

TITLE 12 – CIVIL AVIATION
CHAPTER 2 - ADMINISTRATION OF AIRPORTS AND AIR NAVIGATION
FACILITIES ACT



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

ADMINISTRATION OF AIRPORTS AND AIR
NAVIGATION FACILITIES ACT

Arrangement of Sections

Section	Page
§201. Short title.	3
§201A. Exclusion of Airports managed by the RMI Ports Authority.	3
§202. Definitions.	3
§203. General duties of Ministry.	4
§204. Administration of airports and facilities.	4
§205. Operation and maintenance of airports.	5
§206. Miscellaneous fees and charges.	5
§207. Liens.	5
§208. United States aid.	6
§209. The Airport Trust Fund.	6
 ENDNOTES	 8

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AN ACT to charge the administration of airports and air navigational facilities to the Ministry of Transportation and Communications. ¹

<i>Commencement:</i>	<i>Not Specified</i>
<i>Source:</i>	COM. P.L. 7-35 (1977)
<i>Amended By:</i>	21 TTC 1980 P.L. 1983-261 P.L. 1988-7
	P.L. 1994-99 P.L. 1999-83 P.L. 1999-84

§201. Short title.

This Chapter may be cited as the “Administration of Airports and Air Navigation Facilities Act.”

§201A. Exclusion of Airports managed by the RMI Ports Authority.

This Act does not apply to an airport managed by the RMI Ports Authority under the RMI Ports Authority Act, 2003. [section added by P.L. 1999-84, references to the MI Airports Authority in P.L. 1999-84 are hereby replaced with references to the RMI Ports Authority, [Rev.2003]

§202. Definitions.

In this Chapter, unless the context otherwise requires:

- (a) “**aeronautics**” means the science and art of flight;

- (b) **“aircraft”** means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air;
- (c) **“airport”** means any area of land or water which is used or intended for use for the landing and takeoff of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights of way, including approaches, together with all airport buildings and facilities located thereon;
- (d) **“Minister”** means the Minister of the Ministry of Transportation and Communications;
- (e) **“Ministry”** means the Ministry of Transportation and Communications: and
- (f) **“Republic”** means the Republic of the Marshall Islands. [COM P.L. 7-35, §1 (1977); 21 TTC 1980, §1, modified.]

§203. General duties of Ministry.

The Ministry shall have general supervision over aeronautics within the Republic. It shall encourage, foster, and assist in the development of aeronautics in the Republic and encourage the establishment of airports and air navigation facilities in appropriate areas. [COM P.L. 7-35, §2 (1977); 21 TTC 1980, §2, modified]

§204. Administration of airports and facilities.

The Ministry shall be responsible for and have the authority to regulate the administration of airports and air navigational facilities in the Republic including:

- (a) the planning, acquisition, establishment, enlargement, and improvement of airports, airport facilities, and air navigational facilities;
- (b) the establishment of policies, rules, and regulations for air traffic safety, operations, and control;
- (c) the protection of airports and aircraft against hazards;
- (d) the establishment of landing and use fees for airports;
- (e) the establishment of a system of airport and aircraft inspection;

- (f) the establishment of criteria for airport personnel, aircraft crews, and maintenance personnel requiring appropriate training and tests;
- (g) the establishment of rules and regulations relating to airport and aircraft safety;
- (h) the provision of necessary technical assistance to airports; and
- (i) the establishment of reasonable fees for services rendered pursuant to this Chapter. [COM P.L. 7-35, §3 (1977); 21 TTC 1980, §3, modified]

§205. Operation and maintenance of airports.

The Ministry shall be responsible for the operation and maintenance of all airports of the Government of the Marshall Islands. The Secretary of Transportation and Communications may, upon the approval of the Minister, enter into such leases, contracts, or maintenance and management agreements with private parties or governmental agencies as may be determined by the Minister to be in the public interest. [COM P.L. 7-35, §4 (1977); 21 TTC 1980, §4, modified]

§206. Miscellaneous fees and charges.

- (1) The Cabinet may make regulations fixing reasonable landing fees for aircraft and other reasonable charges for the use and enjoyment of airports and the services and facilities furnished in connection with airports.
- (2) Until other fees and charges are fixed under Subsection (1) of this Section, the fees and charges fixed under this Chapter, in its application to the Republic, apply.
- (3) Any reference to fees and charges in this Chapter shall refer to the fees and charges fixed by or under this Section. [COM P.L. 7-35, §6 (1977); 21 TTC 1980, §5; amended completely by operation of P.L. 1983-26, §2.]

§207. Liens.

To enforce the payment of any charges for repairs or improvements to, or storage or care of, any personal property made or furnished by the Ministry or any agency thereof in connection with the operation of an airport or air navigation facility operated by the Ministry, the Ministry shall have a lien on such property. [COM P.L. 7-35, §6; (1977); 21 TTC 1980, §6.]

§208. United States aid.

The Ministry may accept, receive, disburse, and expend monies from the United States government and other monies, public or private, made available by grant or loan to accomplish, in whole or in part, any of the purposes of this Chapter. All monies from the United States government accepted under and pursuant to this Chapter shall be accepted and expended by the Ministry upon such terms and conditions as are prescribed by the United States government, and the Ministry may enter into any contracts which may be required in connection therewith. [COM P.L 7-35, §7 (1977); 21 TTC, 1980, §7]

§209. The Airport Trust Fund.

- (1) An Airport Trust Fund is established, for the specific purpose of airport development and improvement.
- (2) The Airport Trust Fund is a fund other than the Marshall Islands General Fund, within the meaning and for the purposes of Article VIII Section 3 (2) of the Constitution of the Marshall Islands.
- (3) There shall be paid into the Airport Trust Fund;
 - (a) all money received for rates, fees and other charges under Section 205 of this Chapter;
 - (b) any money appropriated by the Nitijela for airport improvement or the purposes of this Chapter; and
 - (c) any amount standing, immediately before the effective date of this Chapter, to the credit of the Republic under this Chapter.
- (4) Money may be paid out of the Trust Fund only for purposes of:
 - (a) matching funds for grants from the Government of the United States for airport development or improvement;
 - (b) the maintenance of runways and navigational aids;
 - (c) improvement, expansion and maintenance of terminal buildings;
 - (d) other matters relating to airport development improvement and operations; and
 - (e) meeting salaries and expenses of the Director of Civil Aviation and his staff.

- (5) No money shall be withdrawn from the Trust Fund except with the authority of the Chairman of the Board, who shall satisfy himself that the withdrawal is made in accordance with this Act.
- (6) The Secretary of Finance shall maintain proper accounts and records of the Trust Fund, and the accounts to be laid before the Nitijela by the Minister of Finance under Article VIII, Section 5(4) of the Constitution of the Marshall Islands shall include amounts relating to the Fund. [P.L. 1983-26, §3; amended by P.L. 1988-7, §2, adding new Paragraph (e) to Subsection (4); amended by P.L. 1994-99, §3(8).] [P.L. 1999-83, §2] [former subsection (6) was deleted by P.L. 1994-99, therefore this subsection is re-numbered as subsection (6)(Rev.2003)]

ENDNOTES**Endnote References**

1 [This Chapter was based originally on COM P.L.7-35 (1977) and 21 TFC 1980. P.L. 1983-26, substituted Sections 5 and 12 of the original Act with present Sections 205 and 209 of this Chapter. Sections 9-11 of the original Act have been deleted by the Commissioner as they no longer apply to the Republic. Section 201 of this Chapter has been added to conform to the format of this Revised Code.]