

1994—Pub. L. 103-305, title I, §§ 113(b), 118(b), Aug. 23, 1994, 108 Stat. 1579, 1580, added items 47129 and 47130 and redesignated former item 47129 as 47131.

SUBCHAPTER I—AIRPORT IMPROVEMENT

§ 47101. Policies

(a) GENERAL.—It is the policy of the United States—

(1) that the safe operation of the airport and airway system is the highest aviation priority;

(2) that aviation facilities be constructed and operated to minimize current and projected noise impact on nearby communities;

(3) to give special emphasis to developing reliever airports;

(4) that appropriate provisions should be made to make the development and enhancement of cargo hub airports easier;

(5) to encourage the development of intermodal connections on airport property between aeronautical and other transportation modes and systems to serve air transportation passengers and cargo efficiently and effectively and promote economic development;

(6) that airport development projects under this subchapter provide for the protection and enhancement of natural resources and the quality of the environment of the United States;

(7) that airport construction and improvement projects that increase the capacity of facilities to accommodate passenger and cargo traffic be undertaken to the maximum feasible extent so that safety and efficiency increase and delays decrease;

(8) to ensure that nonaviation usage of the navigable airspace be accommodated but not allowed to decrease the safety and capacity of the airspace and airport system;

(9) that artificial restrictions on airport capacity—

(A) are not in the public interest;

(B) should be imposed to alleviate air traffic delays only after other reasonably available and less burdensome alternatives have been tried; and

(C) should not discriminate unjustly between categories and classes of aircraft;

(10) that special emphasis should be placed on converting appropriate former military air bases to civil use and identifying and improving additional joint-use facilities;

(11) that the airport improvement program should be administered to encourage projects that employ innovative technology (including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices), concepts, and approaches that will promote safety, capacity, and efficiency improvements in the construction of airports and in the air transportation system (including the development and use of innovative concrete and other materials in the construction of airport facilities to minimize initial laydown costs, minimize time out of service, and maximize lifecycle durability) and to encourage and solicit innovative technology proposals and activities in the expenditure of funding pursuant to this subchapter;

(12) that airport fees, rates, and charges must be reasonable and may only be used for purposes not prohibited by this subchapter; and

(13) that airports should be as self-sustaining as possible under the circumstances existing at each particular airport and in establishing new fees, rates, and charges, and generating revenues from all sources, airport owners and operators should not seek to create revenue surpluses that exceed the amounts to be used for airport system purposes and for other purposes for which airport revenues may be spent under section 47107(b)(1) of this title, including reasonable reserves and other funds to facilitate financing and cover contingencies.

(b) NATIONAL TRANSPORTATION POLICY.—(1) It is a goal of the United States to develop a national intermodal transportation system that transports passengers and property in an efficient manner. The future economic direction of the United States depends on its ability to confront directly the enormous challenges of the global economy, declining productivity growth, energy vulnerability, air pollution, and the need to rebuild the infrastructure of the United States.

(2) United States leadership in the world economy, the expanding wealth of the United States, the competitiveness of the industry of the United States, the standard of living, and the quality of life are at stake.

(3) A national intermodal transportation system is a coordinated, flexible network of diverse but complementary forms of transportation that transports passengers and property in the most efficient manner. By reducing transportation costs, these intermodal systems will enhance the ability of the industry of the United States to compete in the global marketplace.

(4) All forms of transportation, including aviation and other transportation systems of the future, will be full partners in the effort to reduce energy consumption and air pollution while promoting economic development.

(5) An intermodal transportation system consists of transportation hubs that connect different forms of appropriate transportation and provides users with the most efficient means of transportation and with access to commercial centers, business locations, population centers, and the vast rural areas of the United States, as well as providing links to other forms of transportation and to intercity connections.

(6) Intermodality and flexibility are paramount issues in the process of developing an integrated system that will obtain the optimum yield of United States resources.

(7) The United States transportation infrastructure must be reshaped to provide the economic underpinnings for the United States to compete in the 21st century global economy. The United States can no longer rely on the sheer size of its economy to dominate international economic rivals and must recognize fully that its economy is no longer a separate entity but is part of the global marketplace. The future economic prosperity of the United States depends on its ability to compete in an international marketplace that is teeming with competitors but in which a full one-quarter of the

economic activity of the United States takes place.

