

94TH CONGRESS
1ST SESSION

H. R. 7720

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 1975

Mr. MILFORD introduced the following bill; which was referred to the Committee on Public Works and Transportation

A BILL

To amend the Airport and Airway Development Act of 1970, as amended, to authorize the Secretary of Transportation to make grants for airport development by grant agreements with sponsors and to provide for direct payments to certain types of sponsors during fiscal years 1976 through 1980, to provide national policy for protection and enhancement of the natural resources and the quality of the environment of the Nation in projects for airport development, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE, ETC.

4 SECTION 1. (a) SHORT TITLE.—This Act may be cited
5 as the “Airport and Airway Development Extension Act
6 of 1975”.

1 (b) AMENDMENT OF 1970 ACT.—Except as otherwise
2 expressly provided, whenever in this Act an amendment is
3 expressed in terms of an amendment to a section or other
4 provision, the reference shall be considered to be made to a
5 section or other provision of the Airport and Airway De-
6 velopment Act of 1970 (84 stat. 219), as amended (49
7 U.S.C. 1701 et seq.).

8 DEFINITIONS

9 SEC. 2. (a) Section 11, is amended as follows:

10 (1) Paragraph (2) is amended by inserting immedi-
11 ately before the period “or to mitigate adverse environ-
12 mental effects resulting from an airport development project
13 or the operation of aircraft”.

14 (2) Paragraph (4) is amended to read as follows:

15 “(4) ‘Airport master planning’ means the develop-
16 ment for planning purposes of information and guidance to
17 determine the extent, type, and nature of development
18 needed at a specific airport. It includes the preparation of an
19 airport layout plan and feasibility studies, and the conduct
20 of such other studies, surveys, and planning actions as may
21 be necessary to determine short- and long-range aeronautical
22 demands and airport access requirements.”.

23 (3) After paragraph (5), add the following new
24 paragraphs:

25 “(6) ‘Capital improvement program’ means a document

1 which includes (A) a layout plan showing the airport
2 boundaries and the location of existing and planned facili-
3 ties, (B) identification and schedules of planned develop-
4 ment at the specific airport, including annual cost estimates
5 and means of financing, and (C) identification of develop-
6 ment accomplished or undertaken during the preceding fiscal
7 year, including cost estimates and means of financing.”.

8 “(7) ‘Commuter service airport’ means an airport
9 served by an air carrier operating under exemption granted
10 by the Civil Aeronautics Board from section 401 (a) of the
11 Federal Aviation Act of 1958 which enplaned no less than
12 fifteen hundred passengers during the previous calendar
13 year.”.

14 (4) After paragraph (12), add the following new
15 paragraph:

16 “(13) ‘Reliever airport’ means a general aviation air-
17 port designated by the Secretary as having a primary func-
18 tion to relieve congestion at an air carrier airport.”.

19 (5) After paragraph (14) add the following new para-
20 graph:

21 “(15) ‘Standard metropolitan statistical area’ means a
22 county or group of contiguous counties which contains at
23 least one city of fifty thousand inhabitants or more or ‘twin
24 cities’ with a combined population of at least fifty thousand.

1 In the New England States, standard metropolitan statistical
2 areas consist of towns and cities instead of counties.”.

3 (b) Section 11 is amended by renumbering the para-
4 graphs of such section as paragraphs (1) through (21), re-
5 spectively, and renumbering all references to such para-
6 graphs accordingly.

7 NATIONAL AIRPORT SYSTEM PLAN

8 SEC. 3. Section 12 is amended as follows:

9 (a) Subsection (a) is amended to read as follows:

10 “(a) FORMULATION OF PLAN.—The Secretary shall
11 publish, within two years after the date of enactment of this
12 part, and thereafter to review and revise as necessary, a na-
13 tional airport system plan for the development of airports
14 in the United States which are essential to the needs of the
15 Nation’s air transportation system. The plan shall serve as
16 the operational blueprint for airport development for those
17 airports and shall set forth, for at least a ten-year period, the
18 type and estimated cost of airport development considered
19 by the Secretary to be necessary to provide a system of public
20 airports adequate to anticipate and meet the needs of the air
21 transportation system.”.

22 (b) Subsections (d) through (h) are repealed.

23 PLANNING GRANTS

24 SEC. 4. Section 13 (b) is amended as follows:

25 (1) The side heading is amended by striking out “AP-

1 PORTIONMENT” and inserting in lieu thereof “LIMITATION”.

2 (2) Paragraph (1) is amended by—

3 (A) striking out “\$75,000,000 and” inserting in
4 lieu thereof “\$153,750,000,”; and

5 (B) striking out the period and inserting in lieu
6 thereof “, and the amount obligated during the period
7 July 1, 1976, through September 30, 1976, may not
8 exceed \$3,750,000.”.

