

Statement of Jason Terreri
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On Behalf of Airports Council International – North America
Before the House Subcommittee on Aviation
“FAA Reauthorization Implementation”
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Good morning. I am Jason Terreri, the Executive Director of Syracuse Regional Airport Authority in New York. Chairman Sam Graves, Chairman Garret Graves, Ranking Member Larsen, and Ranking Member Cohen, thank you for providing me the opportunity today to share the commercial-service airports’ perspective on FAA reauthorization implementation. I am also here in my capacity as Chair of the U.S. Policy Council at Airports Council International – North America (ACI-NA), the trade association for America’s airports.

On behalf of the airport industry, I want to start with a “thank you.” Once fully funded and implemented, the FAA Reauthorization Act of 2024 will have significant and positive impacts across the entire airport system. From increasing funding for airport infrastructure to reducing costly regulatory burdens, the new FAA law is full of meaningful and overdue reforms to the FAA and the airport industry. We recognize the 2024 law did not happen in a vacuum, as our industry has been front and center with Congress and this committee through multiple COVID-relief measures, a landmark infrastructure law, and now the latest FAA reauthorization act. We greatly appreciate all your commitment and assistance in helping to keep America’s airports open and growing as we are now collectively experiencing our largest passenger volumes ever.

I appreciate this opportunity to explain our position on the implementation of the 2024 FAA Act, including the work both the FAA and Congress need to do to bring the bill’s promise to fruition. Since the enactment, we have been pushing the FAA to move quickly on implementing the good work of this Congress, and we ask that moving forward you continue your oversight to ensure that FAA will follow your intent. As I will highlight for you today, the FAA failed to implement several provisions from the 2018 FAA Act, including airport land use and PFC streamlining requirements, that then had to be addressed again in the latest law. It is vital that the FAA implements statutory provisions consistent with congressional intent and your rigorous oversight through hearings like this is critical to ensure this happens.

AIP Funding

The Airport Improvement Program (AIP) needs a full year of appropriated funding at \$4 billion in order for the new formula changes to work properly. The formula changes, first proposed by this committee and included in the final bill, will allow all airports to benefit from more AIP entitlement dollars, letting airports prioritize important infrastructure projects at their facilities for years to come. While we wait for a final resolution on the fiscal year 2025 spending bills, airports have asked the FAA for specific dollar amounts of entitlement dollars they should expect, but the FAA has been unwilling to share this information. Although we understand that nothing is certain when it comes to funding, it is incredibly difficult to plan for projects without having a better idea of how much money we might receive. Even a general idea of funding

amounts would be helpful. Once the appropriations process is complete, and I emphasize again that AIP needs a full year of appropriated funding at \$4 billion to function properly, we ask that this committee continue oversight to ensure the new formulas are executed in the manner the act intended.

Airport Land Use

The FAA should move quickly to implement the new congressional instructions on dealing with airport land use included in the 2024 Act and amend the agency's land use policy issued in early 2024 to account for the new statutory regime.

Section 743 of the 2024 Act rewrites a provision from the 2018 Act prohibiting the FAA from regulating, directly or indirectly, the acquisition, use, lease, transfer, or disposal of airport property by an airport owner or operator if the land was not purchased with federal funds, except to ensure that the safety and efficiency of flight operations are maintained, and that fair market value is received.

While the new provision cedes some authority back to FAA on what type of land is subject to oversight, it places some new limits on the agency's authority – such as prohibiting the FAA from extending its review authority to any non-aeronautical portions of a project and setting a 45-day review window for the FAA to raise any objections. These new limits should help move airport projects along more quickly, avoiding costly FAA delays that have hurt airports like Syracuse. Since the land use provision was not implemented properly back in 2018, my airport lost a significant revenue opportunity on a development deal. Since getting this right is a top priority for airports, the FAA should socialize the procedures to implement the new law with their headquarters and regional offices staff and airports as quickly as possible. Real economic opportunities are at stake if the FAA chooses to continue to ignore congressional intent.

PFC Streamlining

The FAA should move quickly to start rulemaking on the new pilot program that will significantly reduce the paperwork burden and federal review times for airport infrastructure projects utilizing passenger facility charges (PFCs).

Section 776 of the 2024 Act broadens a pilot program from the 2018 Act allowing airports, under certain conditions and with FAA approval, to file a notice of their intent to impose a PFC rather than file a full application with the FAA. While the pilot program maintains all presently required air carrier consultation and comment requirements and permits the FAA to require additional review in certain circumstances, it also sets limits on when the FAA may object to an airport's request. Additionally, the section leaves in place the FAA's current process for allowing participation in the pilot program until the FAA conducts new rulemaking to account for the new law, which is already significantly delayed from its September 13 deadline.

Already having missed the statutory deadline, the FAA should start the rulemaking as quickly as possible and consider the public comments ACI-NA filed earlier this year on ways to improve the pilot program so airport infrastructure projects can get underway more expeditiously.

FAA Operations

Our airport enjoys a strong working relationship with our FAA representatives. However, the post-pandemic period has been difficult. I am fortunate to run an airport that is growing, and our challenges are mostly due to regulatory and financial constraints that limit the pace of our expansion. We need an FAA that is present at our airports, cognizant of the economic environments in which we operate, and committed to expediting, not delaying, development. We have worked through most of the issues we have experienced such as land releases, but I would urge the committee to work with the FAA to ensure they are on the job and focused on being partners in the mission to grow.

