

SOME THINGS ARE ACTUALLY HAPPENING IN WASHINGTON: AN UPDATE

Peter J. Kirsch
May 6, 2019

The most terrifying words in the English language are: I'm from the government and I'm here to help.

Ronald Reagan



www.thegreatestquotes.com

Notwithstanding gridlock



Recent and forthcoming developments affecting airports

- FAA Reauthorization Act of 2018
- Drones and airports
- Infrastructure
- PFAS
- Metroplexes

New legal framework

FAA Reauthorization Act of 2018

Pub. L. 115-254, 131 Stat. 1129

One Hundred Fifteenth Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the third day of January, two thousand and eighteen*

An Act

To provide protections for certain sports medicine professionals, to reauthorize Federal aviation programs, to improve aircraft safety certification processes, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “FAA Reauthorization Act of 2018”.



Key changes - summary

- PFCs (§121-123)
 - No increase
 - Simplify \$4.50
- Noise (§173-189)
 - Studies, studies and studies
 - Regional ombudsman
- Limits on state and local taxes (§159)
- Privatization (§160)
- Non-aeronautical property (§163)

FAA Reauthorization Act 2018 – Section 163

- (a) The Secretary of Transportation may not directly or indirectly regulate—
 - (1) the acquisition, use, lease, encumbrance, transfer, or disposal of land by an airport owner or operator;
 - (2) any facility upon such land; or
 - (3) any portion of such land or facility.

Section 163 - exceptions

- (b)[FAA may regulate for the purpose of] ensuring—
 - (A) the **safe and efficient operation of aircraft or safety** of people and property on the ground related to aircraft operations;
 - (B) that an airport owner or operator receives not less than **fair market value** or
 - (C) that the airport pays not more than **fair market value**
- (2) any regulation imposed with respect to land or a facility **acquired or modified using Federal funding**; or
- (3) any authority contained in—
 - (A) a Surplus Property Act instrument of transfer, or
 - (B) section 40117 of title 49, United States Code.



Section 163 – ALP approvals

(d) The Secretary will review and approve or disapprove **only those portions of the [ALP]** that materially impact the safe and efficient operation of aircraft . . . or that would adversely affect the safety of people or property on the ground adjacent to the airport . . . or that adversely affect the value of prior Federal investments to a significant extent

Drones



WHAT, ME WORRY?

MAD

It is just a matter of time...

DJI Drone Collided with US Army Black Hawk Chopper and Dented Its Rotor

JAN 02, 2018 MICHAEL ZHANG



Gatwick drone inquiry: 93 'credible sightings'

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The New York Times

Newark Airport Traffic Is Briefly Halted After Drone Is Spotted



ty International Airport were halted on Tuesday evening after a drone
Cortez/Associated Press



Safety of unmanned flights around airports

- Should be #1 priority
- We protect the integrity of the airspace from encroachments from the ground
- UAS isn't that different
- Except that it is different

Airport sponsors' safety obligations

- Grant Assurance 19 states that:
 - The airport...shall be operated at all times in a safe condition... The sponsor will not “cause or permit any activity or action thereon which would interfere with its use for airport purposes.”
- Grant Assurance 20 states that:
 - The airport sponsor will take appropriate action to assure terminal airspace is cleared and protected by removing existing hazards and preventing future hazards.
- Grant Assurance 21 states that:
 - The airport sponsor will take appropriate action, to the extent reasonable, to restrict the use of land in the vicinity of the airport to activities compatible with normal airport activities.
- How does this translate into UAS world?



Evolution of federal UAS regulation

- Original law and § 336 gap
- Section 107 – commercial operators
- Filling the holes: FAA Reauthorization Act of 2018
 - Repeals § 336, all drone operators must follow same rules
 - No formal regulations for recreational operators yet
 - FAA to develop policy to guide local governments and law enforcement
- FAA continues to publish rules to integrate drones
 - Flights at night and over people



Practical Reality of FAA Enforcement

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intentionally
left blank

The evolving airport role

- Catalyst – beginning the conversation
- Coordinator – unique position in the community
- Outreach agent and educator
- Advocate/trainer
 - Relationships with elected officials
- Regulator – in certain instances
- Airport hazard mitigation pilot program (Reauth § 383)
- Development of
 - Standards for countermeasures
 - Authorization for countermeasures
- Rulemaking?

