

SEMI-ANNUAL AIRPORT LAW DIGEST



2019 YEAR IN REVIEW

**JANUARY 2020
NO. 31**

This Digest is a summary of the important developments in airport law in 2019, including: a list of principal cases decided over the last year; new DOT and FAA rules, policies, and guidance; and reports, studies, and articles of particular interest to airport legal professionals. We have attempted to provide links to publicly available documents, and most other documents are available via subscription services such as Westlaw or LexisNexis.

2019 was a busy year for FAA and airports. On the issue of likely the most significance, airport sponsors continue to grapple with the effects of FAA-mandated use of firefighting foam that contains per- and polyfluoroalkyl substances (PFAS), a potential groundwater and soil contaminant. Although Congress did recently address the issue in the National Defense Authorization Act, legislation at the state level has moved more swiftly. For a summary of recent PFAS news, see [Kaplan Kirsch & Rockwell's PFAS News Alert](#) issued December 19. In other news, on August 12, 2019, the agency finally received a new permanent Administrator with the [swearing-in of Stephen M. Dickson](#). Finally, on nearly the last day of the year, FAA published its long-awaited notice of proposed rulemaking for remote identification of unmanned aircraft, a rulemaking that is expected to bring greater clarity to airport sponsors' rights and responsibilities. More detail on this rulemaking can be found below on page 2.

Looking ahead to 2020, the upcoming election is likely to color many Congressional and executive branch actions and could slow Washington to a crawl. Nonetheless, there are indications that Congress may consider additional PFAS-related legislation in the coming months. Additional FAA guidance on provisions from the 2018 FAA Reauthorization Act is also possible at some point in the next year.

We hope you find this Digest useful in your efforts to remain current in the always-evolving legal and regulatory framework that governs airports. If you have questions about any of the materials in this Digest, please contact editor [Nicholas M. Clabbers](#) or [any other Kaplan Kirsch & Rockwell attorney](#) who normally represents you.

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**KAPLAN KIRSCH
ROCKWELL**

DRONE RULEMAKING

As the number and uses of unmanned aircraft continue to grow, one of the most vexing problems faced by airport sponsors and state and local law enforcement agencies has been how to identify an unmanned aircraft in the air and, if necessary, track down its operator. On December 31, 2019, the FAA published a long-anticipated proposal to establish a comprehensive regulatory framework for the remote identification of unmanned aircraft systems (UAS). Under the proposed rule, manufacturers of UAS would be required to assign each aircraft weighing more than 0.55 pounds a unique serial number and obtain FAA certification that such aircraft comply with certain performance-based standards. Operators would be required to register their UAS serial numbers with the FAA and, during flight, broadcast and/or report via internet-based service providers identifying and positional data for both the unmanned aircraft and ground control station in real-time. The proposed rule contemplates that state and local law enforcement agencies would have access to the FAA's database so that they may easily identify a UAS and its operator. Comments on the FAA's proposed rule are due by March 2, 2020.

For more information about the proposed rulemaking, contact [Eric T. Smith](#) or [Steven L. Osit](#).



AIRPORT NOISE AND NEXTGEN

Moving into 2020, airport sponsors should continue to watch for new developments in airport noise control and FAA's efforts to implement NextGen flight patterns. Shortly before the new year, members of the House of Representative introduced eight different bills pertaining to regulation of airport noise, with most seeking to return some measure of control to local governments (e.g., rolling back restrictions in the Airport Noise and Capacity Act) or mandating increased local involvement in FAA's changes to flight patterns. It remains to be seen whether any of these bills stand a chance of becoming law. In the meantime, local governments continue to litigate new NextGen flights patterns; as listed below, there are numerous pending cases concerning FAA's implementation of new patterns that have created noise issues for communities in recent years. For more information about these issues, please contact [Peter J. Kirsch](#), [W. Eric Pilsch](#), or [Matthew G. Adams](#).

LITIGATION Listed in Reverse Chronological Order

FEDERAL AND SELECT STATE COURT DECISIONS

Subject Matter Jurisdiction. *Kushino v. FAA*, Civ. Action No. 4:19-CV-00076-JHM, 2019 U.S. Dist. LEXIS 210086 (W.D. Ken. Dec. 4, 2019) (dismissing NEPA action against FAA because federal statute provides Court of Appeals exclusive jurisdiction for review of final FAA actions).

