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Advanced Air Mobility at the Ground Level: Law, Governance, and the Choices That Will Shape Community Impact

Advanced Air Mobility (AAM) is frequently presented as aviation's next great leap: quieter aircraft, shorter trips, reduced congestion, and new forms of regional connectivity. Pilot projects are underway across the country; partnerships between manufacturers, operators, and municipalities continue to proliferate; and regulatory pathways are steadily being assembled. *See, e.g., U.S. DOT National Advanced Air Mobility Strategy, 2023*. The prevailing narrative is one of inevitability and innovation.

For communities already living with aviation impacts, however, AAM raises a more cautious and enduring question. Whether AAM ultimately improves quality of life or compounds existing burdens will depend less on aircraft design than on how legal authority is exercised as concepts move into operation. The transition from demonstration to routine service is precisely the stage at which institutional choices harden into lived reality.

The time is now. Archer Aviation has announced plans to acquire control of Hawthorne Municipal Airport, a long-established general aviation facility near LAX, with the intention of converting it into the primary operational hub for its Los Angeles eVTOL network. The move, anchoring Advanced Air Mobility not in speculative vertiports but in a full-scale airport acquisition of control, illustrates the overarching issue with AAM. AAM's real impacts will be shaped less by future aircraft performance than by early, place-specific infrastructure and governance decisions made well before routine operations and community effects are fully understood.

I. AAM Within the Existing Aviation Legal Framework

Despite its novelty, AAM does not exist outside the traditional architecture of U.S. aviation law. Authority over aircraft certification, operational approval, and use of the navigable airspace remains centralized in the Federal Aviation Administration, under 49 U.S.C. §§ 40103, 44701. National uniformity continues to be the governing premise, and AAM is being advanced through the FAA's existing "new entrants" framework rather than a bespoke statutory regime. *See, e.g., FAA Advanced Air Mobility (AAM) Implementation Plan*.

This continuity provides predictability for manufacturers and operators. At the same time, it imports assumptions developed for conventional aviation, including long-standing tolerance for aircraft noise as an externality, reliance on procedural environmental review rather than substantive limits, and a sharply circumscribed role for state and local governments in shaping flight operations. Unless those assumptions are consciously examined, they are likely to shape AAM outcomes in much the same way they shaped legacy aviation.

II. Vertiports and the Federal-Local Interface

One of AAM's defining features is the need for new ground-based infrastructure. Vertiports must be sited, permitted, and integrated with surface transportation networks. FAA policy anticipates early reliance on existing airports and heliports, supplemented by new vertiports and smaller "vertistops," guided by FAA engineering briefs that adapt heliport standards to vertical-lift aircraft.

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For example, FAA has issued Engineering Brief No. 105A governing vertiport design, adapting heliport standards for powered-lift aircraft. *See FAA EB 105A, 2024*.

Vertiport infrastructure represents one of the most consequential legal interfaces between federal authority and local governance. Unlike flight procedures, vertiport siting directly implicates local land-use authority. Federal law broadly preempts local efforts to regulate aircraft operations and noise (*City of Burbank v. Lockheed Air Terminal Inc.*, 411 U.S. 624 (1973)), but states and municipalities generally retain authority over zoning, land use, and traditional police powers, so long as those measures do not function as de facto regulation of aviation safety or airspace management. This boundary is well established but easy to misjudge in practice.

Vertiports therefore represent a genuine point of leverage for communities. They also present a risk. Where local governments treat siting decisions primarily as economic development opportunities or defer reflexively to industry timelines, infrastructure can be approved before impacts are fully understood. Once built, that infrastructure tends to anchor future operational decisions.

III. Environmental Review After the NEPA Reset

AAM projects requiring federal approval remain subject to environmental review under NEPA. What has changed—significantly—is the regulatory backdrop against which that review occurs.

In 2025, the Trump Administration rescinded the Council on Environmental Quality's prior government-wide NEPA regulations through an interim final rule, returning primary responsibility for NEPA implementation to individual agencies. *See CEQ Interim Final Rule, 90 Fed. Reg. 10610 (2025).* For aviation actions, the controlling framework is now FAA Order 1050.1G, which took effect in 2025 and governs categorical exclusions, environmental assessments, and environmental impact statements for FAA actions.

