

“(1) Payment of interest.

“(2) Commercial bond insurance and other credit enhancement associated with airport bonds for eligible airport development.

“(3) Flexible non-Federal matching requirements.

“(e) EXPIRATION OF AUTHORITY.—The authority of the Secretary to carry out the demonstration program shall expire on September 30, 1998.”

**AUTHORITY TO CLOSE AIRPORT LOCATED NEAR CLOSED OR REALIGNED MILITARY BASE**

Section 1203 of Pub. L. 104-264 provided that: “Notwithstanding any other provision of a law, rule, or grant assurance, an airport that is not a commercial service airport may be closed by its sponsor without any obligation to repay grants made under chapter 471 of title 49, United States Code, the Airport and Airway Improvement Act of 1982 [see References in Text note set out under section 47108 of this title], or any other law if the airport is located within 2 miles of a United States Army depot which has been closed or realigned; except that in the case of disposal of the land associated with the airport, the part of the proceeds from the disposal that is proportional to the Government’s share of the cost of acquiring the land shall be paid to the Secretary of Transportation for deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502).”

**STUDY ON INNOVATIVE FINANCING**

Section 520 of Pub. L. 103-305 provided that:

“(a) STUDY.—The Secretary shall conduct a study on innovative approaches for using Federal funds to finance airport development as a means of supplementing financing available under the Airport Improvement Program.

“(b) MATTERS TO BE CONSIDERED.—In conducting the study under subsection (a), the Secretary shall consider, at a minimum, the following:

“(1) Mechanisms that will produce greater investments in airport development per dollar of Federal expenditure.

“(2) Approaches that would permit entering into agreements with non-Federal entities, such as airport sponsors, for the loan of Federal funds, guarantee of loan repayment, or purchase of insurance or other forms of enhancement for borrower debt, including the use of unobligated Airport Improvement Program contract authority and unobligated balances in the Airport and Airway Trust Fund.

“(3) Means to lower the cost of financing airport development.

“(c) CONSULTATION.—In considering innovative financing pursuant to this section, the Secretary may consult with airport owners and operators and public and private sector experts.

“(d) REPORT TO CONGRESS.—Not later than 12 months after the date of the enactment of this Act [Aug. 23, 1994], the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a).”

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in title 16 section 460kkk.

**§ 47102. Definitions**

In this subchapter—

(1) “air carrier airport” means a public airport regularly served by—

(A) an air carrier certificated by the Secretary of Transportation under section 41102 of this title (except a charter air carrier); or

(B) at least one air carrier—

(i) operating under an exemption from section 41101(a)(1) of this title that the Secretary grants; and

(ii) having at least 2,500 passenger boardings at the airport during the prior calendar year.

(2) “airport”—

(A) means—

(i) an area of land or water used or intended to be used for the landing and taking off of aircraft;

(ii) an appurtenant area used or intended to be used for airport buildings or other airport facilities or rights of way; and

(iii) airport buildings and facilities located in any of those areas; and

(B) includes a heliport.

(3) “airport development” means the following activities, if undertaken by the sponsor, owner, or operator of a public-use airport:

(A) constructing, repairing, or improving a public-use airport, including—

(i) removing, lowering, relocating, marking, and lighting an airport hazard; and

(ii) preparing a plan or specification, including carrying out a field investigation.

(B) acquiring for, or installing at, a public-use airport—

(i) a navigation aid or another aid (including a precision approach system) used by aircraft for landing at or taking off from the airport, including preparing the site as required by the acquisition or installation;

(ii) safety or security equipment, including explosive detection devices and universal access systems, the Secretary requires by regulation for, or approves as contributing significantly to, the safety or security of individuals and property at the airport;

(iii) equipment to remove snow, to measure runway surface friction, or for aviation-related weather reporting;

(iv) firefighting and rescue equipment at an airport that serves scheduled passenger operations of air carrier aircraft designed for more than 20 passenger seats;

(v) aircraft deicing equipment and structures (except aircraft deicing fluids and storage facilities for the equipment and fluids); and

(vi) interactive training systems.

(C) acquiring an interest in land or airspace, including land for future airport development, that is needed—

(i) to carry out airport development described in subclause (A) or (B) of this clause; or

(ii) to remove or mitigate an existing airport hazard or prevent or limit the creation of a new airport hazard.