Environmental Impact. *City of Burien v. Elwell*, Case No. 18-71705, 2019 U.S. App. LEXIS 35619 (9th Cir. Nov. 27, 2019) (remanding to FAA with instructions to consider the potential cumulative impact of all relevant reasonably foreseeable future actions because of FAA's failure to comply with NEPA when it approved a procedure having the effect of low-flying planes over a city after takeoff from a nearby airport).

Skydiving. *Skydive Myrtle Beach Inc., vs. Horry County*, Opinion No. 27930, 2019 S.C. LEXIS 113, (S.C. Sup. Ct. Nov. 20, 2019) (finding that removal of skydiving tenant from a hangar where space-use permit had expired was lawful).

Land Use. *The Umstead Coalition v. Raleigh Durham Airport Auth.*, No. 19 CVS 3859 (Sup. Ct. Wake Cty., N.C. Nov. 8, 2019) (granting airport authority's motion for summary judgment against claim that quarry lease between private party and the authority violated federal law because it was executed without FAA approval, and finding that claim had no merit because FAA already determined approval was not necessary under Section 163 of the FAA Reauthorization Act of 2018).

Drones and Agency Actions. *Taylor v. FAA*, No. 18-cv-00035, 2019 U.S. Dist. LEXIS 134309 (D.D.C. Aug. 9, 2019) (dismissing for failure to state a claim or lack of standing various causes of action seeking remuneration for FAA's assessment of registration fees on drone operators).

Skydiving and Preemption. *Citizens for a Safe Chatham Airport, Inc. vs. Town of Chatham*, Docket No. 1572CV00612 (Barnstable Cty., Mass. Aug. 2, 2019), appeal pending (where complaint alleged that skydiving operation at airport constituted a public nuisance, granting defendant airport sponsor's motion for summary judgment on preemption grounds).

Skydiving and Part 16. *Davis v. Horry Cty. Council*, No. 4:17-cv-391-DDC, 2019 U.S. Dist. LEXIS 124747 (D. S.C. July 25, 2019) (dismissing plaintiffs' § 1983 claim related to sponsor shutdown of skydiving business as an impermissible attack on earlier FAA Part 16 determination finding that those operations were unsafe).

Government Contracting. *Pipeline Contrs., Inc. v. Keystone Airpark Auth.*, 276 So. 3d 436 (Fla. App. July 10, 2019), pet. for reh'g denied (private contractor was estopped from alleging that airport authority was improperly formed under state law and therefore lacked legal capacity to enter into contract because contractor had accepted benefit of the contract).

Preemption. *Tweed-New Haven Airport Auth. v. Tong*, 930 F.3d 65 (2d Cir. July 9, 2019) (holding that state statute limiting length of runway was preempted by federal safety standards).

Judicial Review. *Kisor v. Wilkie*, 139 S. Ct. 2400 (June 26, 2019) (non-airport case declining to overrule precedent related to judicial deference to agency interpretations of its own rules (Auer deference)).

Inverse Condemnation and Takings. *Knick v. Twp. of Scott*, 139 S. Ct. 2162 (June 21, 2019) (non-airport case overruling 1985 precedent and holding that a plaintiff alleging a taking by a local government under the United States Constitution and § 1983 no longer needs to exhaust available remedies in state court before filing suit in federal court).

Skydiving/Jurisdiction. *Mile-Hi Skydiving Center, Inc. v. City of Longmont*, Case No. 2019CV30144 (Boulder Cty., Co. May 28, 2019) (dismissing suit to enjoin enforcement of new permit fee structure of parachute landing area based on alleged violations of FAA grant assurances because FAA has exclusive jurisdiction over grant assurance claims).

SIDA Regulations. *Ho v. Lopano*, Case No. 8:18-cv-2802-T-36SPF, 2019 U.S. Dist. LEXIS 87801 (M.D. Fla. May 24, 2019) (granting airport's motion to dismiss where plaintiff alleged airport sponsor, by asking for additional paperwork on a prior criminal proceeding, had improperly withheld his SIDA badge in violation of federal regulations).

Revenue Diversion. *Air Transp. Ass'n. of Am., Inc. v. FAA*, 921 F.3d 275 (D.C. Cir. Apr. 23, 2019), pet. for reh'g denied (denying petition for review of Part 16 decision finding no violation of Grant Assurance 25 where airlines alleged that airport sponsor had impermissibly charged them certain utility fees it then paid to the City of Portland).

Preemption and Land Use. *Helicopters for Agric. v. Cty. of Napa*, 384 F. Supp. 3d 1035 (N.D. Cal. Apr. 18, 2019) (finding that local ordinance regulating the takeoff and landing of helicopters from private property outside of airports was not preempted by federal law).