Firefighting Foam Transition

Airports appreciate the committee's work with airports and the aircraft rescue and firefighting community to facilitate the transition from aqueous film-forming foam (AFFF) to fluorine-free foam (F3). Directing the FAA to provide regular transition updates to airports and authorizing funding for airports to transition to the new foams were key provisions in the 2024 Act. We are eager to move forward with any F3 transition funding Congress provides, but, as with the AIP, we are waiting for appropriations.

The Senate's transportation spending bill contains the first \$70 million in transition funds. ACI-NA worked with Congressmen Carbajal and Lawler on a bipartisan letter to House appropriators signed by over 80 members – including many on this committee – asking the House to accept the Senate provision in a final spending bill. We ask you to continue to weigh in with appropriators to ensure that this bipartisan provision is properly funded in the final spending bill.

Unfortunately, airports' work on PFAS does not just end with funding. Earlier this year the EPA finalized a rule designating PFOA and PFOS as a hazardous substance under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Airports, as mandated by the federal government, have used firefighting foams containing PFOA and PFOS for decades. We have done so in good faith to meet our federal mandate of keeping the traveling public safe. Now that we know these chemicals have harmful health and environmental impacts, airports are beginning the costly transition to new firefighting foams. However, being held liable for doing what the federal government has required us to do puts U.S. airports in an impossible position. As part of EPA's final rule, the agency issued an administrative policy that it did not intend to pursue entities like airports, but since this is subject to administrative discretion it is not binding law. We ask that Congress grant U.S. airports a specific CERCLA-liability exemption. ACI-NA and its members strongly support S. 1433, the Airports PFAS Liability Protection Act introduced by Senator Lummis, and we hope this issue will be high on congressional agenda next year.

Airside Safety

Airports want to participate with the FAA in initiatives to improve runway, taxiway, and apron safety, including implementation of the broad provisions under Title III of the 2024 Act, as well

as in separate initiatives dealing with apron safety, FOD detection, airside ground vehicle tracking, and continuing improvements to signage and marking. As significant stakeholders in the U.S. aviation system, airports want to ensure that safety measures are effective, affordable, and appropriate.

NEPA Processes

Airports look forward to implementation of the new CatEx provision in the 2024 Act, which hopefully will enable limited environmental review resources to be focused on larger projects that really require this focus. Your continued attention to these matters is appreciated.

Air Traffic Management

Airports are concerned about the current state of the U.S. air traffic control system. Although we have seen benefits from the decade and a half focus on modernization of the air traffic control system known as NextGen, we have seen an array of NAS challenges causing delays, disruption, and – most critically – adversely impact the safety of the U.S. National Airspace System (NAS). These challenges include air traffic control staffing, training, and the sustainment of critical NAS equipment from air traffic control towers, surveillance systems, communications systems, and navigational aids. They also include emerging issues such as bolstering the resiliency of the NAS to cyber threats and the integration of new entrant aircraft.

We appreciate the provisions in the 2024 Reauthorization Act that address these issues, which are critical to the safe and efficient operation of the NAS.

New Entrant Integration

New entrant aircraft – inclusive of uncrewed aircraft systems (UAS) and advanced air mobility (AAM) aircraft – have captured the imagination of the aviation industry and open the door to an exciting array of innovative use cases.

Integrating both categories of new entrants into a mature and complex airspace system is a significant undertaking that requires a re-envisioning of how our NAS is managed. At Syracuse, we have been proud to be on the cutting edge of this effort through our longstanding partnership with the 174th Attack Wing of the New York Air National Guard, which operates the MQ-9 from our airport, as well as through our partnership with NUAIR, who managed the New York FAA-designated UAS Test Site for over a decade and recently relocated their operations to our airport as they advance their UAS operations and expand into AAM.

Through this work with our key partners, I have had a front row seat to the challenges we need to confront in integrating new entrant aircraft into the NAS. It is essential for airport operators to be at the table as the FAA proceeds with developing and implementing unmanned air traffic system management and integration of AAM into the current air traffic management system. Airport operators have critical equities in the safety, efficiency, and community impacts these integration efforts. We also see the need for close collaboration with both the FAA and prospective AAM and UAS operators regarding the airport and vertiport infrastructure needed to support future operations. Although airports were not specifically named in the 2024 FAA

Act as a stakeholder in sec. 916, it is important for airports to have a seat on the Unmanned and Autonomous Flight Advisory Committee created by this section.

Challenges and risks associated with these new entrant aircraft – particularly UAS – have multiplied as UAS technology has matured and become increasingly accessible to all, posing numerous risks. We believe it is essential for airport operators to have both regulatory and statutory foundations that enable us to protect aviation infrastructure from such bad actors. Unfortunately, provisions that address rapidly maturing provisions were not included in the 2024 Act. I urge you and your colleagues in the Senate to move to resolve differences between House and Senate versions of UAS detection and mitigation provisions and provide airport operators – along with other operators of critical infrastructure – a strong legislative framework upon which to address UAS threats.

Finally, both UAS and AAM will rely on fundamentally different energy sources than today's general aviation and commercial aircraft, with a heavy focus on electricity and an emerging focus on hydrogen. We encourage you to work closely with your colleagues on the Energy and Commerce Committee going forward to address critical energy supply and distribution challenges that increasing UAS and AAM operations will drive.

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In closing, thank you for listening to our concerns and incorporating many of our industry's top policy issues into the recent FAA reauthorization law. Airports realize that even though the FAA Reauthorization Act of 2024 has been signed into law, much work remains. We will continue to do our part and look forward to working with you and the FAA on the implementation of this important legislation.