(D) acquiring land for, or constructing, a burn area training structure on or off the airport to provide live fire drill training for aircraft rescue and firefighting personnel required to receive the training under regulations the Secretary prescribes, including basic equipment and minimum structures to support the training under standards the Administrator of the Federal Aviation Administration prescribes.

(E) relocating after December 31, 1991, an air traffic control tower and any navigational aid (including radar) if the relocation

is necessary to carry out a project approved by the Secretary under this subchapter or under section 40117.

(F) constructing, reconstructing, repairing, or improving an airport, or purchasing capital equipment for an airport, if necessary for compliance with the responsibilities of the operator or owner of the airport under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), except constructing or purchasing capital equipment that would benefit primarily a revenue-producing area of the airport used by a nonaeronautical business.

(G) acquiring land for, or work necessary to construct, a pad suitable for deicing aircraft before takeoff at a commercial service airport, including constructing or reconstructing paved areas, drainage collection structures, treatment and discharge systems, appropriate lighting, paved access for deicing vehicles and aircraft, but not including acquiring aircraft deicing fluids or constructing or reconstructing storage facilities for aircraft deicing equipment or fluids.

(4) “airport hazard” means a structure or object of natural growth located on or near a public-use airport, or a use of land near the airport, that obstructs or otherwise is hazardous to the landing or taking off of aircraft at or from the airport.

(5) “airport planning” means planning as defined by regulations the Secretary prescribes and includes integrated airport system planning.

(6) “amount made available under section 48103 of this title” means the amount authorized for grants under section 48103 of this title as reduced by any law enacted after September 3, 1982.

(7) “commercial service airport” means a public airport in a State that the Secretary determines has at least 2,500 passenger boardings each year and is receiving scheduled passenger aircraft service.

(8) “integrated airport system planning” means developing for planning purposes information and guidance to decide the extent, kind, location, and timing of airport development needed in a specific area to establish a viable, balanced, and integrated system of public-use airports, including—

- (A) identifying system needs;
- (B) developing an estimate of systemwide development costs;
- (C) conducting studies, surveys, and other planning actions, including those related to airport access, needed to decide which aeronautical needs should be met by a system of airports; and

(D) standards prescribed by a State, except standards for safety of approaches, for airport development at nonprimary public-use airports.

(9) “landed weight” means the weight of aircraft transporting only cargo in intrastate, interstate, and foreign air transportation, as the Secretary determines under regulations the Secretary prescribes.

(10) “passenger boardings”—

(A) means revenue passenger boardings on an aircraft in service in air commerce as the Secretary determines under regulations the Secretary prescribes; and

(B) includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for a nontraffic purpose.

(11) “primary airport” means a commercial service airport the Secretary determines to have more than 10,000 passenger boardings each year.

(12) “project” means a project, separate projects included in one project grant application, or all projects to be undertaken at an airport in a fiscal year, to achieve airport development or airport planning.

(13) “project cost” means a cost involved in carrying out a project.

(14) “project grant” means a grant of money the Secretary makes to a sponsor to carry out at least one project.

(15) “public agency” means—

- (A) a State or political subdivision of a State;
- (B) a tax-supported organization; or
- (C) an Indian tribe or pueblo.

(16) “public airport” means an airport used or intended to be used for public purposes—

- (A) that is under the control of a public agency; and
- (B) of which the area used or intended to be used for the landing, taking off, or surface maneuvering of aircraft is publicly owned.

(17) “public-use airport” means—

- (A) a public airport; or
- (B) a privately-owned airport used or intended to be used for public purposes that is—
  - (i) a reliever airport; or
  - (ii) determined by the Secretary to have at least 2,500 passenger boardings each year and to receive scheduled passenger aircraft service.

(18) “reliever airport” means an airport the Secretary designates to relieve congestion at a commercial service airport and to provide more general aviation access to the overall community.

(19) “sponsor” means—

- (A) a public agency that submits to the Secretary under this subchapter an application for financial assistance; and
- (B) a private owner of a public-use airport that submits to the Secretary under this subchapter an application for financial assistance for the airport.

