

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

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

(2) **REMOVABLE POWER SOURCE.**—The term “removable power source” means a power source that is separately installed in, and removable from, a zero-emission vehicle and may include a battery, a fuel cell, an ultra-capacitor, or other power source used in a zero-emission vehicle.

(3) **ZERO-EMISSION VEHICLE.**—The term “zero-emission vehicle” means—

(A) a zero-emission vehicle as defined in section 88.102–94 of title 40, Code of Federal Regulations; or

(B) a vehicle that produces zero exhaust emissions of any criteria pollutant (or precursor pollutant) under any possible operational modes and conditions.

(Added Pub. L. 112–95, title V, §511(a), Feb. 14, 2012, 126 Stat. 107, §47136a; renumbered §47136 and amended Pub. L. 115–254, div. B, title I, §§166(b)(1), 192(a), Oct. 5, 2018, 132 Stat. 3226, 3239; Pub. L. 118–63, title VII, §722, May 16, 2024, 138 Stat. 1265.)

Editorial Notes

PRIOR PROVISIONS

A prior section 47136, added Pub. L. 106–181, title I, §133(a), Apr. 5, 2000, 114 Stat. 81; amended Pub. L. 112–95, title V, §511(d), Feb. 14, 2012, 126 Stat. 108, related to inherently low-emission airport vehicle pilot program, prior to repeal by Pub. L. 115–254, div. B, title I, §166(a), Oct. 5, 2018, 132 Stat. 3226.

AMENDMENTS

2024—Subsec. (c). Pub. L. 118–63 inserted dash after “applicants that” and par (1) designation before “will”, substituted “; and” for period at end, and added par. (2).

2018—Pub. L. 115–254, §166(b)(1), renumbered section 47136a of this title as this section.

Subsecs. (a), (b). Pub. L. 115–254, §192(a)(1), added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which related to the establishment of a zero-emission vehicle pilot program and location in air quality nonattainment areas, respectively.

Subsecs. (d) to (j). Pub. L. 115–254, §192(a)(2), added subsecs. (d) to (j) and struck out former subsecs. (d) to (f) which related to Federal share of project costs, technical assistance, and materials identifying best practices, respectively.

Statutory Notes and Related Subsidiaries

DEPLOYMENT OF ZERO EMISSION VEHICLE TECHNOLOGY

Pub. L. 115–254, div. B, title I, §192(c), Oct. 5, 2018, 132 Stat. 3241, provided that:

“(1) **ESTABLISHMENT.**—The Secretary of Transportation may establish a zero-emission airport technology program—

“(A) to facilitate the deployment of commercially viable zero-emission airport vehicles, technology, and related infrastructure; and

“(B) to minimize the risk of deploying such vehicles, technology, and infrastructure.

“(2) **GENERAL AUTHORITY.**—

“(A) **ASSISTANCE TO NONPROFIT ORGANIZATIONS.**—The Secretary may provide assistance under the program to not more than 3 geographically diverse, eligible organizations to conduct zero-emission airport technology and infrastructure projects.

“(B) **FORMS OF ASSISTANCE.**—The Secretary may provide assistance under the program in the form of grants, contracts, and cooperative agreements.

“(3) **SELECTION OF PARTICIPANTS.**—

“(A) **NATIONAL SOLICITATION.**—In selecting participants, the Secretary shall—

“(i) conduct a national solicitation for applications for assistance under the program; and

“(ii) select the recipients of assistance under the program on a competitive basis.

“(B) **CONSIDERATIONS.**—In selecting from among applicants for assistance under the program, the Secretary shall consider—

“(i) the ability of an applicant to contribute significantly to deploying zero-emission technology as the technology relates to airport operations;

“(ii) the financing plan and cost-share potential of the applicant; and

“(iii) other factors, as the Secretary determines appropriate.

“(C) **PRIORITY.**—In [sic] selecting from among applicants for assistance under the program, the Secretary shall give priority consideration to an applicant that has successfully managed advanced transportation technology projects, including projects related to zero-emission transportation operations.

“(4) **ELIGIBLE PROJECTS.**—A recipient of assistance under the program shall use the assistance—

“(A) to review and conduct demonstrations of zero-emission technologies and related infrastructure at airports;

“(B) to evaluate the credibility of new, unproven vehicle and energy-efficient technologies in various aspects of airport operations prior to widespread investment in the technologies by airports and the aviation industry;

“(C) to collect data and make the recipient’s findings available to airports, so that airports can evaluate the applicability of new technologies to their facilities; and

“(D) to report the recipient’s findings to the Secretary.

“(5) **ADMINISTRATIVE PROVISIONS.**—

“(A) **FEDERAL SHARE.**—The Federal share of the cost of a project carried out under the program may not exceed 80 percent.

“(B) **TERMS AND CONDITIONS.**—A grant, contract, or cooperative agreement under this section shall be subject to such terms and conditions as the Secretary determines appropriate.

“(6) **DEFINITIONS.**—In this subsection, the following definitions apply:

“(A) **ELIGIBLE ORGANIZATION.**—The term ‘eligible organization’ means an organization that has expertise in zero-emission technology.

“(B) **ORGANIZATION.**—The term ‘organization’ means—

“(i) described [sic] in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of the Internal Revenue Code of 1986;

“(ii) a university transportation center receiving grants under section 5505 of title 49, United States Code; or

“(iii) any other Federal or non-Federal entity as the Secretary considers appropriate.”

[§ 47136a. Renumbered § 47136]

§ 47137. Airport security program

(a) **GENERAL AUTHORITY.**—To improve security at public airports in the United States, the Secretary of Transportation shall carry out not less than one project to test and evaluate innovative aviation security systems and related technology.

(b) **PRIORITY.**—In carrying out this section, the Secretary shall give the highest priority to a request from an eligible sponsor for a grant to undertake a project that—

(1) evaluates and tests the benefits of innovative aviation security systems or related