

tection Agency's new source review program for projects on the airport or associated with the airport, or as part of a State implementation plan.

(3) Credits are calculated and provided to airports on a consistent basis nationwide.

(4) Credits are provided to airport sponsors in a timely manner.

(5) The establishment of a method to assure the Secretary that, for any specific airport project for which funding is being requested, the appropriate credits will be granted.

(b) STATE AUTHORITY UNDER CAA.—Nothing in this section shall be construed as overriding existing State law or regulation pursuant to section 116 of the Clean Air Act (42 U.S.C. 7416).

(Added Pub. L. 108-176, title I, §158(a), Dec. 12, 2003, 117 Stat. 2508; amended Pub. L. 112-95, title I, §§111(c)(2)(A)(v), 152(d), Feb. 14, 2012, 126 Stat. 18, 34; Pub. L. 115-254, div. B, title I, §166(b)(2), Oct. 5, 2018, 132 Stat. 3226; Pub. L. 118-63, title VII, §782, May 16, 2024, 138 Stat. 1302.)

Editorial Notes

REFERENCES IN TEXT

The Clean Air Act, referred to in subsec. (a)(1), (2), is act July 14, 1955, ch. 360, 69 Stat. 322, which is classified generally to chapter 85 (§7401 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 7401 of Title 42 and Tables.

AMENDMENTS

2024—Subsec. (a). Pub. L. 118-63, §782(1)(A), substituted “airport sponsors may receive” for “airport sponsors receive”, “carrying out projects, including projects” for “carrying out projects”, and “considerations” for “conditions” in introductory provisions.

Subsec. (a)(2). Pub. L. 118-63, §782(1)(B), substituted “airport sponsor, including for an airport outside of a nonattainment area or maintenance area,” for “airport sponsor”, “, as offsets” for “or as offsets”, and “, or as part of a State implementation plan.” for period at end and struck out “only” after “may”.

Subsecs. (b), (c). Pub. L. 118-63, §782(2), (3), redesignated subsec. (c) as (b) and struck out former subsec. (b). Prior to amendment, text of subsec. (b) read as follows: “As a condition for making a grant for a project described in section 47102(3)(K), 47102(3)(L), or 47140 or as a condition for granting approval to collect or use a passenger facility charge for a project described in section 40117(a)(3)(G), 47102(3)(K), 47102(3)(L), or 47140, the Secretary must receive assurance from the State in which the project is located, or from the Administrator of the Environmental Protection Agency where there is a Federal implementation plan, that the airport sponsor will receive appropriate emission credits in accordance with the conditions of this section.”

2018—Subsecs. (c), (d). Pub. L. 115-254 redesignated subsec. (d) as (c) and struck out former subsec. (c). Prior to amendment, text of subsec. (c) read as follows: “The Administrator of the Environmental Protection Agency, in consultation with the Secretary, shall determine how to provide appropriate emissions credits to airport projects previously approved under section 47136 consistent with the guidance and conditions specified in subsection (a).”

2012—Subsec. (a). Pub. L. 112-95, §152(d)(1), struck out “47102(3)(F),” after “40117(a)(3)(G),” in introductory provisions.

Subsec. (b). Pub. L. 112-95, §152(d)(2), struck out “47102(3)(F),” after “grant for a project described in section” and “47103(3)(F),” after “40117(a)(3)(G),”.

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

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.

§ 47140. Meeting current and future energy power demand

(a) IN GENERAL.—The Secretary of Transportation shall establish a program under which the Secretary shall—

(1) encourage the sponsor of each public-use airport to—

(A) conduct airport planning that assesses the airport's—

(i) current and future energy power requirements, including—

(I) heating and cooling;

(II) on-road airport vehicles and ground support equipment;

(III) gate electrification;

(IV) electric aircraft charging; and

(V) vehicles and equipment used to transport passengers and employees between the airport and—

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

(bb) an intermodal surface transportation facility adjacent to the airport; and

(ii) existing energy infrastructure condition, location, and capacity, including base load and backup power, to meet the current and future electrical power demand as identified in this subparagraph; and

(B) conduct airport development to improve energy efficiency, increase peak load savings at the airport, and meet future electrical power demands as identified in subparagraph (A); and

(2) reimburse the airport sponsor for the costs incurred in conducting the assessment under paragraph (1)(A).

(b) GRANTS.—The Secretary shall make grants to airport sponsors from amounts made available under section 48103 to assist such sponsors that have completed the assessment described in subsection (a)(1)—

(1) to acquire or construct equipment that will improve energy efficiency at the airport; and

(2) to pursue an airport development project described in subsection (a)(1)(B).

(c) APPLICATION.—To be eligible for a grant under paragraph (1),¹ the sponsor of a public-use airport shall submit an application, including a certification that no safety projects are being deferred by requesting a grant under this section, to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(Added Pub. L. 112-95, title V, §512(a), Feb. 14, 2012, 126 Stat. 109, §47140a; renumbered §47140

¹ So in original. Probably should be “subsection (b)”.

and amended Pub. L. 115-254, div. B, title I, §§166(b)(1), 171, Oct. 5, 2018, 132 Stat. 3226, 3227; Pub. L. 118-63, title VII, §742(a), May 16, 2024, 138 Stat. 1278.)