Antitrust. *Dakota Terr. Tours ACC v. Sedona-Oak Creek Airport Auth. Inc.*, 2019 U.S. Dist. LEXIS 61678 (D. Az. Apr. 10, 2019) (dismissing federal anti-trust claims by unsuccessful lease applicant against municipal airport sponsor because sponsor was immune under the "state action" doctrine).

Grant Assurances. *Boggs v. FAA*, 76 Fed. App'x 80 (6th Cir. Mar. 7, 2019) (on appeal of an FAA decision under 14 C.F.R. Part 16, affirming findings that airport sponsor was in compliance with Grant Assurance 4 and had no affirmative obligation to purchase plaintiffs' property near the airport).

Federal Takings. *Crawford v. Antonio B. Won Pat Int'l Airport Auth.*, 917 F.3d 1081 (9th Cir. Mar. 1, 2019) (in case involving condemnation of property for the construction of an airport, affirming district court decision, and holding that a landowner's ancestral property right was not a constitutionally protected interest under the Due Process Clause).

Through-the-Fence Agreements. *Silverwing at Sandpoint, LLC v. Bonner Cty.*, 435 P.3d 1106 (Id. Feb. 26, 2019) (reversing district court decision and holding that owner of airport-adjacent property could not maintain a promissory estoppel claim because it could not show "substantial economic detriment" based upon the modification of an impermissible through-the-fence agreement and planned construction on the Airport Layout Plan that was substantially delayed).

Open Meetings and Records. *Elec. Privacy Info. Ctr. v. Drone Advisory Comm.*, Civ. Action No. 18-833 (RC), 2019 U.S. Dist. LEXIS 28990 (D.D.C. Feb. 25, 2019) (dismissing most open meetings claims under various federal statutes for lack of subject matter jurisdiction but denying motion to dismiss as to plaintiff's public records claims under the Administrative Procedures Act).

Reversionary Clauses. *Fish v. Magnum Aviation*, No. 18-cv-06671-VKD, 2019 U.S. Dist. LEXIS 26271 (N.D. Cal. Feb. 19, 2019) (dismissing various challenges to a reversionary clause in a tenant's hangar lease and holding that because the sponsor was acting in its proprietary—not governmental—capacity, there could be no Fifth Amendment taking).

Public Records. *Wyoming Jet Center, LLC v. Jackson Hole Airport Bd.*, 2019 WY 6 (Jan. 15, 2019) (reversing lower court decision and holding that an airport was a political subdivision subject to the Wyoming Public Records Act and that it must make certain documents publicly available).

Car Sharing Program and Fees. *Turo, Inc. v. City of Los Angeles*, Case No. 2:18-cv-06055-CAS (GJSx), 2019 U.S. Dist. LEXIS 6532 (C.D. Cal. Jan. 14, 2019) (denying motion to dismiss claim for declaratory relief seeking ruling that airport sponsor has no authority to impose permitting scheme and associated charges on car sharing service).

PENDING CASES

Metroplex/Next Gen. *City of Los Angeles v. FAA*, No. 19-73164 (9th Cir. petition filed Dec. 12, 2019) (petition for review of FAA decision to allow flight tracks for departing aircraft at Hollywood Burbank Airport to shift following Metroplex implementation).

Slots. *Spirit Airlines, Inc. v. U.S. Dep't of Transp.*, Case No. 19-1248 (D.C. Cir. petition for review filed Nov. 25, 2019) (petition for review challenging FAA decision not to immediately allow new flights at Newark Liberty International Airport (EWR) following Southwest Airlines' cessation of flights from EWR).

Essential Air Service. *Bd. of Cty. Comm'rs of Wash. Cty. v. United States Dept. of Trans.*, No. 19-1210 (D.C. Cir. oral argument scheduled Feb. 20, 2020) (challenging FAA decision to remove Hagerstown Regional Airport from Essential Air Service program).

