

tivities related to the redevelopment of airport properties in accordance with the requirements of this section.

“(b) GRANTS.—Under the pilot program, the Administrator may make a grant in a fiscal year, from funds made available for grants under section 47117(e)(1)(A) of title 49, United States Code, to an airport operator for a project—

“(1) to support joint planning, engineering, design, and environmental permitting of projects, including the assembly and redevelopment of property purchased with noise mitigation funds made available under section 48103 of such title or passenger facility revenue collected under section 40117 of such title; and

“(2) to encourage airport-compatible land uses and generate economic benefits to the local airport authority and adjacent community.

“(c) ELIGIBILITY.—An airport operator shall be eligible to participate in the pilot program if—

“(1) the operator has received approval for a noise compatibility program under section 47504 of such title; and

“(2) the operator demonstrates, as determined by the Administrator—

“(A) a readiness to implement cooperative land use management and redevelopment plans with neighboring local jurisdictions; and

“(B) the probability of a clear economic benefit to neighboring local jurisdictions and financial return to the airport through the implementation of those plans.

“(d) DISTRIBUTION.—The Administrator shall seek to award grants under the pilot program to airport operators representing different geographic areas of the United States.

“(e) PARTNERSHIP WITH NEIGHBORING LOCAL JURISDICTIONS.—An airport operator shall use grant funds made available under the pilot program only in partnership with neighboring local jurisdictions.

“(f) GRANT REQUIREMENTS.—The Administrator may not make a grant to an airport operator under the pilot program unless the grant is—

“(1) made to enable the airport operator and local jurisdictions undertaking community redevelopment efforts to expedite those efforts;

“(2) subject to a requirement that the local jurisdiction governing the property interests subject to the redevelopment efforts has adopted and will continue in effect zoning regulations that permit airport-compatible redevelopment; and

“(3) subject to a requirement that, in determining the part of the proceeds from disposing of land that is subject to repayment and reinvestment requirements under section 47107(c)(2)(A) of such title, the total amount of a grant issued under the pilot program that is attributable to the redevelopment of such land shall be added to other amounts that must be repaid or reinvested under that section upon disposal of such land by the airport operator.

“(g) EXCEPTIONS TO REPAYMENT AND REINVESTMENT REQUIREMENTS.—Amounts paid to the Secretary of Transportation under subsection (f)(3)—

“(1) shall be available to the Secretary for, giving preference to the actions in descending order—

“(A) reinvestment in an approved noise compatibility project at the applicable airport;

“(B) reinvestment in another approved project at the airport that is eligible for funding under section 47117(e) of such title;

“(C) reinvestment in an approved airport development project at the airport that is eligible for funding under section 47114, 47115, or 47117 of such title;

“(D) transfer to an operator of another public airport to be reinvested in an approved noise compatibility project at such airport; and

“(E) deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502);

“(2) shall be available in addition to amounts authorized under section 48103 of such title;

“(3) shall not be subject to any limitation on grant obligations for any fiscal year; and

“(4) shall remain available until expended.

“(h) FEDERAL SHARE.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Federal share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

“(2) ALLOWABLE COSTS.—In determining the allowable costs, the Administrator shall deduct from the total costs of the activities described in subsection (b) that portion of the costs which is equal to that portion of the total property to be redeveloped under this section that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program or that is not owned by the affected neighboring local jurisdictions or other public entities.

“(i) MAXIMUM AMOUNT.—Not more than \$5,000,000 of the funds made available for grants under section 47117(e)(1)(A) of such title may be expended under the pilot program for any single public-use airport.

“(j) USE OF PASSENGER REVENUE.—An airport operator participating in the pilot program may use passenger facility revenue collected under section 40117 of such title to pay any project cost described in subsection (b) that is not financed by a grant under the pilot program.

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

#### § 47142. Alternative project delivery

(a) IN GENERAL.—The Secretary of Transportation may approve an application of an airport sponsor under this section to authorize the airport sponsor to award a covered project delivery contract using a selection process permitted under applicable State or local law if—

(1) the Administrator approves the application using criteria established by the Administrator;

(2) the covered project delivery contract is in a form that is approved by the Administrator;

(3) the Administrator is satisfied that the contract will be executed pursuant to competitive procedures and contains a schematic design adequate for the Administrator to approve the grant;

(4) use of a covered project delivery contract is projected to be cost effective and expedite the project;

(5) the Administrator is satisfied that there will be no conflict of interest; and

(6) the Administrator is satisfied that the selection process will be as open, fair, and objective as the competitive bid system and that at least 3 or more bids will be submitted for each project under the selection process.

