

cated remote towers are available under subsection (b), constructing a remote tower or acquiring and installing air traffic control, communications, or related equipment specifically for a remote tower shall be considered airport development (as defined in section 47102 of title 49, United States Code) for purposes of subchapter I of chapter 471 of that title if the components are installed and used at the airport, except, as needed, for off-airport sensors installed on leased towers.”

#### ENVIRONMENTAL MITIGATION PILOT PROGRAM

Pub. L. 115-254, div. B, title I, §190, Oct. 5, 2018, 132 Stat. 3237, provided that:

“(a) IN GENERAL.—The Secretary of Transportation may carry out a pilot program involving not more than 6 projects at public-use airports in accordance with this section.

“(b) GRANTS.—In carrying out the program, the Secretary may make grants to sponsors of public-use airports from funds apportioned under section 47117(e)(1)(A) of title 49, United States Code.

“(c) USE OF FUNDS.—Amounts from a grant received by the sponsor of a public-use airport under the program shall be used for environmental mitigation projects that will measurably reduce or mitigate aviation impacts on noise, air quality, or water quality at the airport or within 5 miles of the airport.

“(d) ELIGIBILITY.—Notwithstanding any other provision of chapter 471 of title 49, United States Code, an environmental mitigation project approved under this section shall be treated as eligible for assistance under that chapter.

“(e) SELECTION CRITERIA.—In selecting from among applicants for participation in the program, the Secretary may give priority consideration to projects that—

“(1) will achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis or on a per dollar of funds expended basis; and

“(2) will be implemented by an eligible consortium.

“(f) FEDERAL SHARE.—The Federal share of the cost of a project carried out under the program shall be 50 percent.

“(g) MAXIMUM AMOUNT.—Not more than \$2,500,000 may be made available by the Secretary in grants under the program for any single project.

“(h) IDENTIFYING BEST PRACTICES.—The Secretary may establish and publish information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, and water quality at airports or in the vicinity of airports based on the projects carried out under the program.

“(i) SUNSET.—The program shall terminate 5 years after the Secretary makes the first grant under the program.

“(j) DEFINITIONS.—In this section, the following definitions apply:

“(1) ELIGIBLE CONSORTIUM.—The term ‘eligible consortium’ means a consortium that is composed of 2 or more of the following entities:

“(A) Businesses incorporated in the United States.

“(B) Public or private educational or research organizations located in the United States.

“(C) Entities of State or local governments in the United States.

“(D) Federal laboratories.

“(2) ENVIRONMENTAL MITIGATION PROJECT.—The term ‘environmental mitigation project’ means a project that—

“(A) introduces new environmental mitigation techniques or technologies that have been proven in laboratory demonstrations;

“(B) proposes methods for efficient adaptation or integration of new concepts into airport operations; and

“(C) will demonstrate whether new techniques or technologies for environmental mitigation are—

“(i) practical to implement at or near multiple public-use airports; and

“(ii) capable of reducing noise, airport emissions, or water quality impacts in measurably significant amounts.

“(k) AUTHORIZATION FOR THE TRANSFER OF FUNDS FROM DEPARTMENT OF DEFENSE.—

“(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may accept funds from the Secretary of Defense to increase the authorized funding for this section by the amount of such transfer only to carry out projects designed for environmental mitigation at a site previously, but not currently, managed by the Department of Defense.

“(2) ADDITIONAL GRANTEES.—If additional funds are made available by the Secretary of Defense under paragraph (1), the Administrator may increase the number of grantees under subsection (a).”

#### DESIGN-BUILD CONTRACTING

Pub. L. 106-181, title I, §139, Apr. 5, 2000, 114 Stat. 85, authorized the Administrator of the Federal Aviation Administration to establish a pilot program, subject to certain contract and cost specifications, under which design-build contracts could be used to carry out up to 7 projects at airports in the United States with a grant awarded under this section, and stipulated that this authorization would expire on Sept. 30, 2003.

### § 47105. Project grant applications

(a) SUBMISSION AND CONSULTATION.—(1) An application for a project grant under this subchapter may be submitted to the Secretary of Transportation by—

(A) a sponsor; or

(B) a State, as the only sponsor, for an airport development project benefitting 1 or more airports in the State or for airport planning for projects for 1 or more airports in the State if—

(i) the sponsor of each airport gives written consent that the State be the applicant;

(ii) the Secretary is satisfied there is administrative merit and aeronautical benefit in the State being the sponsor; and

(iii) an acceptable agreement exists that ensures that the State will comply with appropriate grant conditions and other assurances the Secretary requires.

(2) Before deciding to undertake an airport development project at an airport under this subchapter, a sponsor shall consult with the airport users that will be affected by the project.

(3) This subsection does not authorize a public agency that is subject to the laws of a State to apply for a project grant in violation of a law of the State.