9 (3) Paragraph (2) is amended by striking out “two-
10 thirds” and inserting in lieu thereof “75 per centum”.

11 (4) Paragraph (3) is amended by striking out “7.5”
12 and inserting in lieu thereof “10”, and by striking out “funds
13 made available” and inserting in lieu thereof “amount au-
14 thorized”.

15 AIRPORT AND AIRWAY DEVELOPMENT PROGRAM

16 SEC. 5. (a) Section 14 (a) is amended—

17 (1) by changing the period after “1975” in para-
18 graph (1) thereof to a comma and adding “and \$450,-
19 000,000 for each of the fiscal years 1976 through 1980;
20 and”; and

21 (2) by changing the period after “1975” in para-
22 graph (2) thereof to a comma and adding “and \$75,-
23 000,000 for each of the fiscal years 1975 through
24 1980.”.

25 (b) Section 14 (b) is amended—

1 (1) by striking out “and the succeeding four fiscal
2 years in a total amount not to exceed “\$1,460,000,-
3 000” in the first sentence thereof and inserting in lieu
4 thereof “and the succeeding nine fiscal years in a total
5 amount not to exceed \$4,216,250,000”;

6 (2) by striking “June 30, 1975” from the second
7 sentence thereof and inserting in lieu thereof “June 30,
8 1980”; and

9 (3) by striking out “and” in the last sentence there-
10 of and inserting immediately before the period “an ag-
11 gregate amount exceeding \$1,985,000,000 prior to June
12 30, 1976, an aggregate amount exceeding \$2,116,250,-
13 000 prior to September 30, 1976, an aggregate amount
14 exceeding \$2,641,250,000 prior to September 30, 1977,
15 an aggregate amount exceeding \$3,166,250,000 prior to
16 September 30, 1978, an aggregate amount exceeding
17 \$3,691,250,000 prior to September 30, 1979, and an
18 aggregate amount exceeding \$4,216,250,000 prior to
19 September 30, 1980”.

20 (c) Section 14 (c) is amended by striking out “1975”
21 and inserting in lieu thereof “1980”.

22 DISTRIBUTION OF FUNDS

23 SEC. 6. Section 15 is amended as follows:

24 (a) Subsection (a) is amended—

25 (1) by striking out subparagraph (A) of paragraph

1 (1) and inserting in lieu thereof: “(A) to the sponsor of
2 each air carrier airport, \$6 per enplaned passenger up
3 to the first fifty thousand passengers, \$4 per enplaned
4 passenger for the next fifty thousand passengers, \$2 per
5 enplaned passenger for the next four hundred thousand
6 passengers and a 50 cents per enplaned passenger in ex-
7 cess of five hundred thousand passengers during the most
8 recent calendar year. However, no such sponsor shall be
9 apportioned more than \$7,500,000 hereunder and no
10 such sponsor shall be apportioned less than \$150,000 for
11 each such airport served by aircraft exceeding twelve
12 thousand five hundred pounds maximum certificated
13 takeoff weight, operated by or under contract for a
14 scheduled air carrier certificated by the Civil Aeronautics
15 Board;

16 (2) by striking out subparagraph (B) of paragraph
17 (1) and inserting in lieu thereof: “(B) any unappor-
18 tioned balance shall constitute a fund to be used at the
19 discretion of the Secretary pursuant to section 17.”, and

20 (3) by striking out subparagraph (c) of paragraph
21 (1).

22 (b) Subsection (b) is amended by adding a new para-
23 graph (3) as follows: “(3) No less than \$10,000,000 of
24 the amount authorized by subparagraph (1) (B) of subsec-
25 tion (a) of this section shall be made available by the Sec-

1 Secretary for airport development at commuter service
2 airports.”.

3 **PROJECT APPROVAL AND REQUIREMENTS**

4 **SEC. 7.** Section 16 is amended to read as follows:

5 **“SEC. 16. AIRPORT DEVELOPMENT PROJECT REQUIRE-**
6 **MENTS.**

7 “(a) **SUBMISSIONS.**—Except as provided in subsection
8 (c) (3) and subject to the provisions of subsection (e) of
9 this section, any public agency, or two or more public agen-
10 cies acting jointly, may submit to the Secretary a project
11 application, in a form and containing such information as
12 the Secretary may prescribe, setting forth the airport devel-
13 opment proposed to be undertaken.