(8) The United States must make a national commitment to rebuild its infrastructure through development of a national intermodal transportation system. The United States must provide the foundation for its industries to improve productivity and their ability to compete in the global economy with a system that will transport passengers and property in an efficient manner.

(c) CAPACITY EXPANSION AND NOISE ABATEMENT.—It is in the public interest to recognize the effects of airport capacity expansion projects on aircraft noise. Efforts to increase capacity through any means can have an impact on surrounding communities. Noncompatible land uses around airports must be reduced and efforts to mitigate noise must be given a high priority.

(d) CONSISTENCY WITH AIR COMMERCE AND SAFETY POLICIES.—Each airport and airway program should be carried out consistently with section 40101(a), (b), (d), and (f) of this title to foster competition, prevent unfair methods of competition in air transportation, maintain essential air transportation, and prevent unjust and discriminatory practices, including as the practices may be applied between categories and classes of aircraft.

(e) ADEQUACY OF NAVIGATION AIDS AND AIRPORT FACILITIES.—This subchapter should be carried out to provide adequate navigation aids and airport facilities for places at which scheduled commercial air service is provided. The facilities provided may include—

(1) reliever airports; and

(2) heliports designated by the Secretary of Transportation to relieve congestion at commercial service airports by diverting aircraft passengers from fixed-wing aircraft to helicopter carriers.

(f) MAXIMUM USE OF SAFETY FACILITIES.—This subchapter should be carried out consistently with a comprehensive airspace system plan, giving highest priority to commercial service airports, to maximize the use of safety facilities, including installing, operating, and maintaining, to the extent possible with available money and considering other safety needs—

(1) electronic or visual vertical guidance on each runway;

(2) grooving or friction treatment of each primary and secondary runway;

(3) distance-to-go signs for each primary and secondary runway;

(4) a precision approach system, a vertical visual guidance system, and a full approach light system for each primary runway;

(5) a nonprecision instrument approach for each secondary runway;

(6) runway end identifier lights on each runway that does not have an approach light system;

(7) a surface movement radar system at each category III airport;

(8) a taxiway lighting and sign system;

(9) runway edge lighting and marking;

(10) radar approach coverage for each airport terminal area; and

(11) runway and taxiway incursion prevention devices, including integrated in-pavement lighting systems for runways and taxiways.

(g) INTERMODAL PLANNING.—To carry out the policy of subsection (a)(5) of this section, the Secretary of Transportation shall take each of the following actions:

(1) COORDINATION IN DEVELOPMENT OF AIRPORT PLANS AND PROGRAMS.—Cooperate with State and local officials in developing airport plans and programs that are based on overall transportation needs. The airport plans and programs shall be developed in coordination with other transportation planning and considering comprehensive long-range land-use plans and overall social, economic, environmental, system performance, and energy conservation objectives. The process of developing airport plans and programs shall be continuing, cooperative, and comprehensive to the degree appropriate to the complexity of the transportation problems.

(2) GOALS FOR AIRPORT MASTER AND SYSTEM PLANS.—Encourage airport sponsors and State and local officials to develop airport master plans and airport system plans that—

(A) foster effective coordination between aviation planning and metropolitan planning;

(B) include an evaluation of aviation needs within the context of multimodal planning; and

(C) are integrated with metropolitan plans to ensure that airport development proposals include adequate consideration of land use and ground transportation access.

(3) REPRESENTATION OF AIRPORT OPERATORS ON MPO'S.—Encourage metropolitan planning organizations, particularly in areas with populations greater than 200,000, to establish membership positions for airport operators.

(h) CONSULTATION.—To carry out the policy of subsection (a)(6) of this section, the Secretary of Transportation shall consult with the Secretary of the Interior and the Administrator of the Environmental Protection Agency about any project included in a project grant application involving the location of an airport or runway, or a major runway extension, that may have a significant effect on—

(1) natural resources, including fish and wildlife;

(2) natural, scenic, and recreation assets;