Infrastructure

- Fits and starts
- Consensus on problem, not on funding (\$2T?)
- Role of airport capital needs (\$100B per ACI)



PFAS

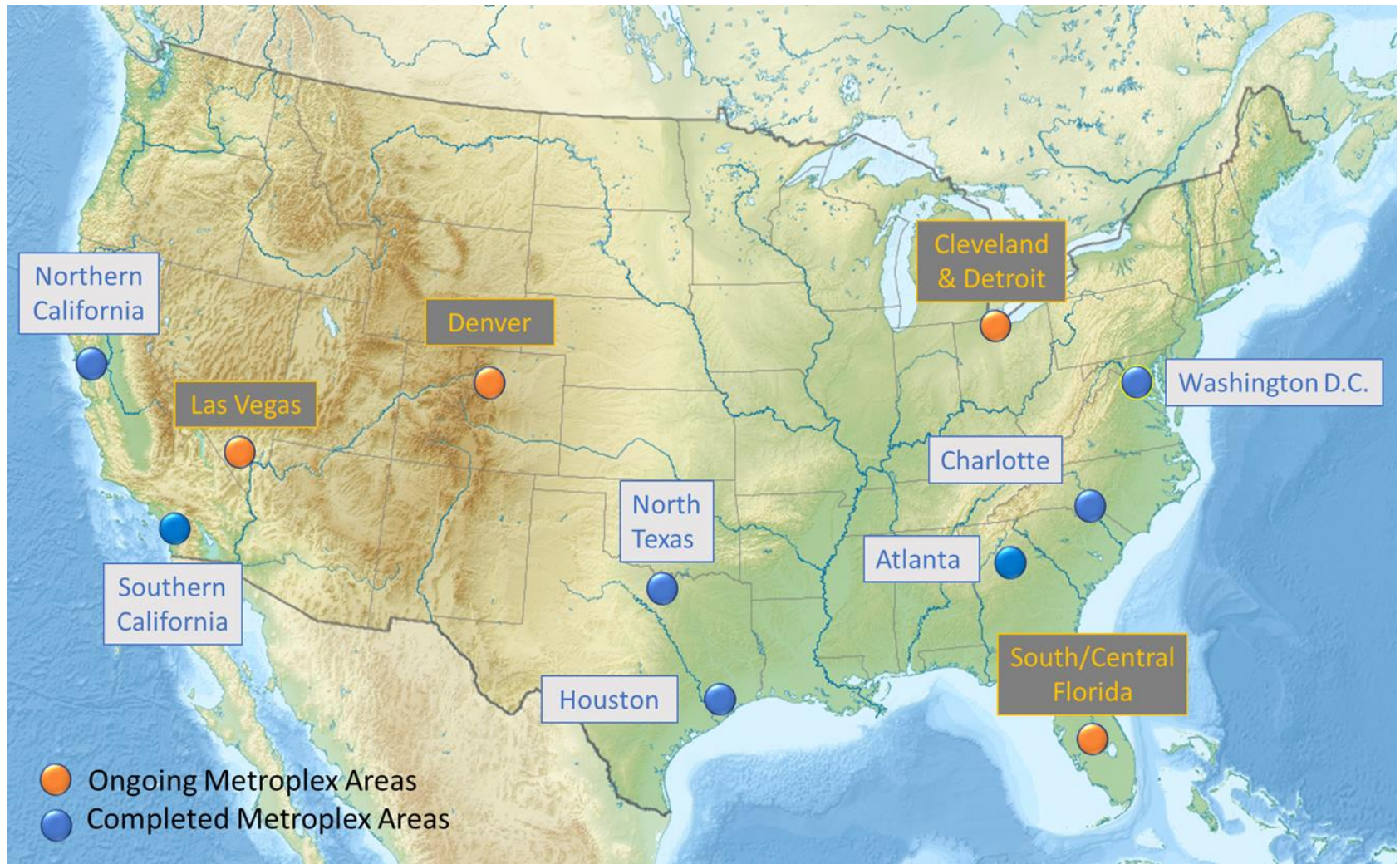
- Congress: within 3 years, FAA may not require use of PFAS to meet firefighting performance standards
- Cert Alert – greater flexibility in the interim

Metroplex, NextGen and airports

- Ombudsman
- Trying for increased transparency
- Environmental assessments



Metroplex Program



The complexity of Metroplex



Questions

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