

Editorial Notes

REFERENCES IN TEXT

The Airport and Airway Improvement Act of 1982, referred to in subsec. (b)(2), is title V of Pub. L. 97-248, Sept. 3, 1982, 96 Stat. 671, which was classified principally to chapter 31 (§2201 et seq.) of former Title 49, Transportation, and was substantially repealed by Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379, and reenacted by the first section thereof as this subchapter.

AMENDMENTS

2024—Subsec. (b)(4). Pub. L. 118-63 added par. (4).
2018—Pub. L. 115-254, §160(a)(1), substituted “Airport investment partnership program” for “Pilot program on private ownership of airports” in section catchline.

Subsec. (b). Pub. L. 115-254, §160(a)(2), struck out “, with respect to not more than 10 airports,” after “approve” in introductory provisions.

Subsec. (b)(2). Pub. L. 115-254, §160(a)(3), substituted “If the Secretary grants an exemption to a sponsor pursuant to paragraph (1), the Secretary shall grant an exemption to the sponsor” for “The Secretary may grant an exemption to a sponsor”.

Subsec. (b)(3). Pub. L. 115-254, §160(a)(4), substituted “If the Secretary grants an exemption to a sponsor pursuant to paragraph (1), the Secretary shall grant an exemption to the corresponding purchaser or lessee” for “The Secretary may grant an exemption to a purchaser or lessee”.

Subsec. (d). Pub. L. 115-254, §160(a)(5), amended subsec. (d) generally. Prior to amendment, subsec. (d) related to participation of general aviation airports and large hub airports.

Subsecs. (l), (m). Pub. L. 115-254, §160(a)(6), added subsec. (l) and struck out former subsecs. (l) and (m) which related to report on implementation of the pilot program and defined “general aviation airport”, respectively.

2012—Subsec. (b). Pub. L. 112-95, §156, substituted “10 airports” for “5 airports” in introductory provisions.

Subsec. (g)(1). Pub. L. 112-95, §111(c)(2)(A)(iv), substituted “charge” for “fee”.

2003—Subsec. (b)(1)(A). Pub. L. 108-176, §155(a)(1), added cls. (i) and (ii) and struck out former cls. (i) and (ii) which read as follows:

“(i) by at least 65 percent of the air carriers serving the airport; and

“(ii) by air carriers whose aircraft landing at the airport during the preceding calendar year had a total landed weight during the preceding calendar year of at least 65 percent of the total landed weight of all aircraft landing at the airport during such year.”

Subsec. (b)(1)(B), (C). Pub. L. 108-176, §155(a)(2), (3), added subpar. (B) and redesignated former subpar. (B) as (C).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-176, title I, §155(b), Dec. 12, 2003, 117 Stat. 2508, provided that: “The amendments made by subsection (a) [amending this section] shall not affect any application submitted before the date of enactment of this Act [Dec. 12, 2003].”

EFFECTIVE DATE

Except as otherwise specifically provided, section 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 an Effective Date of 1996 Amendment note under section 106 of this title.

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

General references to “this title” deemed to refer also to chapters 509 and 511 of Title 51, National and

Commercial Space Programs, see section 4(d)(8) of Pub. L. 111-314, set out as a note under section 101 of this title.

§ 47135. Innovative financing techniques

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of Transportation may approve an application by an airport sponsor to use grants received under this subchapter for innovative financing techniques related to an airport development project that is located at an airport that is not a large hub airport.

(2) APPROVAL.—The Secretary may approve not more than 30 applications described under paragraph (1) in a fiscal year.

(b) PURPOSES.—The purpose of grants made under this section shall be to—

(1) provide information on the benefits and difficulties of using innovative financing techniques for airport development projects;

(2) lower the total cost of an airport development project; or

(3) expedite the delivery or completion of an airport development project without reducing safety or causing environmental harm.

(c) LIMITATIONS.—

(1) NO GUARANTEES.—In no case shall the implementation of an innovative financing technique under this section be used in a manner giving rise to a direct or indirect guarantee of any airport debt instrument by the United States Government.

(2) TYPES OF TECHNIQUES.—In this section, innovative financing techniques are limited to—

(A) payment of interest;

(B) commercial bond insurance and other credit enhancement associated with airport bonds for eligible airport development;

(C) flexible non-Federal matching requirements;

(D) use of funds apportioned under section 47114 for the payment of principal and interest of terminal development for costs incurred before the date of the enactment of this section; and

(E) any other techniques that the Secretary determines are consistent with the purposes of this section.