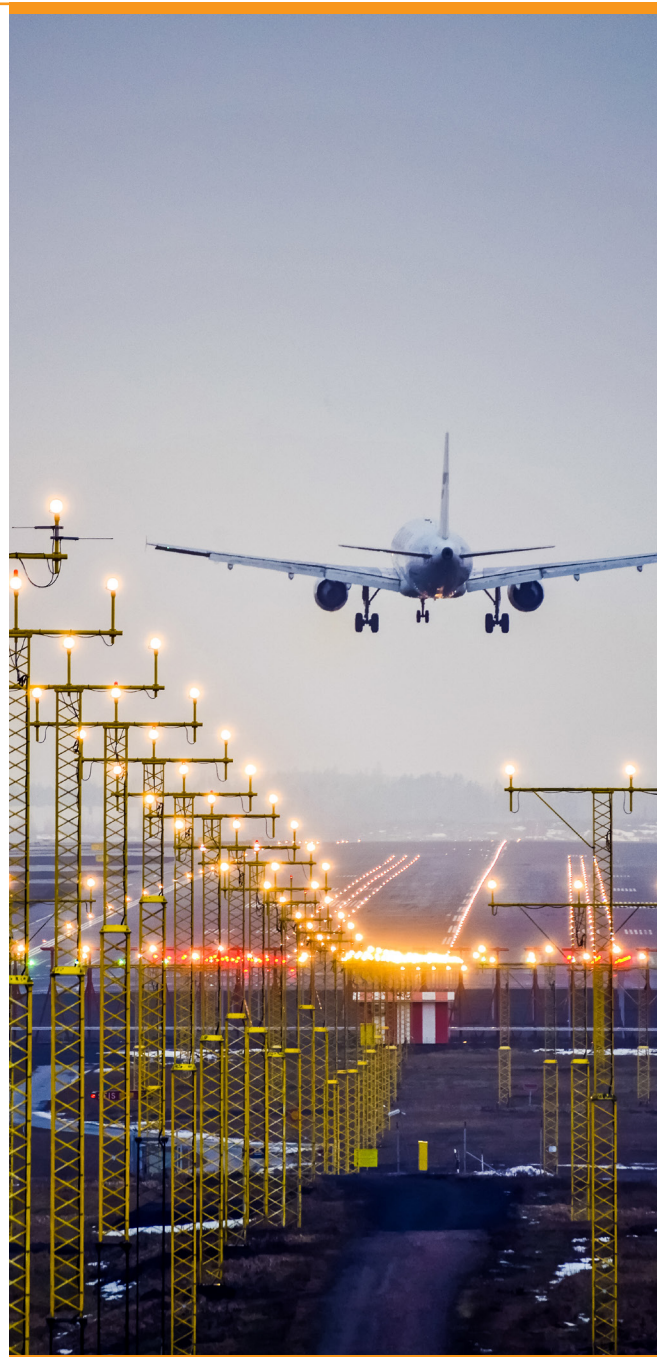
Metroplex/NextGen. *City of Los Angeles v. Elwell*, No. 19-71581 (9th Cir. motion to stay briefing filed Dec. 16, 2019) (petition for review of FAA decisions setting flight procedures at Los Angeles International Airport).

Metroplex/NextGen. *Howard Cty. v. FAA*, No. 18-2360 (4th Cir. supp. app'x filed Aug. 1, 2019) (challenging flight procedures at Baltimore-Washington International Thurgood Marshall Airport).

Car Sharing Programs. *Mass. Port Auth. v. Turo, Inc.*, Civ. Action No. 19-1773 (Mass. Sup. Ct. complaint filed June 3, 2019) (action alleging car sharing service is illegally operating at airport without a car rental permit from sponsor and trespassing at airport, among other claims).

Metroplex/NextGen. *Maryland v. FAA*, No. 18-1173 (D.C. Cir. argued Nov. 14, 2019) (petition for review of FAA implementation of new approaches at Washington National Airport).

Metroplex/NextGen. *Maryland v. FAA*, No. 18-1302 (D.C. Cir. case in abeyance pending FAA reconsideration) (petition for review of FAA decision denying administrative petition for supplemental environmental assessment concerning DC Metroplex and BWI).



RESEARCH WARNING FOR AIRPORT LAWYERS

We have recently confirmed that Lexis Advance has not updated its database of FAA Part 16 decisions since September 2017. Westlaw Next appears to also have a similarly incomplete database, though we have not confirmed this with the provider. New Part 16 decisions are intermittently uploaded to [FAA's website](#) and [Regulations.gov](#).

ADMINISTRATIVE DECISIONS

Revenue Generation and Airport Finances. *Smith, et al. v. City of Santa Monica*, FAA Docket 16-16-02, Director's Determination (Nov. 8, 2019) (finding the City in non-compliance with Grant Assurance 25, concerning certain advances and loans/grants made to the airport fund because they were not clearly documented as loans or interest-bearing loans when they were made, as required by the Revenue Use Policy).