(20) “State” means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and Guam.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1248; Pub. L. 103-305, title I, §105, Aug. 23, 1994, 108 Stat. 1572; Pub. L. 104-264, title I, §142(b)(1), Oct. 9, 1996, 110 Stat. 3221.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
47102(1) .....	(no source).	
47102(2) .....	49 App.:2202(a)(1).	Sept. 3, 1982, Pub. L. 97-248, §503(a)(1), 96 Stat. 672; Dec. 30, 1987, Pub. L. 100-223, §103(a), 101 Stat. 1488.
	49 App.:2202(a)(21).	Sept. 3, 1982, Pub. L. 97-248, §503(a)(13)-(19), (21)-(23), 96 Stat. 673, 674; Dec. 30, 1987, Pub. L. 100-223, §103(c)(1), 101 Stat. 1488.
47102(3) .....	49 App.:2202(a)(2).	Sept. 3, 1982, Pub. L. 97-248, §503(a)(2), 96 Stat. 672; Dec. 30, 1987, Pub. L. 100-223, §103(b), 101 Stat. 1488; Nov. 5, 1990, Pub. L. 101-508, §9102, 104 Stat. 1388-354; Oct. 31, 1992, Pub. L. 102-581, §112(a), (b), 106 Stat. 4880.
47102(4) .....	49 App.:2202(a)(3).	Sept. 3, 1982, Pub. L. 97-248, §503(a)(3)-(5), (7), (8), (b), 96 Stat. 673, 674.
47102(5) .....	49 App.:2202(a)(4).	
47102(6) .....	49 App.:2202(b).	
47102(7) .....	49 App.:2202(a)(5).	
47102(8) .....	49 App.:2202(a)(7).	
47102(9) .....	49 App.:2202(a)(9).	Sept. 3, 1982, Pub. L. 97-248, 96 Stat. 324, §503(a)(9); added Dec. 30, 1987, Pub. L. 100-223, §103(c)(2), 101 Stat. 1488.
47102(10) .....	49 App.:2202(a)(10).	Sept. 3, 1982, Pub. L. 97-248, §503(a)(10), 96 Stat. 673; Dec. 30, 1987, Pub. L. 100-223, §103(c)(1), (d), 101 Stat. 1488; Oct. 31, 1992, Pub. L. 102-581, §115, 106 Stat. 4881.
47102(11) .....	49 App.:2202(a)(12).	Sept. 3, 1982, Pub. L. 97-248, §503(a)(12), 96 Stat. 673; Dec. 30, 1987, Pub. L. 100-223, §103(c)(1), (e), 101 Stat. 1488.
47102(12) .....	49 App.:2202(a)(13).	
47102(13) .....	49 App.:2202(a)(14).	
47102(14) .....	49 App.:2202(a)(15).	
47102(15) .....	49 App.:2202(a)(16).	
47102(16) .....	49 App.:2202(a)(8), (17).	
47102(17) .....	49 App.:2202(a)(18).	
47102(18) .....	49 App.:2202(a)(19).	
47102(19) .....	49 App.:2202(a)(22).	
47102(20) .....	49 App.:2202(a)(23).	

In this section, before clause (1), the words “In this subchapter” are substituted for “As used in this chapter” and “Whenever in this chapter reference is made to . . . such reference shall mean” for consistency in the revised title and with other titles of the United States Code and to eliminate unnecessary words.

Clause (1) restates the definition of “air carrier airport” that was contained in section 11(1) of the Airport and Airway Development Act of 1970 as in effect both on February 18, 1980, and immediately before September 3, 1982. The clause is added to this section to eliminate the cross-references to definitions in section 11 of the Airport and Airway Development Act of 1970 that are contained in the source provisions restated in sections 47106(d) and 47119(a) of the revised title. Because some of the terms used in the definition of “air carrier airport” were themselves defined in section 11, the definitions of those terms are incorporated in the definition added in clause (1) to the extent they differ from the definitions of those terms restated in this section. The words “Secretary of Transportation” and “Secretary” are substituted for “Civil Aeronautics Board” because of the transfer of authority under 49 App.:1551(b)(1)(E).

