

**49 USC 47105: Project grant applications**

Text contains those laws in effect on November 16, 2022

**From Title 49-TRANSPORTATION**

SUBTITLE VII-AVIATION PROGRAMS

PART B-AIRPORT DEVELOPMENT AND NOISE

CHAPTER 471-AIRPORT DEVELOPMENT

SUBCHAPTER I-AIRPORT IMPROVEMENT

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**§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.-

(1) IN GENERAL.-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.

(2) PAVEMENT STANDARDS.-

(A) TECHNICAL ASSISTANCE.-At the request of a State, the Secretary shall, not later than 30 days after the date of the request, provide technical assistance to the State in developing standards, acceptable to the Secretary under subparagraph (B), for pavement on nonprimary public-use airports in the State.

(B) REQUIREMENTS.-The Secretary shall-

(i) continue to provide technical assistance under subparagraph (A) until the standards are approved under paragraph (1); and

(ii) clearly indicate to the State the standards that are acceptable to the Secretary, considering, at a minimum, local conditions and locally available materials.

(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 ; Pub. L. 115–254, div. B, title I, §183, Oct. 5, 2018, 132 Stat. 3233 .)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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)	49 App.:2210(c).	
47105(a)(3)	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. 2000b) [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.

#### EDITORIAL NOTES

#### AMENDMENTS

**2018-**Subsec. (c). Pub. L. 115–254 designated existing provisions as par. (1), inserted heading, and added par. (2).

**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).