This matters for AAM because Order 1050.1G affords the FAA considerable discretion in defining the scope of review, determining whether extraordinary circumstances preclude categorical exclusions, and sequencing decisions over time. Early approvals for limited operations or infrastructure can establish baseline conditions against which later expansion is evaluated.

NEPA does not prohibit phased or incremental decision-making. But whether such sequencing is lawful depends on how the "project" is defined and whether connected or cumulative effects are reasonably addressed. That inquiry has become more agency-centered following the Supreme Court's 2025 decision in *Seven County Infrastructure Coalition v. Eagle County*, 602 U.S. 168 (2025), which emphasized a narrower conception of effects that must be considered and reinforced judicial deference to agency judgments about scope where the administrative record supports them. At the same time, the Court's decision in *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), eliminated Chevron deference, requiring courts to independently interpret statutory meaning.

The practical consequence for AAM is that the durability of early approvals will hinge less on abstract NEPA doctrine than on how carefully FAA articulates, and supports, the boundaries of each decision.

IV. Noise Expectations and the Risk of Overpromising

AAM aircraft are often described as quieter than helicopters or conventional aircraft, and in many respects they are. But community impact is determined by operations, not propulsion alone. Frequency, altitude, routing, and proximity to residential areas remain decisive variables. *See National Academies of Sciences, Engineering Medicine, Advancing Aerial Mobility: A National Blueprint (2023)*.

National policy governing AAM continues to frame AAM as a mode intended to deliver broad transportation benefits rather than a purely premium or experimental service. Congress reinforced this approach in the FAA Reauthorization Act of 2024, which addresses AAM integration into the national airspace system alongside community and stakeholder considerations, rather than limiting deployment to early adopters or niche markets. *See FAA Reauthorization Act of 2024, Pub. L. No. 118-63, Title IX, Subtitle B (2024) (addressing AAM integration, community considerations, and public benefit).* Consistent with that statutory framework, recent Department of Transportation budget justifications and policy statements emphasize expanding access to transportation options, improving connectivity in rural and infrastructure-constrained areas, and ensuring that new aviation technologies serve demonstrable public needs, even as explicit "Justice40" terminology has been deemphasized. *See Federal Aviation Administration, Budget Estimates Fiscal Year 2025 (FY 2025)*.

The FAA's post-2024 AAM implementation materials similarly continue to identify community integration and access to mobility benefits as core planning considerations, reflecting continuity in federal policy goals notwithstanding shifts in rhetoric. *See Advanced Air Mobility Interagency Working Group, The Advanced Air Mobility National Strategy: A Bold Policy Vision for 2026-2036, (December 17, 2025).*

There is a familiar risk here, though. Early assumptions about quietness can shape public expectations and regulatory treatment before real-world operational data exist. If noise impacts later prove more intrusive than anticipated, communities may face the same structural challenge that has long characterized legacy aviation: disturbance normalized before it is fully understood. The federal government is aware of this predicament. *See, e.g., GAO, Aircraft Noise: FAA Should Improve Efforts to Address Community Concerns (GAO-22-105844, 2022)*.

NASA cautions that psychoacoustic models derived from laboratory testing and auralized noise predictions are not equivalent to community response, emphasizing that such models presently predict only short-term annoyance and that responses to real-world, operational UAM noise may differ. *See NASA, Toward a Psychoacoustic Annoyance Model for Urban Air Mobility Vehicle Noise (June 2024)*.

From a legal standpoint, reliance on optimistic assumptions increases vulnerability. Agencies remain obligated to explain their choices and confront contrary evidence in the record. At the same time, courts reviewing NEPA claims now afford agencies wider latitude in defining the scope of review, even as they apply independent judgment to questions of statutory interpretation following the Supreme Court's 2024 decision in *Loper Bright Enterprises v. Raimondo*. The net effect is not less scrutiny, but scrutiny focused more sharply on record coherence and legal reasoning. Once the regulatory decision is made, the courts are loathe to question the process and reopen these decisions. The result being that it will be increasingly difficult for communities and courts to walk back the government's overly optimistic assumptions regarding noise on the ground.