Editorial Notes

PRIOR PROVISIONS

A prior section 47140, added Pub. L. 108-176, title I, §159(a)(1), Dec. 12, 2003, 117 Stat. 2509, related to airport ground support equipment emissions retrofit pilot program, prior to repeal by Pub. L. 115-254, div. B, title I, §166(a), Oct. 5, 2018, 132 Stat. 3226.

AMENDMENTS

2024—Pub. L. 118-63 amended section generally. Prior to amendment, section related to increasing the energy efficiency of airport power sources.

2018—Pub. L. 115-254, §166(b)(1), renumbered section 47140a of this title as this section.

Subsec. (a). Pub. L. 115-254, §171(a), inserted “, and to reimburse the airport sponsor for the costs incurred in conducting the assessment” before period at end.

Subsec. (b)(2). Pub. L. 115-254, §171(b), inserted “, including a certification that no safety projects are being deferred by requesting a grant under this section,” after “an application”.

[§ 47140a. Renumbered § 47140]

§ 47141. Compatible land use planning and projects by State and local governments

(a) IN GENERAL.—The Secretary of Transportation may make grants, from amounts set aside under section 47117(e)(1)(A), to States and units of local government for development and implementation of land use compatibility plans and implementation of land use compatibility projects resulting from those plans for the purposes of making the use of land areas around large hub airports and medium hub airports compatible with aircraft operations. The Secretary may make a grant under this section for a land use compatibility plan or a project resulting from such plan only if—

(1) the airport operator has not submitted a noise compatibility program to the Secretary under section 47504 or has not updated such program within the preceding 10 years; and

(2) the land use plan or project meets the requirements of this section.

(b) ELIGIBILITY.—In order to receive a grant under this section, a State or unit of local government must—

(1) have the authority to plan and adopt land use control measures, including zoning, in the planning area in and around a large or medium hub airport;

(2) enter into an agreement with the airport owner or operator that the development of the land use compatibility plan will be done cooperatively; and

(3) provide written assurance to the Secretary that it will achieve, to the maximum extent possible, compatible land uses consistent with Federal land use compatibility criteria under section 47502(3) and that those compatible land uses will be maintained.

(c) ASSURANCES.—The Secretary shall require a State or unit of local government to which a grant may be made under this section for a land use plan or a project resulting from such plan to provide—

(1) assurances satisfactory to the Secretary that the plan—

(A) is reasonably consistent with the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses;

(B) addresses ways to achieve and maintain compatible land uses, including zoning, building codes, and any other land use compatibility measures under section 47504(a)(2) that are within the authority of the State or unit of local government to implement;

(C) uses noise contours provided by the airport operator that are consistent with the airport operation and planning, including any noise abatement measures adopted by the airport operator as part of its own noise mitigation efforts;

(D) does not duplicate, and is not inconsistent with, the airport operator’s noise compatibility measures for the same area; and

(E) has been approved jointly by the airport owner or operator and the State or unit of local government; and

(2) such other assurances as the Secretary determines to be necessary to carry out this section.

(d) GUIDELINES.—The Secretary shall establish guidelines to administer this section in accordance with the purposes and conditions described in this section. The Secretary may require a State or unit of local government to which a grant may be made under this section to provide progress reports and other information as the Secretary determines to be necessary to carry out this section.

(e) ELIGIBLE PROJECTS.—The Secretary may approve a grant under this section to a State or unit of local government for a project resulting from a land use compatibility plan only if the Secretary is satisfied that the project is consistent with the guidelines established by the Secretary under this section, the State or unit of local government has provided the assurances required by this section, the State or unit of local government has implemented (or has made provision to implement) those elements of the plan that are not eligible for Federal financial assistance, and that the project is not inconsistent with applicable Federal Aviation Administration standards.

(f) SUNSET.—This section shall not be in effect after May 10, 2024.

(Added Pub. L. 108-176, title I, §160(a), Dec. 12, 2003, 117 Stat. 2511; amended Pub. L. 110-253, §3(c)(2), June 30, 2008, 122 Stat. 2417; Pub. L. 110-330, §5(g), Sept. 30, 2008, 122 Stat. 3718; Pub. L. 111-12, §5(f), Mar. 30, 2009, 123 Stat. 1458; Pub. L. 111-69, §5(g), Oct. 1, 2009, 123 Stat. 2055; Pub. L. 111-116, §5(f), Dec. 16, 2009, 123 Stat. 3032; Pub. L. 111-153, §5(f), Mar. 31, 2010, 124 Stat. 1085; Pub. L. 111-161, §5(f), Apr. 30, 2010, 124 Stat. 1127; Pub. L. 111-197, §5(f), July 2, 2010, 124 Stat. 1354; Pub. L. 111-216, title I, §104(f), Aug. 1, 2010, 124 Stat. 2349; Pub. L. 111-249, §5(g), Sept. 30, 2010, 124 Stat. 2628; Pub. L. 111-329, §5(f), Dec. 22, 2010, 124 Stat. 3567; Pub. L. 112-7, §5(f), Mar. 31, 2011, 125 Stat. 32; Pub. L. 112-16, §5(f), May 31, 2011, 125 Stat. 219; Pub. L. 112-21, §5(f), June 29, 2011, 125