(b) REIMBURSEMENT OF COSTS.—The Administrator may reimburse an airport sponsor for design and construction costs incurred before a grant is made pursuant to this section if the project is approved by the Administrator in advance and is carried out in accordance with all administrative and statutory requirements that would have been applicable under this chapter if the project were carried out after a grant agreement had been executed.

(c) PILOT PROGRAM.—

(1) PILOT PROGRAM.—Not later than 270 days after the date of enactment of this section, the Secretary shall establish a pilot program under which the Administrator may award

grants for integrated project delivery contracts, as described in subsection (d)(2), to carry out up to 5 building construction projects at airports in the United States with a grant awarded under section 47104.

(2) APPLICATION.—

(A) ELIGIBILITY.—A sponsor of an airport may submit to the Secretary an application, in such time and manner and containing such information as the Secretary may require, to carry out a building construction project under the pilot program that would otherwise be eligible for assistance under this chapter.

(B) APPROVAL.—The Secretary may approve the application of a sponsor of an airport submitted under paragraph (1) to authorize such sponsor to award an integrated project delivery contract using a selection process permitted under applicable State or local law if—

(i) the Secretary approves the application using criteria established by the Secretary;

(ii) the integrated project delivery contract is in a form that is approved by the Secretary;

(iii) the Secretary is satisfied that the contract will be executed pursuant to competitive procedures and contains a schematic design and any other material that the Secretary determines sufficient to approve the grant;

(iv) the Secretary is satisfied that the use of an integrated project delivery contract will be cost effective and expedite the project;

(v) the Secretary is satisfied that there will be no conflict of interest; and

(vi) the Secretary is satisfied that the contract selection process will be open, fair, and objective and that not less than 2 sets of proposals will be submitted for each team entity under the selection process.

(3) REIMBURSEMENT OF COSTS.—

(A) IN GENERAL.—The Secretary may reimburse a sponsor of an airport for any design or construction costs incurred before a grant is made pursuant to this section if—

(i) the project funding is approved by the Secretary in advance;

(ii) the project is carried out in accordance with all administrative and statutory requirements under this chapter; and

(iii) the project is carried out under this chapter after a grant agreement has been executed.

(B) ACCOUNTING.—Reimbursement of costs shall be based on transparent cost accounting or open book cost accounting.

(d) COVERED PROJECT DELIVERY CONTRACT DEFINED.—In this section, the term “covered project delivery contract” means—

(1) an agreement that provides for both design and construction of a project by a contractor through alternative project delivery methods, including construction manager-at-risk and progressive design build; or

(2) a single contract for the delivery of a whole project that—

(A) includes, at a minimum, the sponsor, builder, and architect-engineer as parties that are subject to the terms of the contract;

(B) aligns the interests of all the parties to the contract with respect to the project costs and project outcomes; and

(C) includes processes to ensure transparency and collaboration among all parties to the contract relating to project costs and project outcomes.

(Added Pub. L. 108–176, title I, §181(a), Dec. 12, 2003, 117 Stat. 2515; amended Pub. L. 118–63, title VII, §723(a), May 16, 2024, 138 Stat. 1265.)

### Editorial Notes

#### REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (c)(1), probably means the date of enactment of Pub. L. 118–63, which added subsec. (c) and was approved May 16, 2024.

#### AMENDMENTS

2024—Pub. L. 118–63, §723(a)(1), substituted “Alternative project delivery” for “Design-build contracting” in section catchline.

Subsec. (a). Pub. L. 118–63, §723(a)(2)(A), substituted “Secretary of Transportation” for “Administrator of the Federal Aviation Administration” and “award a covered project delivery” for “award a design-build” in introductory provisions.

Subsec. (a)(2). Pub. L. 118–63, §723(a)(2)(B), substituted “covered project delivery” for “design-build”.

Subsec. (a)(4). Pub. L. 118–63, §723(a)(2)(C), substituted “covered project delivery contract is projected to” for “design-build contract will”.

Subsecs. (c), (d). Pub. L. 118–63, §723(a)(3), added subsecs. (c) and (d) and struck out former subsec. (c). Prior to amendment, text of subsec. (c) read as follows: “In this section, the term ‘design-build contract’ means an agreement that provides for both design and construction of a project by a contractor.”

### 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.

### § 47143. Non-movement area surveillance surface display systems pilot program

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may carry out a pilot program to support non-Federal acquisition and installation of qualifying non-movement area surveillance surface display systems and sensors if—

(1) the Administrator determines that such systems and sensors would improve safety or capacity in the National Airspace System; and

(2) the non-movement area surveillance surface display systems and sensors supplement existing movement area systems and sensors at the selected airports established under other programs administered by the Administrator.

(b) PROJECT GRANTS.—

(1) IN GENERAL.—For purposes of carrying out the pilot program, the Administrator may