

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

259.145 Transfer of operational jurisdiction over airport to regional authority; contracts not impaired; relief of local government from certain costs and responsibilities; duties of local government; transitional services; payment of costs.

Sec. 145. (1) The transfer of the operational jurisdiction over an airport to a regional authority may not in any way impair any contract with an airline, vendor, tenant, bondholder, or other party in privity with the local government.

(2) On the transfer of operational jurisdiction over an airport under section 144, the local government is relieved from all further costs and responsibility arising from or associated with control, operation, development, and maintenance of the airport, except as otherwise required under obligations retained by the local government under this chapter or as otherwise agreed by the local government.

(3) The local government shall comply with all of the following:

(a) Refrain from any action that would impair the regional authority's exercise of the powers granted to the regional authority under this chapter or that could cause the regional authority to violate its rate or bond covenants.

(b) Refrain from any action to sell, transfer, or otherwise encumber or dispose of airport facilities owned by the local government without the consent of the regional authority and, if necessary, the FAA and the department.

(c) Take all action reasonably necessary to cure any defects in title to airport facilities transferred to the regional authority.

(d) On incorporation of a regional authority and before the approval date, conduct operations of the airport in the ordinary and usual course of business.

(e) Maintain and repair, including provide snow removal for, any road that provides ingress and egress to the airport over which responsibility for maintenance and repair is retained by the local government pursuant to agreement or law.

(4) At the request of a regional authority, the local government may provide the regional authority with transitional services previously performed by the local government and related to the operation of the airport until the date the regional authority elects to assume the services. The regional authority shall pay the cost of the services 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 that prohibit revenue diversion or the payment of fees that exceed the value of services provided by a governmental agency.

History: Add. 2015, Act 95, Imd. Eff. June 30, 2015.