

(3) is consistent with and supports a regional airport system plan adopted by the planning agency for the region and submitted to the Secretary; and

(4) improves access to air transportation for individuals residing or working in the region by encouraging the optimal balance of use of airports in the region.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1277.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
47127(a)	49 App.:1713a(1).	July 12, 1976, Pub. L. 94-353, §23(a), 90 Stat. 884.
47127(b)	49 App.:1713a(2).	

In subsection (a), the words “To improve” are substituted for “which he determines will assist the improvement of” to eliminate unnecessary words.

In subsection (b)(2), the word “facilities” is omitted as surplus.

REFERENCES IN TEXT

Section 13(b) of the Airport and Airway Development Act of 1970, referred to in subsec. (a), is section 13(b) of Pub. L. 91-258, which was classified to section 1713(b) of former Title 49, Transportation, prior to repeal by Pub. L. 97-248, title V, §523(a), Sept. 3, 1982, 96 Stat. 695.

§ 47128. State block grant program

(a) GENERAL REQUIREMENTS.—The Secretary of Transportation shall issue guidance to carry out a State block grant program. The guidance shall provide that the Secretary may designate not more than 9 qualified States for fiscal years 2000 and 2001 and 10 qualified States for each fiscal year thereafter to assume administrative responsibility for all airport grant amounts available under this subchapter, except for amounts designated for use at primary airports.

(b) APPLICATIONS AND SELECTION.—A State wishing to participate in the program must submit an application to the Secretary. The Secretary shall select a State on the basis of its application only after—

(1) deciding the State has an organization capable of effectively administering a block grant made under this section;

(2) deciding the State uses a satisfactory airport system planning process;

(3) deciding the State uses a programming process acceptable to the Secretary;

(4) finding that the State has agreed to comply with United States Government standard requirements for administering the block grant, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and local environmental policy acts, Executive orders, agency regulations and guidance, and other Federal environmental requirements; and

(5) finding that the State has agreed to provide the Secretary with program information the Secretary requires.

(c) SAFETY AND SECURITY NEEDS AND NEEDS OF SYSTEM.—Before deciding whether a planning process is satisfactory or a programming process is acceptable under subsection (b)(2) or (b)(3) of this section, the Secretary shall ensure that the process provides for meeting critical safety and

security needs and that the programming process ensures that the needs of the national airport system will be addressed in deciding which projects will receive money from the Government. In carrying out this subsection, the Secretary shall permit a State to use the priority system of the State if such system is not inconsistent with the national priority system.

(d) ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.—A Federal agency, other than the Federal Aviation Administration, that is responsible for issuing an approval, license, or permit to ensure compliance with a Federal environmental requirement applicable to a project or activity to be carried out by a State using amounts from a block grant made under this section shall—

(1) coordinate and consult with the State;

(2) use the environmental analysis prepared by the State for the project or activity if such analysis is adequate; and

(3) as necessary, consult with the State to describe the supplemental analysis the State must provide to meet applicable Federal requirements.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1277; Pub. L. 103-429, §6(70), Oct. 31, 1994, 108 Stat. 4387; Pub. L. 104-264, title I, §147(a)-(c)(1), Oct. 9, 1996, 110 Stat. 3223; Pub. L. 104-287, §5(84), Oct. 11, 1996, 110 Stat. 3397; Pub. L. 105-102, §3(d)(1)(E), Nov. 20, 1997, 111 Stat. 2215; Pub. L. 106-181, title I, §138, Apr. 5, 2000, 114 Stat. 85; Pub. L. 112-95, title V, §502, Feb. 14, 2012, 126 Stat. 103.)

HISTORICAL AND REVISION NOTES PUB. L. 103-272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
47128(a)	49 App.:2227(a) (1st sentence), (b) (1st sentence).	Sept. 3, 1982, Pub. L. 97-248, 96 Stat. 324, §534; added Dec. 30, 1987, Pub. L. 100-223, §116, 101 Stat. 1507; Nov. 5, 1990, Pub. L. 101-508, §9114, 104 Stat. 1388-364; Oct. 31, 1992, Pub. L. 102-581, §116, 106 Stat. 4881.
47128(b)(1) ..	49 App.:2227(c) (1st, 2d sentences).	
47128(b)(2) ..	49 App.:2227(b) (last sentence).	
47128(c)	49 App.:2227(c) (last sentence).	
47128(d)	49 App.:2227(a) (last sentence), (d).	

In subsection (a), the words “Not later than 180 days after December 30, 1987” and “to become effective on October 1, 1989” are omitted as obsolete.

In subsection (b)(1)(A), the words “agency or” are omitted as surplus.

In subsection (b)(1)(D), the words “procedural and other” are omitted as surplus.

In subsection (d), the text of 49 App.:2227(d) is omitted as executed.

PUB. L. 103-429

This amends 49:47128(c) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1278).

PUB. L. 104-287

This makes a clarifying amendment to the catchline for 49:47128(d).