14 “(b) **APPROVAL.**—Except as provided in subsection
15 (c) of this section all airport development projects shall
16 be subject to the approval of the Secretary, which approval
17 may be given only if he is satisfied that—

18 “(1) The project is reasonably consistent with
19 plans (existing at the time of approval of the project)
20 of planning agencies for the development of the area in
21 which the airport is located and will contribute to the
22 accomplishment of the purposes of this part;

23 “(2) Sufficient funds are available for that portion
24 of the project costs which are not to be paid by the
25 United States under this part;

1 “(3) The project will be completed without undue
2 delay;

3 “(4) The public agency or public agencies which
4 submitted the project application have legal authority
5 to engage in the airport development as proposed; and,

6 “(5) All project sponsorship requirements pre-
7 scribed by or under the authority of this part have been
8 or will be met.

9 “(c) AIRPORT PROJECT REQUIREMENTS.—

10 “(1) Sponsors of air carrier airports shall submit air-
11 port master plans to the Secretary not later than Septem-
12 ber 30, 1976. Airport master planning shall be accom-
13 plished in the context of and consistent with State and reg-
14 ional airport system plans and shall be based upon a com-
15 prehensive, coordinated, and continuing planning process for
16 the provision of all airport and airport related services.

17 “(2) Sponsors of air carrier airports shall submit capi-
18 tal improvement programs covering at least a three-year
19 period to the Secretary not later than January 1, 1977.
20 Such capital improvement programs shall be consistent with
21 master planning for that airport.

22 “(3) The sponsor of an air carrier airport having a
23 capital improvement program approved by the Secretary on
24 or after the date of enactment of this part may, in lieu of the
25 provisions of subsections (a) and (b) of this section, directly

1 undertake projects with funds apportioned under section 15
2 (a) (1) (A). However, prior to undertaking such projects
3 the airport sponsor must give assurance to the Secretary that
4 such sponsor has sufficient funds for the non-Federal share
5 of the project.

6 “(4) The Secretary shall authorize no project within a
7 standard metropolitan statistical area involving airport loca-
8 tion, a major runway extension or major runway location
9 found to have an adverse effect on natural resources includ-
10 ing, but not limited to fish and wildlife, natural, historic,
11 scenic, and recreation areas, water and air quality, and other
12 factors affecting the human environment, unless the Secre-
13 tary shall render a finding in writing, following a full and
14 complete review, which shall be a matter of public record,
15 that no feasible and prudent alternative exists and that all
16 reasonable steps have been taken to minimize such adverse
17 effect. For purposes of this section ‘major’ means only those
18 runways and runway extensions which require the extension
19 of airport boundaries, permit the operation of noisier aircraft
20 or cause a change in flight paths at an airport. Airport devel-
21 opment projects outside of standard metropolitan statistical
22 areas shall be deemed to have no significant impact on the
23 environment unless items of special significance such as wild-
24 life refuges, public parks, and recreational areas or historic
25 site of Federal, State, or local significance are involved.

1 "Airport development projects within the purview of this
2 section shall require the preparation and consideration of de-
3 tailed environmental statements as contemplated by section
4 102 (2) (C) of the National Environmental Policy Act of
5 1969 (Public Law 91-190). The National Environmental
6 Policy Act of 1969 shall have no further force and effect with
7 regard to other airport development projects authorized by
8 this part.

9 "Nothing in this section shall require the preparation of
10 an environmental impact statement during the formulation
11 of an airport master plan.

12 "(5) No airport development project in an urbanized
13 area involving the location of an airport, a major runway
14 location, or a major runway extension may be approved by
15 the Secretary unless the public agency sponsoring the project
16 certifies to the Secretary that there has been afforded the
17 opportunity for public hearings for the purpose of consider-
18 ing the economic, social, and environmental effects of the air-
19 port location and its consistency with the goals and objec-
20 tives of such urban planning as has been carried out by the
21 community.

22 "(6) All projects must be consistent with the then cur-
23 rent revision of the National Airport System plan formulated
24 by the Secretary under section 12 of this part;

25 "(7) All projects shall be accomplished in accordance

1 with configuration construction and planning standards estab-
2 lished by the Secretary, except for general aviation airports
3 the Secretary is authorized to approve standards established
4 by a State.

5 “(8) Airport sponsors shall keep the airport available
6 for public use as a facility for the landing and takeoff
7 of aircraft on fair and reasonable terms without unjust
8 discrimination.

9 “(9) Airport sponsors shall take reasonable steps, in-
10 cluding the adoption of zoning laws, to restrict the use of
11 land adjacent to or in the immediate vicinity of the airport
12 to activities and purposes compatible with normal airport
13 operations, including landing and takeoff of aircraft, and
14 to protect the aerial approaches to the airport against ob-
15 structions determined as such under standards established
16 by the Secretary.

