

## AMENDMENTS

2018—Subsecs. (c), (d). Pub. L. 115–254 redesignated subsec. (d) as (c) and struck out former subsec. (c). Prior to amendment, text of subsec. (c) read as follows: “The Administrator of the Environmental Protection Agency, in consultation with the Secretary, shall determine how to provide appropriate emissions credits to airport projects previously approved under section 47136 consistent with the guidance and conditions specified in subsection (a).”

2012—Subsec. (a). Pub. L. 112–95, § 152(d)(1), struck out “47102(3)(F),” after “40117(a)(3)(G),” in introductory provisions.

Subsec. (b). Pub. L. 112–95, § 152(d)(2), struck out “47102(3)(F),” after “grant for a project described in section” and “47103(3)(F),” after “40117(a)(3)(G).”

Pub. L. 112–95, § 111(c)(2)(A)(v), substituted “charge” for “fee”.

## Statutory Notes and Related Subsidiaries

## EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out as an Effective Date of 2003 Amendment note under section 106 of this title.

## § 47140. Increasing the energy efficiency of airport power sources

(a) IN GENERAL.—The Secretary of Transportation shall establish a program under which the Secretary shall encourage the sponsor of each public-use airport to assess the airport’s energy requirements, including heating and cooling, base load, back-up power, and power for on-road airport vehicles and ground support equipment, in order to identify opportunities to increase energy efficiency at the airport, and to reimburse the airport sponsor for the costs incurred in conducting the assessment.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary may make grants from amounts made available under section 48103 to assist airport sponsors that have completed the assessment described in subsection (a) to acquire or construct equipment, including hydrogen equipment and related infrastructure, that will increase energy efficiency at the airport.

(2) APPLICATION.—To be eligible for a grant under paragraph (1), the sponsor of a public-use airport shall submit an application, including a certification that no safety projects are being be<sup>1</sup> deferred by requesting a grant under this section, to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(Added Pub. L. 112–95, title V, § 512(a), Feb. 14, 2012, 126 Stat. 109, § 47140a; renumbered § 47140 and amended Pub. L. 115–254, div. B, title I, §§ 166(b)(1), 171, Oct. 5, 2018, 132 Stat. 3226, 3227.)

## Editorial Notes

## PRIOR PROVISIONS

A prior section 47140, added Pub. L. 108–176, title I, § 159(a)(1), Dec. 12, 2003, 117 Stat. 2509, related to airport ground support equipment emissions retrofit pilot program, prior to repeal by Pub. L. 115–254, div. B, title I, § 166(a), Oct. 5, 2018, 132 Stat. 3226.

<sup>1</sup> So in original.

## AMENDMENTS

2018—Pub. L. 115–254, § 166(b)(1), renumbered section 47140a of this title as this section.

Subsec. (a). Pub. L. 115–254, § 171(a), inserted “, and to reimburse the airport sponsor for the costs incurred in conducting the assessment” before period at end.

Subsec. (b)(2). Pub. L. 115–254, § 171(b), inserted “, including a certification that no safety projects are being deferred by requesting a grant under this section,” after “an application”.

## [§ 47140a. Renumbered § 47140]

## § 47141. Compatible land use planning and projects by State and local governments

(a) IN GENERAL.—The Secretary of Transportation may make grants, from amounts set aside under section 47117(e)(1)(A), to States and units of local government for development and implementation of land use compatibility plans and implementation of land use compatibility projects resulting from those plans for the purposes of making the use of land areas around large hub airports and medium hub airports compatible with aircraft operations. The Secretary may make a grant under this section for a land use compatibility plan or a project resulting from such plan only if—

(1) the airport operator has not submitted a noise compatibility program to the Secretary under section 47504 or has not updated such program within the preceding 10 years; and

(2) the land use plan or project meets the requirements of this section.

(b) ELIGIBILITY.—In order to receive a grant under this section, a State or unit of local government must—

(1) have the authority to plan and adopt land use control measures, including zoning, in the planning area in and around a large or medium hub airport;

(2) enter into an agreement with the airport owner or operator that the development of the land use compatibility plan will be done cooperatively; and

(3) provide written assurance to the Secretary that it will achieve, to the maximum extent possible, compatible land uses consistent with Federal land use compatibility criteria under section 47502(3) and that those compatible land uses will be maintained.