(3) water and air quality; or

(4) another factor affecting the environment.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1246; Pub. L. 103-305, title I, §§104, 110, Aug. 23, 1994, 108 Stat. 1571, 1573; Pub. L. 103-429, §6(62), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 104-264, title I, §141, Oct. 9, 1996, 110 Stat. 3220; Pub. L. 106-181, title I, §§121(a), (b), 137(a), Apr. 5, 2000, 114 Stat. 74, 85.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---|--|
| 47101(a)(1) .. | 49 App.:2201(a)(1), (2). | Sept. 3, 1982, Pub. L. 97-248, §§ 502(a)(1)-(3), (6), (b), 509(b)(5) (1st sentence, last sentence words before 11th comma), 96 Stat. 671, 672, 684. |
| | 49 App.:2201(a)(9). | Sept. 3, 1982, Pub. L. 97-248, § 502(a)(9), 96 Stat. 672; Dec. 30, 1987, Pub. L. 100-223, § 102(b)(1), (c)(1), 101 Stat. 1487. |
| | 49 App.:2201(a)(10). | Sept. 3, 1982, Pub. L. 97-248, § 502(a)(10), 96 Stat. 672; Dec. 30, 1987, Pub. L. 100-223, § 102(b)(1), (c)(2), 101 Stat. 1487. |
| 47101(a)(2) .. | 49 App.:2201(a)(8). | Sept. 3, 1982, Pub. L. 97-248, § 502(a)(8), 96 Stat. 672; Dec. 30, 1987, Pub. L. 100-223, § 102(b)(1), 101 Stat. 1487. |
| 47101(a)(3) .. | 49 App.:2201(a)(6). | |
| 47101(a)(4) .. | 49 App.:2201(a)(7). | Sept. 3, 1982, Pub. L. 97-248, 96 Stat. 324, § 502(a)(7); added Dec. 30, 1987, Pub. L. 100-223, § 102(b)(2), 101 Stat. 1487. |
| 47101(a)(5) .. | 49 App.:2201(b) (1st sentence). | |
| 47101(a)(6) .. | 49 App.:2208(b)(5) (1st sentence). | |
| 47101(a)(7) .. | 49 App.:2201(a)(11). | Sept. 3, 1982, Pub. L. 97-248, 96 Stat. 324, § 502(a)(11); added Dec. 30, 1987, Pub. L. 100-223, § 102(c)(3), 101 Stat. 1488. |
| 47101(a)(8) .. | 49 App.:2201(a)(12). | Sept. 3, 1982, Pub. L. 97-248, 96 Stat. 324, § 502(a)(12); added Dec. 30, 1987, Pub. L. 100-223, § 102(c)(3), 101 Stat. 1488; Nov. 5, 1990, Pub. L. 101-508, § 9109(a)(1), 104 Stat. 1388-356. |
| 47101(a)(9) .. | 49 App.:2201(a)(13). | Sept. 3, 1982, Pub. L. 97-248, 96 Stat. 324, § 502(a)(13); added Dec. 30, 1987, Pub. L. 100-223, § 102(c)(3), 101 Stat. 1488; Nov. 5, 1990, Pub. L. 101-508, §§ 9103(2), 9109(a)(2), 104 Stat. 1388-354, 1388-356. |
| 47101(a)(10) | 49 App.:2201(a)(14). | Sept. 3, 1982, Pub. L. 97-248, 96 Stat. 324, § 502(a)(14); added Nov. 5, 1990, Pub. L. 101-508, § 9109(a)(3), 104 Stat. 1388-356. |
| 47101(b) | 49 App.:2201(c). | Sept. 3, 1982, Pub. L. 97-248, 96 Stat. 324, § 502(c), (d); added Oct. 31, 1992, Pub. L. 102-581, § 101, 106 Stat. 4875. |
| 47101(c) | 49 App.:2201(d). | |
| 47101(d) | 49 App.:2201(a)(5). | Sept. 3, 1982, Pub. L. 97-248, § 502(a)(5), 96 Stat. 671; Nov. 5, 1990, Pub. L. 101-508, § 9103(1), 104 Stat. 1388-354. |
| 47101(e) | 49 App.:2201(a)(3), 49 App.:2202(a)(20). | Sept. 3, 1982, Pub. L. 97-248, § 503(a)(20), 96 Stat. 674; Dec. 30, 1987, Pub. L. 100-223, § 103(c)(1), 101 Stat. 1488. |
| 47101(f) | 49 App.:2201(a)(4). | Sept. 3, 1982, Pub. L. 97-248, § 502(a)(4), 96 Stat. 671; Dec. 30, 1987, Pub. L. 100-223, § 102(a), 101 Stat. 1487. |
| 47101(g) | 49 App.:2201(b) (2d, last sentences). | |
| 47101(h) | 49 App.:2208(b)(5) (last sentence words before 11th comma). | |

