

ing before Oct. 1, 1996, see section 3 of Pub. L. 104-264, set out as a note under section 106 of this title.

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF  
TITLE 51

General references to "this title" deemed to refer also to chapters 509 and 511 of Title 51, National and Commercial Space Programs, see section 4(d)(8) of Pub. L. 111-314, set out as a note under section 101 of this title.

DESIGN-BUILD CONTRACTING

Pub. L. 106-181, title I, §139, Apr. 5, 2000, 114 Stat. 85, provided that:

"(a) PILOT PROGRAM.—The Administrator [of the Federal Aviation Administration] may establish a pilot program under which design-build contracts may be used to carry out up to 7 projects at airports in the United States with a grant awarded under section 47104 of title 49, United States Code. A sponsor of an airport may submit an application to the Administrator to carry out a project otherwise eligible for assistance under chapter 471 of such title under the pilot program.

"(b) USE OF DESIGN-BUILD CONTRACTS.—Under the pilot program, the Administrator may approve an application of an airport sponsor under this section to authorize the airport sponsor to award a design-build 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 design-build 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 design-build contract will 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 three or more bids will be submitted for each project under the selection process.

"(c) 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 chapter 471 of title 49, United States Code, if the project were carried out after a grant agreement had been executed.

"(d) DESIGN-BUILD CONTRACT DEFINED.—In this section, the term 'design-build contract' means an agreement that provides for both design and construction of a project by a contractor.

"(e) EXPIRATION OF AUTHORITY.—The authority of the Administrator to carry out the pilot program under this section shall expire on September 30, 2003."

**§ 47105. Project grant applications**

(a) SUBMISSION AND CONSULTATION.—(1) An application for a project grant under this subchapter may be submitted to the Secretary of Transportation by—

(A) a sponsor; or

(B) a State, as the only sponsor, for an airport development project benefitting 1 or more airports in the State or for airport planning for projects for 1 or more airports in the State if—

(i) the sponsor of each airport gives written consent that the State be the applicant;

(ii) the Secretary is satisfied there is administrative merit and aeronautical benefit in the State being the sponsor; and

(iii) an acceptable agreement exists that ensures that the State will comply with appropriate grant conditions and other assurances the Secretary requires.

(2) Before deciding to undertake an airport development project at an airport under this subchapter, a sponsor shall consult with the airport users that will be affected by the project.

(3) This subsection does not authorize a public agency that is subject to the laws of a State to apply for a project grant in violation of a law of the State.

(b) CONTENTS AND FORM.—An application for a project grant under this subchapter—

(1) shall describe the project proposed to be undertaken;

(2) may propose a project only for a public-use airport included in the current national plan of integrated airport systems;

(3) may propose airport development only if the development complies with standards the Secretary prescribes or approves, including standards for site location, airport layout, site preparation, paving, lighting, and safety of approaches; and

(4) shall be in the form and contain other information the Secretary prescribes.

(c) STATE STANDARDS FOR AIRPORT DEVELOPMENT.—The Secretary may approve standards (except standards for safety of approaches) that a State prescribes for airport development at nonprimary public-use airports in the State. On approval under this subsection, a State's standards apply to the nonprimary public-use airports in the State instead of the comparable standards prescribed by the Secretary under subsection (b)(3) of this section. The Secretary, or the State with the approval of the Secretary, may revise standards approved under this subsection.

(d) CERTIFICATION OF COMPLIANCE.—The Secretary may require a sponsor to certify that the sponsor will comply with this subchapter in carrying out the project. The Secretary may rescind the acceptance of a certification at any time. This subsection does not affect an obligation or responsibility of the Secretary under another law of the United States.

(e) PREVENTIVE MAINTENANCE.—After January 1, 1995, the Secretary may approve an application under this subchapter for the replacement or reconstruction of pavement at an airport only if the sponsor has provided such assurances or certifications as the Secretary may determine appropriate that such airport has implemented an effective airport pavement maintenance-management program. The Secretary may require such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

(f) NOTIFICATION.—The sponsor of an airport for which an amount is apportioned under section 47114(c) of this title shall notify the Secretary of the fiscal year in which the sponsor intends to submit a project grant application for the apportioned amount. The notification shall be given by the time and contain the information the Secretary prescribes.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1253; Pub. L. 103-305, title I, §§106, 107(a), Aug. 23, 1994, 108 Stat. 1572.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
47105(a) (1)(A).	49 App.:2208(a)(1) (1st sentence related to authority to submit applications).	Sept. 3, 1982, Pub. L. 97-248, §§ 509(a)(1), (c), (d), 511(c), 96 Stat. 682, 685, 688.
47105(a) (1)(B).	49 App.:2208(a)(3).	Sept. 3, 1982, Pub. L. 97-248, 96 Stat. 324, § 509(a)(3); added Dec. 30, 1987, Pub. L. 100-223, § 108, 101 Stat. 1498.
47105(a)(2) .. 47105(a)(3) ..	49 App.:2210(c). 49 App.:2208(a)(1) (3d sentence).	
47105(b) .....	49 App.:2208(a)(1) (1st sentence related to form and contents, 2d, last sentences).	
47105(c) .....	49 App.:2208(c).	
47105(d) .....	49 App.:2208(d).	
47105(e) .....	49 App.:2208(e).	Sept. 3, 1982, Pub. L. 97-248, § 509(e), 96 Stat. 685; Dec. 30, 1987, Pub. L. 100-223, § 106(b)(3)(B), 101 Stat. 1498.