(c) ASSURANCES.—The Secretary shall require a State or unit of local government to which a grant may be made under this section for a land use plan or a project resulting from such plan to provide—

(1) assurances satisfactory to the Secretary that the plan—

(A) is reasonably consistent with the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses;

(B) addresses ways to achieve and maintain compatible land uses, including zoning, building codes, and any other land use compatibility measures under section 47504(a)(2) that are within the authority of the State or unit of local government to implement;

(C) uses noise contours provided by the airport operator that are consistent with the airport operation and planning, including

any noise abatement measures adopted by the airport operator as part of its own noise mitigation efforts;

(D) does not duplicate, and is not inconsistent with, the airport operator's noise compatibility measures for the same area; and

(E) has been approved jointly by the airport owner or operator and the State or unit of local government; and

(2) such other assurances as the Secretary determines to be necessary to carry out this section.

(d) **GUIDELINES.**—The Secretary shall establish guidelines to administer this section in accordance with the purposes and conditions described in this section. The Secretary may require a State or unit of local government to which a grant may be made under this section to provide progress reports and other information as the Secretary determines to be necessary to carry out this section.

(e) **ELIGIBLE PROJECTS.**—The Secretary may approve a grant under this section to a State or unit of local government for a project resulting from a land use compatibility plan only if the Secretary is satisfied that the project is consistent with the guidelines established by the Secretary under this section, the State or unit of local government has provided the assurances required by this section, the State or unit of local government has implemented (or has made provision to implement) those elements of the plan that are not eligible for Federal financial assistance, and that the project is not inconsistent with applicable Federal Aviation Administration standards.

(f) **SUNSET.**—This section shall not be in effect after September 30, 2023.

(Added Pub. L. 108-176, title I, §160(a), Dec. 12, 2003, 117 Stat. 2511; amended Pub. L. 110-253, §3(c)(2), June 30, 2008, 122 Stat. 2417; Pub. L. 110-330, §5(g), Sept. 30, 2008, 122 Stat. 3718; Pub. L. 111-12, §5(f), Mar. 30, 2009, 123 Stat. 1458; Pub. L. 111-69, §5(g), Oct. 1, 2009, 123 Stat. 2055; Pub. L. 111-116, §5(f), Dec. 16, 2009, 123 Stat. 3032; Pub. L. 111-153, §5(f), Mar. 31, 2010, 124 Stat. 1085; Pub. L. 111-161, §5(f), Apr. 30, 2010, 124 Stat. 1127; Pub. L. 111-197, §5(f), July 2, 2010, 124 Stat. 1354; Pub. L. 111-216, title I, §104(f), Aug. 1, 2010, 124 Stat. 2349; Pub. L. 111-249, §5(g), Sept. 30, 2010, 124 Stat. 2628; Pub. L. 111-329, §5(f), Dec. 22, 2010, 124 Stat. 3567; Pub. L. 112-7, §5(f), Mar. 31, 2011, 125 Stat. 32; Pub. L. 112-16, §5(f), May 31, 2011, 125 Stat. 219; Pub. L. 112-21, §5(f), June 29, 2011, 125 Stat. 234; Pub. L. 112-27, §5(f), Aug. 5, 2011, 125 Stat. 271; Pub. L. 112-30, title II, §205(g), Sept. 16, 2011, 125 Stat. 358; Pub. L. 112-91, §5(g), Jan. 31, 2012, 126 Stat. 4; Pub. L. 112-95, title I, §153, Feb. 14, 2012, 126 Stat. 34; Pub. L. 114-55, title I, §102(d), Sept. 30, 2015, 129 Stat. 523; Pub. L. 114-141, title I, §102(d), Mar. 30, 2016, 130 Stat. 323; Pub. L. 114-190, title I, §1102(d), July 15, 2016, 130 Stat. 617; Pub. L. 115-63, title I, §102(e), Sept. 29, 2017, 131 Stat. 1169; Pub. L. 115-141, div. M, title I, §102(d), Mar. 23, 2018, 132 Stat. 1046; Pub. L. 115-254, div. B, title I, §117(b), Oct. 5, 2018, 132 Stat. 3201.)

## Editorial Notes

### AMENDMENTS

2018—Subsec. (f). Pub. L. 115-254 substituted “September 30, 2023” for “September 30, 2018”.