In subsection (a), before clause (1), the text of 49 App.:2201(a)(2), (9), and (10) is omitted as executed. The words "It is the policy of the United States" are substituted for "The Congress hereby . . . declares" in 49 App.:2201(a) (words before cl. (1)), "it is in the national interest" in 49 App.:2201(a)(12), "are not in the public interest and" in 49 App.:2201(a)(13), "It is declared to be in the national interest to" in 49 App.:2201(b), and "It is declared to be national policy that" in 49 App.:2208(b)(5) for consistency in the revised title and

with other titles of the United States Code. In clause (1), the word "is" is substituted for "will continue to be" to eliminate unnecessary words. In clause (2), the words "with due regard" are omitted as surplus. In clause (3), the words "reliever airports make an important contribution to the efficient operation of the airport and airway system" are omitted as executed. In clause (4), the words "cargo hub airports play a critical role in the movement of commerce through the airport and airway system" are omitted as executed. In clause (5), the words "and promote" are omitted as surplus.

In subsection (d), the word "to" is substituted for "with due regard for the goals expressed therein of" to eliminate unnecessary words.

In subsection (e), before clause (1), the words "The facilities provided may include" are substituted for "including" because of the restatement. Clause (2) is substituted for "reliever heliports" to incorporate the definition of that term from 49 App.:2202(a)(19) into this subsection.

In subsection (f), before clause (1), the words "the goal of" are omitted as surplus.

In subsection (g), the words "formulated" and "due" are omitted as surplus. The words "process of developing airport plans and programs" are substituted for "process" for clarity.

PUB. L. 103-429

This amends 49:47101(a)(12) to translate a cross-reference to the Airport and Airway Improvement Act of 1982 (Public Law 97-248, 96 Stat. 671) to the corresponding cross-reference of title 49, United States Code.

AMENDMENTS

2000—Subsec. (a)(5). Pub. L. 106-181, § 137(a), amended par. (5) generally. Prior to amendment, par. (5) read as follows: "to encourage the development of transportation systems that use various modes of transportation in a way that will serve the States and local communities efficiently and effectively;"

Subsec. (a)(11). Pub. L. 106-181, § 121(a), inserted "(including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices)" after "employ innovative technology".

Subsec. (f)(11). Pub. L. 106-181, § 121(b), added par. (11).

1996—Subsec. (g). Pub. L. 104-264 substituted "INTERMODAL PLANNING" for "COOPERATION" in heading and amended text generally. Prior to amendment, text read as follows: "To carry out the policy of subsection (a)(5) of this section, the Secretary of Transportation shall cooperate with State and local officials in developing airport plans and programs that are based on overall transportation needs. The airport plans and programs shall be developed in coordination with other transportation planning and considering comprehensive long-range land-use plans and overall social, economic, environmental, system performance, and energy conservation objectives. The process of developing airport plans and programs shall be continuing, cooperative, and comprehensive to the degree appropriate to the complexity of the transportation problems."

1994—Subsec. (a)(11). Pub. L. 103-305, § 104, added par. (11).

Subsec. (a)(12). Pub. L. 103-429 substituted "subchapter" for "Act".

Pub. L. 103-305, § 110, added par. (12).

Subsec. (a)(13). Pub. L. 103-305, § 110, added par. (13).

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Except as otherwise specifically provided, amendment by Pub. L. 104-264 applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed

as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104-264, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

AVAILABILITY OF GATES AND OTHER ESSENTIAL SERVICES

Pub. L. 106-181, title I, §155(d), Apr. 5, 2000, 114 Stat. 89, provided that: "The Secretary [of Transportation] shall ensure that gates and other facilities are made available at costs that are fair and reasonable to air carriers at covered airports (as defined in section 47106(f)(4) [47106(f)(3)] of title 49, United States Code) where a 'majority-in-interest clause' of a contract or other agreement or arrangement inhibits the ability of the local airport authority to provide or build new gates or other facilities."

