



JCOTS: Aerospace Advisory Committee

Federal and State Aerospace Law

Evolution of Federal Law

- 1958: National Aeronautics and Space Act
 - Establishes NASA to beat the Soviet's to the Moon.
- 1985: NASA Authorization Act
 - Explicitly shifts NASA from Cold War era space race to promoting commercial use of space.

Evolution of Federal Law (cont.)

- 1984: Commercial Space Launch Act
 - Ronald Reagan creates the Office of Commercial Space Transportation (OCST) within the DOT.
 - Response to permitting problems with the first private suborbital rocket launch in 1982.
- 1988 Commercial Space Launch Act Amendments
 - Provides government insurance liability coverage for incidents above \$500 million.
- 1995: OCST moves from the DOT to the FAA and renamed the Office of the Associate Administrator for Commercial Space Transportation (FAA-AST)

Evolution of Federal Law (cont.)

- 1998: Commercial Space Act
 - Designates the FAA as lead agency
- 2004: Commercial Space Launch Act Amendments
 - Streamlines permitting and regulation of private commercial space launch activities.

State Law: § 58.1-609.3(13)

- 1997: Local sales and use tax exemption for spaceflight activities generally. Expires in 2011.
 - Orbital or suborbital space facilities, space propulsion systems, space vehicles, satellites, or space station
 - Tangible personal property placed on or used aboard any orbital or suborbital space facility, space propulsion system, space vehicle, satellite or space station.
 - Fuels used for space flight when used to conduct spaceport activities;
 - Machinery and equipment purchased, sold, leased, rented or used exclusively for spaceport activities and the sale of goods and services provided to operate and maintain launch facilities, launch equipment, payload processing facilities and payload processing equipment used to conduct spaceport activities.

State Law: § 8.01-227.8, 227.9, and 227.10

- 2007 Session HB 3148:
 - Grants immunity to space flight entities providing space flight activities to any participant in a suborbital flight.
 - Space flight entities are required to distribute warning statements to all participants notifying them of their immunity from civil suit.
 - The Act does not provide immunity from gross negligence, situations where the space flight entity has actual knowledge of a dangerous condition, or intentional injuries to the participant.
 - The Act expires on July 1, 2013.

Cooperation with the Aerospace Advisory Council

- 2007 Session HB 3114; Aerospace Advisory Council
 - *Identify any federal or state regulatory impediments;*
 - *Advise the Governor on potential economic development opportunities;*
 - *Identify and recommend policy and legislative solutions to potential state legal barriers to human spaceflight;*
 - *Advise Governor on infrastructure and marketing investments;*
 - *Develop a long-term strategic plan for MARS;*
 - *Identify and recommend actions to position Virginia's aerospace sector to take advantage of newly emerging opportunities;*
 - *Identify and recommend policies to support the critical role of Virginia's universities in providing human capital and research contributions that significantly impact aerospace-related economic development;*

2007 Aerospace Advisory Committee Workplan

- Identify barriers and obstacles to development of MARS, including land use planning, taxation, funding, federal/state relations, and infrastructure capabilities.
- Consider measures the General Assembly may take to speed the development and encourage utilization of the spaceport.
- Focus specifically on those actions that may require legislative action.
- Work in conjunction with the Governor's Aerospace Advisory Council.

[The Competition...]