17 “(10) Airport sponsors shall keep all facilities at the
18 airport used in the landing and takeoff of aircraft available
19 for use by aircraft of the United States Government without
20 charge except when such use becomes substantial, in which
21 case the United States Government may be charged for
22 such use based upon its reasonable share of the cost of
23 operating and maintaining the facilities used by it.

24 “(11) Airport sponsors shall furnish to the United
25 States Government without cost such permits and property

1 rights in lands on the airport as may be necessary to permit
2 the construction of buildings or facilities used by the United
3 States Government in weather reporting or air traffic control
4 required for the operation of aircraft using such airport.

5 “(12) In making decisions to undertake projects under
6 this section, sponsors shall consult with airport users.

7 “(13) An airport sponsor shall not use, directly or in-
8 directly, the cost of airport development financed with funds
9 made available under the Act in establishing rates and
10 charges for airport users.

11 “(d) The Secretary is authorized to accept a certifica-
12 tion by an airport sponsor that such requirements, Federal
13 or otherwise, that the Secretary enumerates by regulation
14 have been complied with. Nothing in this subparagraph shall
15 authorize the Secretary to delegate his responsibilities under
16 the National Environmental Policy Act of 1969.

17 “(e) PUBLIC AGENCIES WHOSE POWERS ARE LIMITED
18 BY STATE LAW.—Nothing in this part shall authorize the
19 submission of a project application by any municipality or
20 other public agency which is subject to the law of any State
21 if the submission of the project application by the municipal-
22 ity or other public agency is prohibited by the law of the
23 State.”

24 UNITED STATES SHARE OF PROJECT COSTS

25 SEC. 8. Section 17 is amended to read as follows:

1 "SEC. 17. UNITED STATES SHARE OF PROJECT COSTS.

2 "The United States share of costs for any airport de-
3 velopment project may not exceed 75 per centum of the
4 costs of the project. In the case of any State containing
5 unappropriated and unreserved public lands and nontaxable
6 Indian lands (individual and tribal) exceeding 5 per centum
7 of the total area of all lands therein, the United States share
8 under this section shall be increased by whichever is the
9 smaller of the following percentages thereof: (1) 20 per
10 centum, or (2) a percentage equal to one-half of the percent-
11 age that the area of all such lands in that State is of its
12 total area."

13 SEC. 9. Section 18, relating to project sponsorship, is
14 repealed, and sections 19 through 27 are redesignated as
15 sections 18 through 26, respectively.

16 TERMINAL DEVELOPMENT PROJECT COSTS

17 SEC. 10. (a) Section 20 of the Airport and Airway
18 Development Act of 1970 (49 U.S.C. 1720) is amended by
19 redesignating subsection (b) as subsection (c) and inserting
20 immediately after subsection (a) the following new sub-
21 section:

22 "(b) TERMINAL DEVELOPMENT.—

23 "(1) Notwithstanding any other provision of this Act,
24 upon certification by the sponsor of any air carrier airport
25 that such airport has, on the date of submittal of the project

1 application, all the safety and security equipment required
2 for certification of such airport under section 612 of the
3 Federal Aviation Act of 1958, the Secretary may approve as
4 allowable project costs of a project for airport development,
5 terminal development in the following nonrevenue producing
6 public use areas:

7 " (A) Baggage claim delivery areas.

8 " (B) Corridors connecting boarding areas.

9 " (C) Central waiting rooms and holding areas.

10 " (D) Foyers and entryways.

11 " (2) Only sums apportioned under section 15 (a) (3)

12 (A) to the sponsor of an air carrier airport shall be obligated
13 for project costs allowable under paragraph (1) of this sub-
14 section in connection with airport development at such air-
15 port, and no more than 30 per centum of such sums appor-
16 tioned for any fiscal year shall be obligated for such costs.

17 " (3) Notwithstanding section 17, United States share
18 of project costs allowable under paragraph (1) of this sub-
19 section shall be 50 per centum.

20 " (4) The Secretary shall approve project costs allow-
21 able under paragraph (1) of this subsection under such
22 terms and conditions as may be necessary to protect the in-
23 terests of the United States."

24 (b) Subsection (c) of such section 20 (as relettered
25 by this section) is amended by striking out "The" and insert-

1 ing in lieu thereof the following: "Except as provided in
2 subsection (b) of this section, the".

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A BILL

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By Mr. MURFORD

JUNE 9, 1975

Referred to the Committee on Public Works and Transportation