CONSTRUCTION OF RUNWAYS

Pub. L. 106-181, title I, §158, Apr. 5, 2000, 114 Stat. 90, provided that: "Notwithstanding any provision of law that specifically restricts the number of runways at a single international airport, the Secretary [of Transportation] may obligate funds made available under chapters 471 and 481 of title 49, United States Code, for any project to construct a new runway at such airport, unless this section is expressly repealed."

INNOVATIVE FINANCING TECHNIQUES

Pub. L. 104-264, title I, §148, Oct. 9, 1996, 110 Stat. 3223, authorized the Secretary of Transportation until Sept. 30, 1998, to carry out a demonstration program to provide information on the use of innovative financing techniques for airport development projects to Congress and the National Civil Aviation Review Commission. See section 47135 of this title.

AUTHORITY TO CLOSE AIRPORT LOCATED NEAR CLOSED OR REALIGNED MILITARY BASE

Section 1203 of Pub. L. 104-264 provided that: "Notwithstanding any other provision of a law, rule, or grant assurance, an airport that is not a commercial service airport may be closed by its sponsor without any obligation to repay grants made under chapter 471 of title 49, United States Code, the Airport and Airway Improvement Act of 1982 [see References in Text note set out under section 47108 of this title], or any other law if the airport is located within 2 miles of a United States Army depot which has been closed or realigned; except that in the case of disposal of the land associated with the airport, the part of the proceeds from the disposal that is proportional to the Government's share of the cost of acquiring the land shall be paid to the Secretary of Transportation for deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502)."

STUDY ON INNOVATIVE FINANCING

Section 520 of Pub. L. 103-305 provided that:

"(a) **STUDY.**—The Secretary shall conduct a study on innovative approaches for using Federal funds to finance airport development as a means of supplementing financing available under the Airport Improvement Program.

"(b) **MATTERS TO BE CONSIDERED.**—In conducting the study under subsection (a), the Secretary shall consider, at a minimum, the following:

"(1) Mechanisms that will produce greater investments in airport development per dollar of Federal expenditure.

"(2) Approaches that would permit entering into agreements with non-Federal entities, such as airport sponsors, for the loan of Federal funds, guarantee of loan repayment, or purchase of insurance or other

forms of enhancement for borrower debt, including the use of unobligated Airport Improvement Program contract authority and unobligated balances in the Airport and Airway Trust Fund.

"(3) Means to lower the cost of financing airport development.

"(c) **CONSULTATION.**—In considering innovative financing pursuant to this section, the Secretary may consult with airport owners and operators and public and private sector experts.

"(d) **REPORT TO CONGRESS.**—Not later than 12 months after the date of the enactment of this Act [Aug. 23, 1994], the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a)."

§ 47102. Definitions

In this subchapter—

(1) "air carrier airport" means a public airport regularly served by—

(A) an air carrier certificated by the Secretary of Transportation under section 41102 of this title (except a charter air carrier); or
(B) at least one air carrier—

(i) operating under an exemption from section 41101(a)(1) of this title that the Secretary grants; and

(ii) having at least 2,500 passenger boardings at the airport during the prior calendar year.

(2) "airport"—

(A) means—

(i) an area of land or water used or intended to be used for the landing and taking off of aircraft;

(ii) an appurtenant area used or intended to be used for airport buildings or other airport facilities or rights of way; and

(iii) airport buildings and facilities located in any of those areas; and

(B) includes a heliport.

(3) "airport development" means the following activities, if undertaken by the sponsor, owner, or operator of a public-use airport:

(A) constructing, repairing, or improving a public-use airport, including—

(i) removing, lowering, relocating, marking, and lighting an airport hazard; and

(ii) preparing a plan or specification, including carrying out a field investigation.

(B) acquiring for, or installing at, a public-use airport—

(i) a navigation aid or another aid (including a precision approach system) used by aircraft for landing at or taking off from the airport, including preparing the site as required by the acquisition or installation;

(ii) safety or security equipment, including explosive detection devices, universal access systems, and emergency call boxes, the Secretary requires by regulation for, or approves as contributing significantly to, the safety or security of individuals and property at the airport and integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices;

(iii) equipment to remove snow, to measure runway surface friction, or for aviation-related weather reporting, including