In clause (2), before subclause (A), the text of 49 App.:2202(a)(21) is omitted as surplus because the complete name of the Secretary of Transportation is used the first time the term appears in a section. In subclause (A)(iii), the words “those areas” are substituted for “thereon” for clarity.

In clause (3)(A), before subclause (i), the words “any work involved in” and “or portion thereof” are eliminated as unnecessary. The word “reconstructing” is omitted as being included in “constructing”. In sub-

clause (ii), the words “carrying out a field investigation” are substituted for “field investigations incidental thereto” for clarity.

In clause (3)(B), before subclause (i), the word “for” is substituted for “by” for clarity. In subclause (i), the words “required by the acquisition or installation” are substituted for “thereby required” for clarity. In subclause (ii), the word “individuals” is substituted for “persons” for clarity and consistency in the revised title and with other titles of the Code.

In clause (3)(C), before subclause (i), the words “interest in land or airspace” are substituted for “land or of any interest therein, or of any easement through or other interest in airspace” to eliminate unnecessary words. In subclause (ii), the words “existing airport hazard . . . the creation of a new airport hazard” are added for clarity and consistency in this chapter.

In clause (3)(D), the words “any . . . work involved to” are omitted as surplus. The word “Secretary” is substituted for “Department of Transportation” because of 49:102(b). The words “Administrator of the” are added because of 49:106(b).

In clause (4), the word “near” is substituted for “in the vicinity of” to eliminate unnecessary words. The words “obstructs or otherwise is hazardous to the landing or taking off” are substituted for “obstructs the airspace required for the flight of aircraft in landing or taking off . . . or is otherwise hazardous to such landing or taking off” for clarity and to eliminate unnecessary words.

In clause (6), the words “for a fiscal year . . . for that fiscal year” are omitted as surplus. The words “authorized for grants” are substituted for “made available for obligation” for clarity and consistency. The word “law” is substituted for “Act of Congress” for consistency in the revised title and with other titles of the Code. The words “or limited” are omitted as surplus.

In clause (8), before subclause (A), the words “the initial as well as continuing” and “nature” are omitted as surplus. In subclause (C), the words “needed to decide which aeronautical needs should be met” are substituted for “as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met” for clarity and to eliminate unnecessary words. The word “particular” is eliminated as unnecessary. In subclause (D), the word “prescribed” is substituted for “the establishment . . . of” for consistency in the revised title and with other titles of the Code.

In clause (9), the words “scheduled and non-scheduled” are omitted as surplus. The word “cargo” is substituted for “property (including mail)” for consistency in the revised title.

In clause (10), before subclause (A), the words “passenger boardings” are substituted for “passengers enplaned” for clarity. In subclause (A), the words “domestic, territorial, and international”, “in the States”, “scheduled and nonscheduled”, and “intrastate, interstate, and foreign” are omitted as surplus. In subclause (B), the words “who continue on an aircraft in” are substituted for “on board” for clarity. (See Cong. Rec., pp. S15296, 15297, Oct. 28, 1987, daily ed.). The words “that stops” are substituted for “which transit” for clarity. The word “located” is omitted as surplus.

In clause (12), the words “included in one project grant application” are substituted for “submitted together”, and the words “or all projects to be undertaken” are substituted for “including the combined submission of all projects”, for clarity and consistency in this chapter.

In clause (15)(A), the words “or any agency of a State, a municipality . . . other” are omitted as surplus.

In clause (19)(A), the words “either individually or jointly with one or more other public agencies” are omitted as surplus.

In clause (20), the words “the Commonwealth of” and “the Government of” are omitted as surplus.

REFERENCES IN TEXT

The Americans with Disabilities Act of 1990, referred to in par. (3)(F), is Pub. L. 101-336, July 26, 1990, 104

Stat. 327, which is classified principally to chapter 126 (§12101 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 12101 of Title 42 and Tables.

The Clean Air Act, referred to in par. (3)(F), is act July 14, 1955, ch. 360, 69 Stat. 322, as amended, which is classified generally to chapter 85 (§7401 et seq.) of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

The Federal Water Pollution Control Act, referred to in par. (3)(F), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

#### AMENDMENTS

1996—Par. (3)(E). Pub. L. 104-264, §142(b)(1)(A), inserted “or under section 40117” before period at end.