(b) CONTENTS AND FORM.—An application for a project grant under this subchapter—

(1) shall describe the project proposed to be undertaken;

(2) may propose a project only for a public-use airport included in the current national plan of integrated airport systems;

(3) may propose airport development only if the development complies with standards the Secretary prescribes or approves, including standards for site location, airport layout, site preparation, paving, lighting, and safety of approaches; and

(4) shall be in the form and contain other information the Secretary prescribes.

(c) STATE STANDARDS FOR AIRPORT DEVELOPMENT.—

(1) IN GENERAL.—The Secretary may approve standards (except standards for safety of approaches) that a State prescribes for airport development at nonprimary public-use airports in the State. On approval under this subsection, a State's standards apply to the nonprimary public-use airports in the State instead of the comparable standards prescribed by the Secretary under subsection (b)(3) of this section. The Secretary, or the State with the approval of the Secretary, may revise standards approved under this subsection.

(2) PAVEMENT STANDARDS.—

(A) TECHNICAL ASSISTANCE.—At the request of a State, the Secretary shall, not later than 30 days after the date of the request, provide technical assistance to the State in developing standards, acceptable to the Secretary under subparagraph (B), for pavement on nonprimary public-use airports in the State.

(B) REQUIREMENTS.—The Secretary shall—

(i) continue to provide technical assistance under subparagraph (A) until the standards are approved under paragraph (1); and

(ii) clearly indicate to the State the standards that are acceptable to the Secretary, considering, at a minimum, local conditions and locally available materials.

(d) CERTIFICATION OF COMPLIANCE.—The Secretary may require a sponsor to certify that the sponsor will comply with this subchapter in carrying out the project. The Secretary may rescind the acceptance of a certification at any time. This subsection does not affect an obligation or responsibility of the Secretary under another law of the United States.

(e) PREVENTIVE MAINTENANCE.—After January 1, 1995, the Secretary may approve an application under this subchapter for the replacement or reconstruction of pavement at an airport only if the sponsor has provided such assurances or certifications as the Secretary may determine appropriate that such airport has implemented an effective airport pavement maintenance-management program. The Secretary may require such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

(f) NOTIFICATION.—The sponsor of an airport for which an amount is apportioned under section 47114(c) of this title shall notify the Secretary of the fiscal year in which the sponsor intends to submit a project grant application for the apportioned amount. The notification shall be given by the time and contain the information the Secretary prescribes.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1253; Pub. L. 103–305, title I, §§106, 107(a), Aug. 23, 1994, 108 Stat. 1572; Pub. L. 115–254, div. B, title I, §183, Oct. 5, 2018, 132 Stat. 3233.)

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
47105(a) (1)(B).	49 App.:2208(a)(3).	Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, §509(a)(3); added Dec. 30, 1987, Pub. L. 100–223, §108, 101 Stat. 1498.
47105(a)(2) ..	49 App.:2210(c).	
47105(a)(3) ..	49 App.:2208(a)(1) (3d sentence).	
47105(b) .....	49 App.:2208(a)(1) (1st sentence related to form and contents, 2d, last sentences).	
47105(c) .....	49 App.:2208(c).	
47105(d) .....	49 App.:2208(d).	
47105(e) .....	49 App.:2208(e).	Sept. 3, 1982, Pub. L. 97–248, §509(e), 96 Stat. 685; Dec. 30, 1987, Pub. L. 100–223, §106(b)(3)(B), 101 Stat. 1498.

In subsection (a)(1), before clause (A), the words “Subject to the provisions of this subsection” are omitted as surplus. The words “for one or more projects” are omitted as surplus because of the definition of “project grant” in section 47102 of the revised title. Clause (A) is substituted for “(A) any public agency, or two or more public agencies acting jointly, or (B) any sponsor of a public-use airport, or two or more such sponsors, acting jointly” because of the definition of “sponsor” in section 47102 of the revised title.

In subsection (a)(2), the word “Before” is substituted for “In” as the more appropriate word. The words “at an airport” are substituted for “at which such project is proposed” to eliminate unnecessary words. The words “airport users that will be affected by the project” are substituted for “affected parties” for clarity.

Subsection (a)(3) is substituted for 49 App.:2208(a)(1) (3d sentence) to eliminate unnecessary words.

In subsection (b)(1), the words “shall describe” are substituted for “setting forth” for clarity.

In subsection (b)(2), the word “project” is substituted for “airport development or airport planning” because of the definition of “project” in section 47102 of the revised title. The words “prepared pursuant to section 2203 of the Appendix” are eliminated as unnecessary.

In subsection (c), the words “from time to time” are eliminated as unnecessary.

In subsection (d), the words “in connection with any project” are omitted as surplus. The words “that the sponsor will comply with this subchapter in carrying out the project” are substituted for “that such sponsor will comply with all of the statutory and administrative requirements imposed on such sponsor under this chapter in connection with such project” to eliminate unnecessary words. The words “or discharge” are omitted as included in “affect”. The words “including, but not limited to, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), section 303 of title 49, title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000b) [42 U.S.C. 2000d et seq.], title VIII of the Act of April 11, 1968 (42 U.S.C. 3601 et seq.), and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.)” are omitted as included in “another law of the United States”.

