

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

make a project grant out of funds apportioned under paragraph (1) or paragraph (2) of section 47114(c) to not more than 5 eligible sponsors to acquire and install qualifying non-movement area surveillance surface display systems and sensors. The airports selected to participate in the pilot program shall have existing Administration movement area systems and airlines that are participants in Federal Aviation Administration's airport collaborative decision-making process.

(2) **DATA EXCHANGE PROCESSES.**—As part of the pilot program carried out under this section, the Administrator may establish data exchange processes to allow airport participation in the Administration's airport collaborative decision-making process and fusion of the non-movement surveillance data with the Administration's movement area systems.

(c) **SUNSET.**—This section shall cease to be effective on October 1, 2028.

(d) **DEFINITIONS.**—In this section:

(1) **NON-MOVEMENT AREA.**—The term “non-movement area” means the portion of the airfield surface that is not under the control of air traffic control.

(2) **NON-MOVEMENT AREA SURVEILLANCE SURFACE DISPLAY SYSTEMS AND SENSORS.**—The term “non-movement area surveillance surface display systems and sensors” means a non-Federal surveillance system that uses on-airport sensors that track vehicles or aircraft that are equipped with transponders in the non-movement area.

(3) **QUALIFYING NON-MOVEMENT AREA SURVEILLANCE SURFACE DISPLAY SYSTEM AND SENSORS.**—The term “qualifying non-movement area surveillance surface display system and sensors” means a non-movement area surveillance surface display system that—

(A) provides the required transmit and receive data formats consistent with the National Airspace System architecture at the appropriate service delivery point;

(B) is on-airport; and

(C) is airport operated.

(Added Pub. L. 115-254, div. B, title I, §140(a), Oct. 5, 2018, 132 Stat. 3210; amended Pub. L. 118-15, div. B, title II, §2202(i), Sept. 30, 2023, 137 Stat. 83; Pub. L. 118-34, title I, §102(i), Dec. 26, 2023, 137 Stat. 1113; Pub. L. 118-41, title I, §102(i), Mar. 8, 2024, 138 Stat. 21; Pub. L. 118-63, title VII, §724, May 16, 2024, 138 Stat. 1267.)

Editorial Notes

AMENDMENTS

2024—Subsec. (c). Pub. L. 118-63 substituted “October 1, 2028” for “May 11, 2024”.

Pub. L. 118-41 substituted “May 11, 2024” for “March 9, 2024”.

2023—Subsec. (c). Pub. L. 118-34 substituted “March 9, 2024” for “January 1, 2024”.

Pub. L. 118-15 substituted “January 1, 2024” for “October 1, 2023”.

§ 47144. Use of funds for repairs for runway safety repairs

(a) **IN GENERAL.**—The Secretary of Transportation may make project grants under this subchapter to an airport described in subsection (b)

from funds under section 47114 apportioned to that airport or funds available for discretionary grants to that airport under section 47115 to conduct airport development to repair the runway safety area of the airport damaged as a result of a natural disaster in order to maintain compliance with the regulations of the Federal Aviation Administration relating to runway safety areas, without regard to whether construction of the runway safety area damaged was carried out using amounts the airport received under this subchapter.

(b) **AIRPORTS DESCRIBED.**—An airport is described in this subsection if—

(1) the airport is a public-use airport;

(2) the airport is listed in the National Plan of Integrated Airport Systems of the Federal Aviation Administration;

(3) the runway safety area of the airport was damaged as a result of a natural disaster;

(4) the airport was denied funding under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) with respect to the disaster;

(5) the operator of the airport has exhausted all legal remedies, including legal action against any parties (or insurers thereof) whose action or inaction may have contributed to the need for the repair of the runway safety area;

(6) there is still a demonstrated need for the runway safety area to accommodate current or imminent aeronautical demand; and

(7) the cost of repairing or replacing the runway safety area is reasonable in relation to the anticipated operational benefit of repairing the runway safety area, as determined by the Administrator of the Federal Aviation Administration.

(Added Pub. L. 115-31, div. K, title I, §119F(a), May 5, 2017, 131 Stat. 734; amended Pub. L. 118-63, title XI, §1101(w), May 16, 2024, 138 Stat. 1414.)

Editorial Notes

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (b)(4), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§5121 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 5121 of Title 42 and Tables.

CODIFICATION

Section 119F(a) of Pub. L. 115-31, which directed amendment of “subchapter I of chapter 471” by adding at the end this section, was executed by adding this section at the end of subchapter I of chapter 471 of this title to reflect the probable intent of Congress.

AMENDMENTS

2024—Subsec. (b)(4). Pub. L. 118-63 substituted “(42 U.S.C. 5121 et seq.)” for “(42 U.S.C. 4121 et seq.)”.

§ 47145. Pilot program for airport accessibility

(a) **IN GENERAL.**—The Secretary of Transportation shall establish and carry out a pilot program to award grants to sponsors to carry out capital projects to upgrade the accessibility of commercial service airports for individuals with