(Added Pub. L. 106-181, title I, §132(a), Apr. 5, 2000, 114 Stat. 80; amended Pub. L. 108-176, title I, §156, Dec. 12, 2003, 117 Stat. 2508; Pub. L. 118-63, title VII, §721, May 16, 2024, 138 Stat. 1264.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (c)(2)(D), is the date of enactment of Pub. L. 106-181, which was approved Apr. 5, 2000.

AMENDMENTS

2024—Subsecs. (a), (b). Pub. L. 118-63, §721(1), added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which read as follows:

“(a) IN GENERAL.—The Secretary of Transportation may approve, after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, applications for not more than 20 airport development projects for which grants received under this subchapter may be

used for innovative financing techniques. Such projects shall be located at airports that each year have less than .25 percent of the total number of passenger boardings each year at all commercial service airports in the most recent calendar year for which data is available.

“(b) PURPOSE.—The purpose of grants made under this section shall be to provide information on the benefits and difficulties of using innovative financing techniques for airport development projects.”

Subsec. (c)(2)(E). Pub. L. 118–63, §721(2), added subpar. (E).

2003—Subsec. (a). Pub. L. 108–176 inserted “, after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act,” after “approve” in first sentence.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–176 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 a note under section 106 of this title.

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 47136. Zero-emission airport vehicles and infrastructure

(a) IN GENERAL.—The Secretary of Transportation may establish a pilot program under which the sponsors of public-use airports may use funds made available under this chapter or section 48103 for use at such airports to carry out—

(1) activities associated with the acquisition, by purchase or lease, and operation of eligible zero-emission vehicles and equipment, including removable power sources for such vehicles; and

(2) the construction or modification of infrastructure to facilitate the delivery of fuel, power or services necessary for the use of such vehicles.

(b) ELIGIBILITY.—A public-use airport is eligible for participation in the program if the eligible vehicles or equipment are—

(1) used exclusively on airport property; or

(2) used exclusively to transport passengers and employees between the airport and—

(A) nearby facilities which are owned or controlled by the airport or which otherwise directly support the functions or services provided by the airport; or

(B) an intermodal surface transportation facility adjacent to the airport.

(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the program, the Secretary shall give priority consideration to applicants that—

(1) will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the program; and

(2) provide a long-term management plan for eligible vehicles and equipment that includes the existing and future infrastructure requirements of the airport related to such vehicles and equipment.

(d) FEDERAL SHARE.—The Federal share of the cost of a project carried out under the program shall be the Federal share specified in section 47109.

(e) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The sponsor of a public-use airport may use not more than 10 percent of the amounts made available to the sponsor under the program in any fiscal year for—

(A) technical assistance; and

(B) project management support to assist the airport with the solicitation, acquisition, and deployment of zero-emission vehicles, related equipment, and supporting infrastructure.

(2) PROVIDERS OF TECHNICAL ASSISTANCE.—To receive the technical assistance or project management support described in paragraph (1), participants in the program may use—

(A) a nonprofit organization selected by the Secretary; or

(B) a university transportation center receiving grants under section 5505 in the region of the airport.

(f) MATERIALS IDENTIFYING BEST PRACTICES.—The Secretary may create and make available materials identifying best practices for carrying out activities funded under the program based on previous related projects and other sources.

(g) ALLOWABLE PROJECT COST.—The allowable project cost for the acquisition of a zero-emission vehicle shall be the total cost of purchasing or leasing the vehicle, including the cost of technical assistance or project management support described in subsection (e).

(h) FLEXIBLE PROCUREMENT.—A sponsor of a public-use airport may use funds made available under the program to acquire, by purchase or lease, a zero-emission vehicle and a removable power source in separate transactions, including transactions by which the airport purchases the vehicle and leases the removable power source.

(i) TESTING REQUIRED.—

(1) IN GENERAL.—A sponsor of a public-use airport may not use funds made available under the program to acquire a zero-emission vehicle unless that make, model, or type of vehicle has been tested by a Federal vehicle testing facility acceptable to the Secretary.

(2) PENALTIES FOR FALSE STATEMENTS.—A certification of compliance under paragraph (1) shall be considered a certification required under this subchapter for purposes of section 47126.

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

(1) ELIGIBLE ZERO-EMISSION VEHICLE AND EQUIPMENT.—The term “eligible zero-emission vehicle and equipment” means a zero-emission vehicle, equipment related to such a vehicle, or ground support equipment that includes zero-emission technology that is—

(A) used exclusively on airport property; or

(B) used exclusively to transport passengers and employees between the airport and—

(i) nearby facilities which are owned or controlled by the airport or which otherwise directly support the functions or services provided by the airport; or