In subsection (a)(1), before clause (A), the words "Subject to the provisions of this subsection" are omitted as surplus. The words "for one or more projects" are omitted as surplus because of the definition of "project grant" in section 47102 of the revised title. Clause (A) is substituted for "(A) any public agency, or two or more public agencies acting jointly, or (B) any sponsor of a public-use airport, or two or more such sponsors, acting jointly" because of the definition of "sponsor" in section 47102 of the revised title.

In subsection (a)(2), the word "Before" is substituted for "In" as the more appropriate word. The words "at an airport" are substituted for "at which such project is proposed" to eliminate unnecessary words. The words "airport users that will be affected by the project" are substituted for "affected parties" for clarity.

Subsection (a)(3) is substituted for 49 App.:2208(a)(1) (3d sentence) to eliminate unnecessary words.

In subsection (b)(1), the words "shall describe" are substituted for "setting forth" for clarity.

In subsection (b)(2), the word "project" is substituted for "airport development or airport planning" because of the definition of "project" in section 47102 of the revised title. The words "prepared pursuant to section 2203 of the Appendix" are eliminated as unnecessary.

In subsection (c), the words "from time to time" are eliminated as unnecessary.

In subsection (d), the words "in connection with any project" are omitted as surplus. The words "that the sponsor will comply with this subchapter in carrying out the project" are substituted for "that such sponsor will comply with all of the statutory and administrative requirements imposed on such sponsor under this chapter in connection with such project" to eliminate unnecessary words. The words "or discharge" are omitted as included in "affect". The words "including, but not limited to, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), section 303 of title 49, title VI of the Civil Rights Act of 1964 (42 U.S.C. 20006b) [42 U.S.C. 2000d et seq.], title VIII of the Act of April 11, 1968 (42 U.S.C. 3601 et seq.), and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.)" are omitted as included in "another law of the United States".

In subsection (e), the words "of an airport for which" are substituted for "to which" for clarity.

AMENDMENTS

1994—Subsec. (a)(1)(B). Pub. L. 103-305, § 106, in introductory provisions, substituted "1 or more airports" for "at least 2 airports" in two places and struck out "similar" before "projects".

Subsecs. (e), (f). Pub. L. 103-305, § 107(a), added subsec. (e) and redesignated former subsec. (e) as (f).

§ 47106. Project grant application approval conditioned on satisfaction of project requirements

(a) PROJECT GRANT APPLICATION APPROVAL.—The Secretary of Transportation may approve an application under this subchapter for a project grant only if the Secretary is satisfied that—

(1) the project is consistent with plans (existing at the time the project is approved) of public agencies authorized by the State in which the airport is located to plan for the development of the area surrounding the airport;

(2) the project will contribute to carrying out this subchapter;

(3) enough money is available to pay the project costs that will not be paid by the United States Government under this subchapter;

(4) the project will be completed without unreasonable delay; and

(5) the sponsor has authority to carry out the project as proposed.

(b) AIRPORT DEVELOPMENT PROJECT GRANT APPLICATION APPROVAL.—The Secretary may approve an application under this subchapter for an airport development project grant for an airport only if the Secretary is satisfied that—

(1) the sponsor, a public agency, or the Government holds good title to the areas of the airport used or intended to be used for the landing, taking off, or surface maneuvering of aircraft, or that good title will be acquired;

(2) the interests of the community in or near which the project may be located have been given fair consideration; and

(3) the application provides touchdown zone and centerline runway lighting, high intensity runway lighting, or land necessary for installing approach light systems that the Secretary, considering the category of the airport and the kind and volume of traffic using it, decides is necessary for safe and efficient use of the airport by aircraft.

(c) ENVIRONMENTAL REQUIREMENTS.—(1) The Secretary may approve an application under this subchapter for an airport development project involving the location of an airport or runway or a major runway extension—

(A) only if the sponsor certifies to the Secretary that—

(i) an opportunity for a public hearing was given to consider the economic, social, and environmental effects of the location and the location's consistency with the objectives of any planning that the community has carried out;

(ii) the airport management board has voting representation from the communities in which the project is located or has advised the communities that they have the right to petition the Secretary about a proposed project; and

(iii) with respect to an airport development project involving the location of an airport, runway, or major runway extension at a medium or large hub airport, the airport sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which