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (b)(4), is Pub. L. 91-190, Jan. 1, 1970,

83 Stat. 852, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

AMENDMENTS

2012—Subsec. (a). Pub. L. 112-95, § 502(a), substituted “issue guidance” for “prescribe regulations” in first sentence and “guidance” for “regulations” in second sentence.

Subsec. (b)(4). Pub. L. 112-95, § 502(b), inserted before semicolon “, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and local environmental policy acts, Executive orders, agency regulations and guidance, and other Federal environmental requirements”.

Subsec. (d). Pub. L. 112-95, § 502(c), added subsec. (d).

2000—Subsec. (a). Pub. L. 106-181 substituted “9 qualified States for fiscal years 2000 and 2001 and 10 qualified States for each fiscal year thereafter” for “8 qualified States for fiscal year 1997 and 9 qualified States for each fiscal year thereafter”.

1997—Subsec. (d). Pub. L. 105-102 repealed Pub. L. 104-287, § 5(84). See 1996 Amendment note below.

1996—Pub. L. 104-264, § 147(c)(1)(A), substituted “grant program” for “grant pilot program” in section catchline.

Subsec. (a). Pub. L. 104-264, § 147(a)(1), (c)(1)(B), substituted “block grant program” for “block grant pilot program” and “8 qualified States for fiscal year 1997 and 9 qualified States for each fiscal year thereafter” for “7 qualified States”.

Subsec. (b). Pub. L. 104-264, § 147(a)(2), (3), struck out “(1)” before “A State wishing”, redesignated subpars. (A) to (E) as pars. (1) to (5), respectively, and struck out former par. (2) which read as follows: “For the fiscal years ending September 30, 1993-1996, the States selected shall include Illinois, Missouri, and North Carolina.”

Subsec. (c). Pub. L. 104-264, § 147(b), substituted “(b)(2) or (b)(3)” for “(b)(1)(B) or (C)” and inserted at end “In carrying out this subsection, the Secretary shall permit a State to use the priority system of the State if such system is not inconsistent with the national priority system.”

Subsec. (d). Pub. L. 104-287, § 5(84), which directed amendment of heading by striking “and report”, was repealed by Pub. L. 105-102.

Pub. L. 104-264, § 147(c)(1)(C), struck out subsec. (d) which read as follows:

“(d) ENDING EFFECTIVE DATE AND REPORT.—This section is effective only through September 30, 1996.”

1994—Subsec. (c). Pub. L. 103-429 substituted “subsection (b)(1)(B) or (C)” for “subsection (b)(2) or (3)”.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-102, § 3(d), Nov. 20, 1997, 111 Stat. 2215, provided that the amendment made by section 3(d)(1)(E) is effective Oct. 11, 1996.

Amendment by Pub. L. 105-102 effective as if included in the provisions of the Act to which the amendment relates, see section 3(f) of Pub. L. 105-102, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Except as otherwise specifically provided, amendment by Pub. L. 104-264 applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104-264, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

§ 47129. Resolution of disputes concerning airport fees

(a) AUTHORITY TO REQUEST SECRETARY'S DETERMINATION.—

(1) IN GENERAL.—The Secretary of Transportation shall issue a determination as to whether a fee imposed upon one or more air carriers or foreign air carriers (as those terms are defined in section 40102) by the owner or operator of an airport is reasonable if—

(A) a written request for such determination is filed with the Secretary by such owner or operator; or

(B) a written complaint requesting such determination is filed with the Secretary by an affected air carrier or foreign air carrier within 60 days after such carrier receives written notice of the establishment or increase of such fee.

(2) CALCULATION OF FEE.—A fee subject to a determination of reasonableness under this section may be calculated pursuant to either a compensatory or residual fee methodology or any combination thereof.

(3) SECRETARY NOT TO SET FEE.—In determining whether a fee is reasonable under this section, the Secretary may only determine whether the fee is reasonable or unreasonable and shall not set the level of the fee.

(4) FEES IMPOSED BY PRIVATELY-OWNED AIRPORTS.—In evaluating the reasonableness of a fee imposed by an airport receiving an exemption under section 47134 of this title, the Secretary shall consider whether the airport has complied with section 47134(c)(4).

(b) PROCEDURAL REGULATIONS.—Not later than 90 days after August 23, 1994, the Secretary shall publish in the Federal Register final regulations, policy statements, or guidelines establishing—

(1) the procedures for acting upon any written request or complaint filed under subsection (a)(1); and

(2) the standards or guidelines that shall be used by the Secretary in determining under this section whether an airport fee is reasonable.

(c) DECISIONS BY SECRETARY.—The final regulations, policy statements, or guidelines required in subsection (b) shall provide the following:

(1) Not more than 120 days after an air carrier or foreign air carrier files with the Secretary a written complaint relating to an airport fee, the Secretary shall issue a final order determining whether such fee is reasonable.

(2) Within 30 days after such complaint is filed with the Secretary, the Secretary shall dismiss the complaint if no significant dispute exists or shall assign the matter to an administrative law judge; and thereafter the matter shall be handled in accordance with part 302 of title 14, Code of Federal Regulations, or as modified by the Secretary to ensure an orderly