair, enlarge, and operate all airports and airport facilities under the operational jurisdiction of or owned by the regional authority.

(d) Assume and perform the obligations and the covenants related to the airport that are contained in an agreement or other document by the local government or between the local government and the state or the FAA relative to grants for the airport or airport facilities.

(e) Acquire, by grant, purchase, devise, lease, the exercise of the right of eminent domain, or otherwise, and hold real and personal property, in fee simple or any lesser interest or by easement, as the regional authority considers necessary either for the construction of airport facilities or for the efficient operation or extension of any airport facilities acquired or constructed or to be constructed under this chapter, and, except as otherwise provided by this act, hold in its name, lease, and dispose of all real and personal property owned by or under the operational jurisdiction of the regional authority. The acquisition of land by a regional authority for an airport or airport facilities in furtherance of the purposes of the regional authority, and the exercise of any other powers of the regional authority, are public, governmental, and municipal functions, purposes and uses exercised for a public purpose, and matters of public necessity.

(f) Enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter with a department or agency of the United States, with a state or local governmental agency, or with another person, public or private, on terms and conditions acceptable to the regional authority consistent with section 142(6).

(g) Have and exercise exclusive responsibility to study and plan any improvements, expansion, or enhancements that affect the airport, and commission planning, engineering, economic, and other studies to provide information for making decisions about the location, design, management, and other features of the airport or airport facilities.

(h) Exercise responsibility for developing all aspects of the airport and airport facilities, including, but not limited to, all of the following:

(i) The location of terminals, hangars, aids to air navigation, parking lots and structures, cargo facilities, and all other facilities and services necessary to serve passengers and other customers of the airport.

(ii) Street and highway access and egress with the objective of minimizing, to the extent practicable, traffic congestion on access routes in the vicinity of the airport.

(iii) Participation in demonstration programs and economic development.

(i) Act as a sponsor and submit requests for, accept, and be responsible to perform all of the assurances associated with accepting grants from the FAA or another agency of the United States or of this state with respect to the airport under the operational jurisdiction of the regional authority, and perform the duties and responsibilities previously assumed by the local government by virtue of its acceptance of grants from the FAA or another agency of the United States or this state.

(j) Enter into agreements to use the facilities or services of this state, a subdivision or department of this state, a county or municipality, or the federal government or an agency of the federal government as necessary or desirable to accomplish the purposes of this chapter for consideration or pursuant to a cost-allocation formula in compliance with its obligations under applicable federal law, regulations, and assurances associated with accepting grants from the FAA or another agency of the United States or this state, including, but not limited to, policies of the FAA prohibiting revenue diversion or the payment of fees exceeding the value of services provided by a governmental agency.

(k) Allow this state, a subdivision or department of this state, a county or municipality, or the federal government or an agency of the federal government to use airport facilities or the services of the regional authority as necessary or desirable to accomplish the purposes of this chapter, for consideration acceptable to the regional authority in compliance with its obligations under applicable federal law, regulations, and assurances associated with accepting grants from the FAA or another agency of the United States or this state.

(l) Adopt and enforce in a court of competent jurisdiction of this state reasonable rules, regulations, and ordinances for the orderly, safe, efficient, and sanitary operation and use of airport facilities, and establish civil and criminal penalties for the violation of rules, regulations, and ordinances authorized under this chapter to the same extent as the local government.

(m) Enter into exclusive or nonexclusive contracts, leases, franchises, or other arrangements with any person or

persons for granting the privilege of using, improving, or having access to the airport, the airport facilities, or a portion of the airport or the airport facilities, for commercial airline-related purposes consistent with its obligations under applicable federal law, regulations, and assurances associated with accepting grants from the FAA or another agency of the United States or this state.

(n) Enter into exclusive or nonexclusive contracts, leases, or other arrangements not described in subdivision (m) for commercially reasonable terms consistent with its obligations under applicable federal law, regulations, and assurances associated with accepting grants from the FAA or another agency of the United States or this state.

(o) Apply for and receive loans, grants, guarantees, or other financial assistance in aid of airport facilities and the operation of the airport from a state, federal, county, or municipal government or agency or from another source, public or private, including financial assistance for planning, constructing, improving, or operating the airport, for providing security at the airport, or for providing ground access to the airport.

(p) Appoint and vest with police powers airport law enforcement officers, guards, or police officers under this chapter. The law enforcement officers, guards, or police officers of the regional authority have the full police powers and authority of peace officers in the areas over which the regional authority has operational jurisdiction, including, but not limited to, the prevention and detection of crime, the power to investigate and enforce the laws of this state, rules, regulations, and ordinances issued by the regional authority, and, to the extent permitted or required by federal law and regulations, requirements of federal law and regulations governing airport security. The officers may issue summonses, make arrests, and initiate criminal proceedings. A regional authority is responsible for all actions of its officers committed under color of their official position and authority.

(q) Procure insurance or become a self-funded insurer against loss in connection with the property, assets, or activities of the regional authority.

(r) Invest money of the regional authority, consistent with applicable state law and the contractual obligations of the regional authority, at the board's discretion, in instruments, obligations, securities, or property determined proper by the board, and name and use depositories for its money.

(s) Fix, charge, and collect rates, fees, rentals, and charges in and for the use and operation of the airport or airports under the operational jurisdiction of the regional authority.

(2) Except as otherwise prohibited by this chapter, a regional authority has all the powers of a political subdivision under this act. The powers granted to a regional authority are public and governmental functions.

(3) Except for the regional authority's exclusive jurisdiction over landing fields and other aeronautical facilities, this chapter does not limit the power of a local government in which an airport is located to zone property under the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, or to engage in land planning under the Michigan planning enabling act, 2008 PA 33, MCL 125.3801 to 125.3885, with respect to property that is not part of the airport.

(4) Notwithstanding any other provision of law to the contrary, a regional authority shall not impose or levy taxes, except the regional authority may impose fees or charges permitted by federal law.

(5) Unless a regional authority obtains the approval of the legislative body, the regional authority shall not incur any indebtedness pledging, on a superior basis, any revenues from airport facilities that are otherwise pledged to secure any obligation, note, bond, or other instrument of indebtedness for which the full faith and credit of the local government has been pledged. The local government may establish conditions under which the regional authority may incur indebtedness pledging, on a parity basis, any revenues from airport facilities that are otherwise pledged to secure any obligation, note, bond, or other instrument of indebtedness for which the full faith and credit of the local government has been pledged.

(6) On the creation or incorporation of an authority under this chapter, the local government shall not pledge airport facilities or assets to secure any instrument of indebtedness except to secure bonds issued for airport capital improvement projects after the creation or incorporation of the regional authority and before the approval date.

(7) A regional authority shall not take any action contrary to obligations assumed or entered into under state law or federal rules or regulations or any agreement entered into or assumed with respect to state or federal grants.

(8) A local government shall not take any action contrary to obligations or covenants under applicable state or federal law, regulations, and assurances associated with the state or federal government.

(9) If a local government previously acted as a sponsor and action by, or concurrence of, the local government is required to complete a project related to the airport or airport facilities, the local government shall not withhold, condition, or delay concurrence with any regional authority action necessary to complete the project in accordance with obligations under applicable federal law, regulations, and assurances associated with accepting grants from the FAA or another agency of the United States or this state.

(10) A regional authority shall serve as the agent of the local government for the preparation, submission, execution, and administration of any state or federal grants pending on the approval date. The regional authority shall also act as the custodian of all money received or to be received by the local government or the regional authority for the projects for which the grants were awarded.

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