Pub. L. 115-141 substituted “September 30, 2018” for “March 31, 2018”.

2017—Subsec. (f). Pub. L. 115-63 substituted “March 31, 2018” for “September 30, 2017”.

2016—Subsec. (f). Pub. L. 114-190 substituted “September 30, 2017” for “July 15, 2016”.

Pub. L. 114-141 substituted “July 15, 2016” for “March 31, 2016”.

2015—Subsec. (f). Pub. L. 114-55 substituted “March 31, 2016” for “September 30, 2015”.

2012—Subsec. (f). Pub. L. 112-95 amended subsec. (f) generally. Prior to amendment, text read as follows: “This section shall not be in effect after February 17, 2012.”

Pub. L. 112-91 substituted “February 17, 2012.” for “January 31, 2012.”

2011—Subsec. (f). Pub. L. 112-30 substituted “January 31, 2012.” for “September 16, 2011.”

Pub. L. 112-27 substituted “September 16, 2011.” for “July 22, 2011.”

Pub. L. 112-21 substituted “July 22, 2011.” for “June 30, 2011.”

Pub. L. 112-16 substituted “June 30, 2011.” for “May 31, 2011.”

Pub. L. 112-7 substituted “May 31, 2011.” for “March 31, 2011.”

2010—Subsec. (f). Pub. L. 111-329 substituted “March 31, 2011.” for “December 31, 2010.”

Pub. L. 111-249 substituted “December 31, 2010.” for “September 30, 2010.”

Pub. L. 111-216 substituted “September 30, 2010.” for “August 1, 2010.”

Pub. L. 111-197 substituted “August 1, 2010.” for “July 3, 2010.”

Pub. L. 111-161 substituted “July 3, 2010.” for “April 30, 2010.”

Pub. L. 111-153 substituted “April 30, 2010.” for “March 31, 2010.”

2009—Subsec. (f). Pub. L. 111-116 substituted “March 31, 2010.” for “December 31, 2009.”

Pub. L. 111-69 substituted “December 31, 2009.” for “September 30, 2009.”

Pub. L. 111-12 substituted “September 30, 2009.” for “March 31, 2009.”

2008—Subsec. (f). Pub. L. 110-330 substituted “March 31, 2009” for “September 30, 2008”.

Pub. L. 110-253 substituted “September 30, 2008” for “September 30, 2007”.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 112-27 effective July 23, 2011, see section 5(j) of Pub. L. 112-27, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112-21 effective July 1, 2011, see section 5(j) of Pub. L. 112-21, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112-16 effective June 1, 2011, see section 5(j) of Pub. L. 112-16, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112-7 effective Apr. 1, 2011, see section 5(j) of Pub. L. 112-7, set out as a note under section 40117 of this title.

#### EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-329 effective Jan. 1, 2011, see section 5(j) of Pub. L. 111-329, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111-249 effective Oct. 1, 2010, see section 5(l) of Pub. L. 111-249, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111-216 effective Aug. 2, 2010, see section 104(j) of Pub. L. 111-216, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111-197 effective July 4, 2010, see section 5(j) of Pub. L. 111-197, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111-161 effective May 1, 2010, see section 5(j) of Pub. L. 111-161, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111-153 effective Apr. 1, 2010, see section 5(j) of Pub. L. 111-153, set out as a note under section 40117 of this title.

#### EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-116 effective Jan. 1, 2010, see section 5(j) of Pub. L. 111-116, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111-12 effective Apr. 1, 2009, see section 5(j) of Pub. L. 111-12, set out as a note under section 40117 of this title.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-330 effective Oct. 1, 2008, see section 5(l) of Pub. L. 110-330, set out as a note under section 40117 of this title.

Amendment by Pub. L. 110-253 effective July 1, 2008, see section 3(d) of Pub. L. 110-253, set out as a note under section 9502 of Title 26, Internal Revenue Code.

#### EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108-176, set out as an Effective Date of 2003 Amendment note under section 106 of this title.

#### PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES

Pub. L. 112-95, title VIII, § 822, Feb. 14, 2012, 126 Stat. 128, as amended by Pub. L. 114-55, title I, § 102(j), Sept. 30, 2015, 129 Stat. 523; Pub. L. 114-141, title I, § 102(h), Mar. 30, 2016, 130 Stat. 323; Pub. L. 114-190, title I, § 1102(k), July 15, 2016, 130 Stat. 618; Pub. L. 115-63, title I, § 102(j), Sept. 29, 2017, 131 Stat. 1170; Pub. L. 115-141, div. M, title I, § 102(h), Mar. 23, 2018, 132 Stat. 1046; Pub. L. 115-254, div. B, title I, § 117(d), Oct. 5, 2018, 132 Stat. 3201, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall establish a pilot program under which operators of up to 4 public-use airports may receive grants for activities related to the redevelopment of airport properties in accordance with the requirements of this section.

“(b) GRANTS.—Under the pilot program, the Administrator may make a grant in a fiscal year, from funds made available for grants under section 47117(e)(1)(A) of title 49, United States Code, to an airport operator for a project—

“(1) to support joint planning, engineering, design, and environmental permitting of projects, including the assembly and redevelopment of property purchased with noise mitigation funds made available under section 48103 of such title or passenger facility revenue collected under section 40117 of such title; and

“(2) to encourage airport-compatible land uses and generate economic benefits to the local airport authority and adjacent community.

“(c) ELIGIBILITY.—An airport operator shall be eligible to participate in the pilot program if—

“(1) the operator has received approval for a noise compatibility program under section 47504 of such title; and

“(2) the operator demonstrates, as determined by the Administrator—

“(A) a readiness to implement cooperative land use management and redevelopment plans with neighboring local jurisdictions; and

“(B) the probability of a clear economic benefit to neighboring local jurisdictions and financial re-

turn to the airport through the implementation of those plans.

“(d) DISTRIBUTION.—The Administrator shall seek to award grants under the pilot program to airport operators representing different geographic areas of the United States.

“(e) PARTNERSHIP WITH NEIGHBORING LOCAL JURISDICTIONS.—An airport operator shall use grant funds made available under the pilot program only in partnership with neighboring local jurisdictions.

“(f) GRANT REQUIREMENTS.—The Administrator may not make a grant to an airport operator under the pilot program unless the grant is—

“(1) made to enable the airport operator and local jurisdictions undertaking community redevelopment efforts to expedite those efforts;

“(2) subject to a requirement that the local jurisdiction governing the property interests subject to the redevelopment efforts has adopted and will continue in effect zoning regulations that permit airport-compatible redevelopment; and

“(3) subject to a requirement that, in determining the part of the proceeds from disposing of land that is subject to repayment and reinvestment requirements under section 47107(c)(2)(A) of such title, the total amount of a grant issued under the pilot program that is attributable to the redevelopment of such land shall be added to other amounts that must be repaid or reinvested under that section upon disposal of such land by the airport operator.

“(g) EXCEPTIONS TO REPAYMENT AND REINVESTMENT REQUIREMENTS.—Amounts paid to the Secretary of Transportation under subsection (f)(3)—

“(1) shall be available to the Secretary for, giving preference to the actions in descending order—

“(A) reinvestment in an approved noise compatibility project at the applicable airport;

“(B) reinvestment in another approved project at the airport that is eligible for funding under section 47117(e) of such title;

“(C) reinvestment in an approved airport development project at the airport that is eligible for funding under section 47114, 47115, or 47117 of such title;

“(D) transfer to an operator of another public airport to be reinvested in an approved noise compatibility project at such airport; and

“(E) deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502);

“(2) shall be available in addition to amounts authorized under section 48103 of such title;

“(3) shall not be subject to any limitation on grant obligations for any fiscal year; and

“(4) shall remain available until expended.

“(h) FEDERAL SHARE.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Federal share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

“(2) ALLOWABLE COSTS.—In determining the allowable costs, the Administrator shall deduct from the total costs of the activities described in subsection (b) that portion of the costs which is equal to that portion of the total property to be redeveloped under this section that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program or that is not owned by the affected neighboring local jurisdictions or other public entities.

“(i) MAXIMUM AMOUNT.—Not more than \$5,000,000 of the funds made available for grants under section 47117(e)(1)(A) of such title may be expended under the pilot program for any single public-use airport.

“(j) USE OF PASSENGER REVENUE.—An airport operator participating in the pilot program may use passenger facility revenue collected under section 40117 of such title to pay any project cost described in subsection (b) that is not financed by a grant under the pilot program.

“(k) SUNSET.—This section shall not be in effect after September 30, 2023.”