V. Public Engagement and Institutional Credibility

National AAM policy documents emphasize equity and access, envisioning services that connect "underserved communities" to jobs, healthcare, and economic opportunity. These aspirations are genuine and important. They also warrant careful examination alongside the geography of burden. Low-altitude, high-frequency operations are most likely to affect the communities beneath them. Without deliberate planning, AAM risks replicating a familiar infrastructure pattern in which benefits are diffuse while impacts concentrate locally. Equity analysis that focuses only on access, without equal attention to exposure, is incomplete.

While "public engagement" is frequently cited as a priority in AAM planning, it often occurs after key decisions are effectively locked in and is unlikely to influence outcomes. Communities are adept at recognizing when consultation is symbolic rather than substantive. Moreover, most "public engagement" programs have concentrated not on the deleterious impacts, and more on economic benefits and "access to transportation." *See Advanced Air Mobility National Strategy, Pillar 4, pp. 29-33.*

Meaningful engagement requires transparency about tradeoffs, openness to alternatives, and a willingness to adjust plans in response to credible input. From an administrative-law perspective, genuine engagement strengthens the record and enhances defensibility by demonstrating that relevant factors were considered and weighed.

VI. What Communities Can Do - And Why Early Legal Guidance Matters

Communities are not powerless as AAM moves toward routine operation, but their influence is greatest early. Once routes are published, vertiports constructed, and operations normalized, both legal and practical options narrow.

The most effective community strategies focus on timing and framing rather than generalized opposition. Monitoring early notices, infrastructure proposals, and local siting decisions allows communities to engage before baseline conditions are set. Targeting legally consequential decision points—project definition, segmentation, categorical exclusions, and operational assumptions—can materially affect outcomes.

State and local governments can also use their retained land-use authority strategically, insisting on careful siting and compatibility while avoiding measures that drift into preempted operational regulation. Throughout this process, building a clear, evidence-based administrative record is critical.

When applicable, experienced legal advice can assist communities by identifying which decisions truly matter, framing issues in legally relevant terms, preserving procedural rights, and avoiding arguments that are likely to be dismissed as preempted. Aviation-specific policy and doctrine often makes the difference between participation that influences outcomes and participation that is merely reactive.

Communities retain enforceable rights to lawful process, transparency, and reasoned decision-making, even where they lack authority to regulate flight operations directly. Early engagement, careful record-building, and informed legal guidance remain the most effective tools available as Advanced Air Mobility transitions from concept to routine operation.

VII. Choosing the Shape of the Future

As with other emerging aviation technologies, timing is decisive. The earliest choices about routing, frequency, and siting establish operational patterns that quickly become resistant to change. Communities that engage only after flights begin often discover that the range of available remedies has already narrowed. The law preserves opportunities for early engagement, but it does not compel agencies to seek out dissenting views. Whether those opportunities are realized depends on who participates, when they participate, and how issues are framed at the outset.

Advanced Air Mobility proponents frequently promise that the sector will learn from the mistakes of legacy aviation. That promise, however, will be tested not by propulsion systems or vehicle design, but by governance. Traditional aviation normalized noise before fully understanding its health effects, prioritized efficiency before equity, and relied on procedural compliance to manage substantive harm. AAM presents a rare opportunity to apply those lessons before impacts harden into permanence.

AAM is therefore not merely a technological evolution. It is a governance experiment conducted in real time, over real communities. The law supplies authority, discretion, and process. It does not dictate outcomes. Whether AAM becomes a thoughtful addition to the transportation system or another layer of burden imposed from above will depend on early choices—how projects are defined, how environmental review is conducted, and how seriously community experience is treated.

The transition from concept to operations is the moment when values become concrete. If institutions use that moment well, AAM may fulfill its promise. If not, it risks becoming another chapter in aviation's long history of progress that arrives overhead.

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