Par. (3)(F). Pub. L. 104-264, §142(b)(1)(B), struck out “paid for by a grant under this subchapter and” after “airport, if”.

1994—Par. (3)(B)(ii). Pub. L. 103-305 inserted “, including explosive detection devices and universal access systems,” after “or security equipment”.

#### 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.

#### TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40117, 44502, 47134, 47151, 47501, 50104 of this title; title 19 section 1644a; title 50 App. section 1622.

### § 47103. National plan of integrated airport systems

(a) GENERAL REQUIREMENTS AND CONSIDERATIONS.—The Secretary of Transportation shall maintain the plan for developing public-use airports in the United States, named “the national plan of integrated airport systems”. The plan shall include the kind and estimated cost of eligible airport development the Secretary of Transportation considers necessary to provide a safe, efficient, and integrated system of public-use airports adequate to anticipate and meet the needs of civil aeronautics, to meet the national defense requirements of the Secretary of Defense, and to meet identified needs of the United States Postal Service. Airport development included in the plan may not be limited to meeting the needs of any particular classes or categories of public-use airports. In maintaining the plan, the Secretary of Transportation shall consider the needs of each segment of civil aviation and the relationship of each airport to—

- (1) the rest of the transportation system in the particular area;
- (2) forecasted technological developments in aeronautics; and

(3) forecasted developments in other modes of intercity transportation.

(b) SPECIFIC REQUIREMENTS.—In maintaining the plan, the Secretary of Transportation shall—

(1) to the extent possible and as appropriate, consult with departments, agencies, and instrumentalities of the United States Government, with public agencies, and with the aviation community;

(2) consider tall structures that reduce safety or airport capacity; and

(3) make every reasonable effort to address the needs of air cargo operations, Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations, and rotary wing aircraft operations.

(c) AVAILABILITY OF DOMESTIC MILITARY AIRPORTS AND AIRPORT FACILITIES.—To the extent possible, the Secretary of Defense shall make domestic military airports and airport facilities available for civil use. In advising the Secretary of Transportation under subsection (a) of this section, the Secretary of Defense shall indicate the extent to which domestic military airports and airport facilities are available for civil use.

(d) PUBLICATION.—The Secretary of Transportation shall publish the status of the plan every 2 years.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1251.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
47103(a) .....	49 App.:2203(a)(1) (2d-last sentences).	Sept. 3, 1982, Pub. L. 97-248, §504(a)(1), 96 Stat. 675; Dec. 30, 1987, Pub. L. 100-223, §104(a)(1)(A), (2), 101 Stat. 1489.
47103(b) .....	49 App.:2203(a)(2).  49 App.:2203(c).	Sept. 3, 1982, Pub. L. 97-248, 96 Stat. 324, §504(a)(2); added Dec. 30, 1987, Pub. L. 100-223, §104(a)(1)(B), 101 Stat. 1489. Sept. 3, 1982, Pub. L. 97-248, §504(c), 96 Stat. 676.
47103(c) .....	49 App.:2203(d)(1).	Sept. 3, 1982, Pub. L. 97-248, §504(d)(1), 96 Stat. 676; Dec. 30, 1987, Pub. L. 100-223, §104(b)(2), 101 Stat. 1489.
47103(d) .....	49 App.:2203(a)(1) (1st sentence).	

In subsection (a), before clause (1), the words “shall maintain” and “In maintaining” are substituted for “In reviewing and revising” for clarity and consistency in the revised title. The word “named” is substituted for “After September 3, 1982, the revised national airport system plan shall be known as”, and the words “the national defense requirements of the Secretary of Defense” are substituted for “requirements in support of the national defense as determined by the Secretary of Defense”, to eliminate unnecessary words. The words “included in the plan may not be limited to meeting the needs of any particular” are substituted for “identified by this plan shall not be limited to the requirements of any” for clarity and consistency in this section. The words “among other things” are omitted as surplus.

In subsection (b), before clause (1), the words “In maintaining” are substituted for “In reviewing and revising” for consistency in this section. In clause (1), the words “departments, agencies, and instrumentalities of the United States Government” are substituted for “Federal . . . agencies” for consistency in the revised title and with other titles of the United States Code. In