**§ 47142. Design-build contracting**

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may approve an application of an airport sponsor under this section to authorize the airport sponsor to award a design-build contract using a selection process permitted under applicable State or local law if—

- (1) the Administrator approves the application using criteria established by the Administrator;
- (2) the design-build contract is in a form that is approved by the Administrator;
- (3) the Administrator is satisfied that the contract will be executed pursuant to competitive procedures and contains a schematic design adequate for the Administrator to approve the grant;
- (4) use of a design-build contract will be cost effective and expedite the project;
- (5) the Administrator is satisfied that there will be no conflict of interest; and
- (6) the Administrator is satisfied that the selection process will be as open, fair, and objective as the competitive bid system and that at least 3 or more bids will be submitted for each project under the selection process.

(b) REIMBURSEMENT OF COSTS.—The Administrator may reimburse an airport sponsor for design and construction costs incurred before a grant is made pursuant to this section if the project is approved by the Administrator in advance and is carried out in accordance with all administrative and statutory requirements that would have been applicable under this chapter if the project were carried out after a grant agreement had been executed.

(c) DESIGN-BUILD CONTRACT DEFINED.—In this section, the term “design-build contract” means an agreement that provides for both design and construction of a project by a contractor.

(Added Pub. L. 108–176, title I, §181(a), Dec. 12, 2003, 117 Stat. 2515.)

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE**

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out as an Effective Date of 2003 Amendment note under section 106 of this title.

**§ 47143. Non-movement area surveillance surface display systems pilot program**

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may carry out a pilot program to support non-Federal acquisition and installation of qualifying non-movement area surveillance surface display systems and sensors if—

- (1) the Administrator determines that such systems and sensors would improve safety or capacity in the National Airspace System; and
- (2) the non-movement area surveillance surface display systems and sensors supplement existing movement area systems and sensors at the selected airports established under other programs administered by the Administrator.

(b) PROJECT GRANTS.—

(1) IN GENERAL.—For purposes of carrying out the pilot program, the Administrator may make a project grant out of funds apportioned under paragraph (1) or paragraph (2) of section 47114(c) to not more than 5 eligible sponsors to acquire and install qualifying non-movement area surveillance surface display systems and sensors. The airports selected to participate in the pilot program shall have existing Administration movement area systems and airlines that are participants in Federal Aviation Administration’s airport collaborative decision-making process.

(2) DATA EXCHANGE PROCESSES.—As part of the pilot program carried out under this section, the Administrator may establish data exchange processes to allow airport participation in the Administration’s airport collaborative decision-making process and fusion of the non-movement surveillance data with the Administration’s movement area systems.

(c) SUNSET.—This section shall cease to be effective on October 1, 2023.

(d) DEFINITIONS.—In this section:

(1) NON-MOVEMENT AREA.—The term “non-movement area” means the portion of the airfield surface that is not under the control of air traffic control.

(2) NON-MOVEMENT AREA SURVEILLANCE SURFACE DISPLAY SYSTEMS AND SENSORS.—The term “non-movement area surveillance surface display systems and sensors” means a non-Federal surveillance system that uses on-airport sensors that track vehicles or aircraft that are equipped with transponders in the non-movement area.

(3) QUALIFYING NON-MOVEMENT AREA SURVEILLANCE SURFACE DISPLAY SYSTEM AND SENSORS.—The term “qualifying non-movement area surveillance surface display system and sensors” means a non-movement area surveillance surface display system that—

- (A) provides the required transmit and receive data formats consistent with the National Airspace System architecture at the appropriate service delivery point;
- (B) is on-airport; and
- (C) is airport operated.

(Added Pub. L. 115–254, div. B, title I, §140(a), Oct. 5, 2018, 132 Stat. 3210.)

**§ 47144. Use of funds for repairs for runway safety repairs**

(a) IN GENERAL.—The Secretary of Transportation may make project grants under this subchapter to an airport described in subsection (b) from funds under section 47114 apportioned to that airport or funds available for discretionary grants to that airport under section 47115 to conduct airport development to repair the runway safety area of the airport damaged as a result of a natural disaster in order to maintain compliance with the regulations of the Federal Aviation Administration relating to runway safety areas, without regard to whether construction of the runway safety area damaged was carried out using amounts the airport received under this subchapter.

(b) AIRPORTS DESCRIBED.—An airport is described in this subsection if—