

(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

technology, including explosives detection systems, for the purpose of improving aviation and aircraft physical security, access control, and passenger and baggage screening; and

(2) provides testing and evaluation of airport security systems and technology in an operational, testbed environment.

(c) MATCHING SHARE.—Notwithstanding section 47109, the United States Government’s share of allowable project costs for a project under this section shall be 100 percent.

(d) TERMS AND CONDITIONS.—The Secretary may establish such terms and conditions as the Secretary determines appropriate for carrying out a project under this section, including terms and conditions relating to the form and content of a proposal for a project, project assurances, and schedule of payments.

(e) ADMINISTRATION.—The Secretary, in cooperation with the Secretary of Homeland Security, shall administer the program authorized by this section.

(f) ELIGIBLE SPONSOR DEFINED.—In this section, the term “eligible sponsor” means a non-profit corporation composed of a consortium of public and private persons, including a sponsor of a primary airport, with the necessary engineering and technical expertise to successfully conduct the testing and evaluation of airport and aircraft related security systems.

(g) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available to the Secretary under section 47115 in a fiscal year, the Secretary shall make available not less than \$5,000,000 for the purpose of carrying out this section.

(Added Pub. L. 106–181, title I, §134(a), Apr. 5, 2000, 114 Stat. 83; amended Pub. L. 108–176, title I, §157, Dec. 12, 2003, 117 Stat. 2508.)

Editorial Notes

AMENDMENTS

2003—Subsecs. (e) to (g). Pub. L. 108–176 added subsec. (e) and redesignated former subsecs. (e) and (f) as (f) and (g), respectively.

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.

§ 47138. Pilot program for purchase of airport development rights

(a) IN GENERAL.—The Secretary of Transportation shall establish a pilot program to support the purchase, by a State or political subdivision of a State, of development rights associated with, or directly affecting the use of, privately owned public use airports located in that State. Under the program, the Secretary may make a grant to a State or political subdivision of a State from funds apportioned under section 47114 for the purchase of such rights.

(b) GRANT REQUIREMENTS.—

(1) IN GENERAL.—The Secretary may not make a grant under subsection (a) unless the grant is made—

(A) to enable the State or political subdivision to purchase development rights in order to ensure that the airport property will continue to be available for use as a public airport; and

(B) subject to a requirement that the State or political subdivision acquire an easement or other appropriate covenant requiring that the airport shall remain a public use airport in perpetuity.

(2) MATCHING REQUIREMENT.—The amount of a grant under the program may not exceed 90 percent of the costs of acquiring the development rights.

(c) GRANT STANDARDS.—The Secretary shall prescribe standards for grants under subsection (a), including—

(1) grant application and approval procedures; and

(2) requirements for the content of the instrument recording the purchase of the development rights.

(d) RELEASE OF PURCHASED RIGHTS AND COVENANT.—Any development rights purchased under the program shall remain the property of the State or political subdivision unless the Secretary approves the transfer or disposal of the development rights after making a determination that the transfer or disposal of that right is in the public interest.

(e) LIMITATION.—The Secretary may not make a grant under the pilot program for the purchase of development rights at more than 10 airports.

(Added Pub. L. 108–176, title I, §152(a), Dec. 12, 2003, 117 Stat. 2506.)

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.

§ 47139. Emission credits for air quality projects

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall issue guidance on how to ensure that airport sponsors may receive appropriate emission reduction credits for carrying out projects, including projects described in sections 40117(a)(3)(G), 47102(3)(K), and 47102(3)(L). Such guidance shall include, at a minimum, the following considerations:

(1) The provision of credits is consistent with the Clean Air Act (42 U.S.C. 7402 et seq.).

(2) Credits generated by the emissions reductions are kept by the airport sponsor, including for an airport outside of a nonattainment area or maintenance area, and may be used for purposes of any current or future general conformity determination under the Clean Air Act, as offsets under the Environmental Pro-