In subsection (e), the words “of an airport for which” are substituted for “to which” for clarity.

**Editorial Notes**

AMENDMENTS

2018—Subsec. (c). Pub. L. 115–254 designated existing provisions as par. (1), inserted heading, and added par. (2).

1994—Subsec. (a)(1)(B). Pub. L. 103–305, §106, in introductory provisions, substituted “1 or more airports” for “at least 2 airports” in two places and struck out “similar” before “projects”.

Subsecs. (e), (f). Pub. L. 103–305, §107(a), added subsec. (e) and redesignated former subsec. (e) as (f).

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
47105(a) (1)(A).	49 App.:2208(a)(1) (1st sentence related to authority to submit applications).	Sept. 3, 1982, Pub. L. 97–248, §§509(a)(1), (c), (d), 511(c), 96 Stat. 682, 685, 688.

**§ 47106. Project grant application approval conditioned on satisfaction of project requirements**

(a) **PROJECT GRANT APPLICATION APPROVAL.**—The Secretary of Transportation may approve an application under this subchapter for a project grant only if the Secretary is satisfied that—

(1) the project is consistent with plans (existing at the time the project is approved) of public agencies authorized by the State in which the airport is located to plan for the development of the area surrounding the airport;

(2) the project will contribute to carrying out this subchapter;

(3) enough money is available to pay the project costs that will not be paid by the United States Government under this subchapter;

(4) the project will be completed without unreasonable delay;

(5) the sponsor has authority to carry out the project as proposed;

(6) if the project is for an airport that has an airport master plan that includes the project, the master plan addresses issues relating to solid waste recycling at the airport, including—

(A) the feasibility of solid waste recycling at the airport;

(B) minimizing the generation of solid waste at the airport;

(C) operation and maintenance requirements;

(D) the review of waste management contracts; and

(E) the potential for cost savings or the generation of revenue; and

(7) if the project is at an airport that is listed as having an unclassified status under the most recent national plan of integrated airport systems (as described in section 47103), the project will be funded with an amount appropriated under section 47114(d)(3)(B) and is—

(A) for maintenance of the pavement of the primary runway;

(B) for obstruction removal for the primary runway;

(C) for the rehabilitation of the primary runway; or

(D) for a project that the Secretary considers necessary for the safe operation of the airport.

(b) **AIRPORT DEVELOPMENT PROJECT GRANT APPLICATION APPROVAL.**—The Secretary may approve an application under this subchapter for an airport development project grant for an airport only if the Secretary is satisfied that—

(1) the sponsor, a public agency, or the Government holds good title to the areas of the airport used or intended to be used for the landing, taking off, or surface maneuvering of aircraft, or that good title will be acquired;

(2) the interests of the community in or near which the project may be located have been given fair consideration; and

(3) the application provides touchdown zone and centerline runway lighting, high intensity runway lighting, or land necessary for installing approach light systems that the Secretary,

considering the category of the airport and the kind and volume of traffic using it, decides is necessary for safe and efficient use of the airport by aircraft.

(c) **ENVIRONMENTAL REQUIREMENTS.**—(1) The Secretary may approve an application under this subchapter for an airport development project involving the location of an airport or runway or a major runway extension—

(A) only if the sponsor certifies to the Secretary that—

(i) an opportunity for a public hearing was given to consider the economic, social, and environmental effects of the location and the location's consistency with the objectives of any planning that the community has carried out;

(ii) the airport management board has voting representation from the communities in which the project is located or has advised the communities that they have the right to petition the Secretary about a proposed project; and

(iii) with respect to an airport development project involving the location of an airport, runway, or major runway extension at a medium or large hub airport, the airport sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted; and

(B) if the application is found to have a significant adverse effect on natural resources, including fish and wildlife, natural, scenic, and recreation assets, water and air quality, or another factor affecting the environment, only after finding that no possible and prudent alternative to the project exists and that every reasonable step has been taken to minimize the adverse effect.

(2) The Secretary may approve an application under this subchapter for an airport development project that does not involve the location of an airport or runway, or a major runway extension, at an existing airport without requiring an environmental impact statement related to noise for the project if—

(A) completing the project would allow operations at the airport involving aircraft complying with the noise standards prescribed for “stage 3” aircraft in section 36.1 of title 14, Code of Federal Regulations, to replace existing operations involving aircraft that do not comply with those standards; and

(B) the project meets the other requirements under this subchapter.

(3) At the Secretary's request, the sponsor shall give the Secretary a copy of the transcript of any hearing held under paragraph (1)(A) of this subsection.

(4) The Secretary may make a finding under paragraph (1)(B) of this subsection only after completely reviewing the matter. The review and finding must be a matter of public record.

(d) **WITHHOLDING APPROVAL.**—(1) The Secretary may withhold approval of an application under