Emotional Support Animals. *Complainant v. Greenville-Spartanburg Airport Dist.*, DOT Complaint No. 2017-0353 (Oct. 24, 2019) (withdrawing earlier decision that found sponsor violated its obligations under the Air Carrier Access Act by requiring emotional support animals to be inside a carrier while passing through the terminal).

Airport Privatization. *In Re Privatization of Airglades Airport*, Hendry County, Florida, Record of Decision (Sept. 30, 2019) (approving sale of airport to Airglades LLC, the first approved airport sale under the new Airport Investment Partnership Program).

Proprietary Exclusive Rights. *Wyoming Jet Ctr., LLC v. Jackson Hole Airport Bd.*, Part 13 Proceeding (July 31, 2019) (finding no grant assurance violations where airport sponsor announced plans and took steps to acquire the sole existing FBO and operate it on a proprietary exclusive basis but did not in the interim permit a second FBO to operate on the airport).

ACDBE Relations and Enforcement. *Cordial Endeavor Concessions of Atlanta, LLC v. City of Atlanta*, FAA Docket 16-17-01, Director's Determination (July 29, 2019) (finding the City of Atlanta in violation of Grant Assurance 37, Disadvantaged Business Enterprises, because it failed to implement and administer a program to monitor an ACDBE joint venture operating agreement).

Leasing and Development. *Robinson Air Crane, LLC v. St. Lucie Cty.*, FAA Docket No. 16-18-02, Director's Determination (July 19, 2019) (finding no grant assurance violations where airport sponsor did not approve an applicant's lease proposals that lacked documentation of adequate stormwater drainage and participation in planning process).

Minimum Standards. *Walker AG Supply, LLC v. Wahoo Airport Auth.*, FAA Docket No. 16-14-08, Final Agency Decision and Order (Mar. 9, 2019) (affirming Director's Determination, which found no violations of the grant assurances where sponsor did not permit an agricultural service provider to operate at the airport because it did not meet the airport's minimum standards).

Use Restrictions. *Forman v. Palm Beach Cty.*, FAA Docket No. 16-17-13, Director's Determination (Feb. 22, 2019) (finding sponsor not in compliance with Grant Assurance 22 where it prohibited all jet aircraft operations), *appeal pending*.

Unjust Discrimination and Lease Terms. *Minch v. City of Cottonwood*, FAA Docket No. 16-17-05, Director's Determination (Jan. 18, 2019) (finding no unjust discrimination or violation of other grant assurances where leases were negotiated at different points in time and the wording and structure were slightly different, but the terms were functionally identical).

Rates and Charges. *Sound Aircraft Servs. v. Town of E. Hampton*, FAA Docket No. 16-14-07, Director's Determination (Jan. 2, 2019) (finding no grant assurance violations where complainant alleged that the Town impermissibly raised its rates and charges and violated FAA's prohibition against revenue diversion when it raised both landing fees and fuel flowage fees).

FEDERAL RULES, ORDERS, AND GUIDANCE Listed in Reverse Chronological Order

THE WHITE HOUSE

Executive Order No. 13858, [Strengthening Buy-American Preferences for Infrastructure Projects](#), 84 Fed. Reg. 2039 (Jan. 31, 2019).

DEPARTMENT OF TRANSPORTATION AND FAA ORDERS, POLICIES, AND ADVISORY CIRCULARS

Notice of Proposed Rulemaking, [Remote Identification of Unmanned Aircraft Systems](#), 84 Fed. Reg. 72,438 (Dec. 31, 2019) (comments due Mar. 2, 2020).

Final Rule, [Administrative Rulemaking, Guidance, and Enforcement Procedures](#), 84 Fed. Reg. 71,714 (Dec. 27, 2019) (eff. Jan. 27, 2020).

Advisory Circular No. 150/5100-13C, [Development of State Aviation Standards for Airport Pavement Construction](#) (Dec. 6, 2019).

Part 139 CertAlert No. 19-04, [Non-Compliant Fire Service Plus Product FireAde Aqueous Film Forming Foam \(AFFF\)](#) (Dec. 4, 2019).

Part 139 CertAlert No. 19-02, [Aqueous Film Forming Foam \(AFFF\) Testing at Certificated Part 139 Airports](#) (Oct. 29, 2019).

Advisory Circular No. 150/5050-4A, [Community Involvement in Airport Planning](#) (Oct. 28, 2019).

Reauthorization Program Guidance Letter (R-PGL) 19-07, [DBE & Related Programs](#) (Oct. 25, 2019).

Draft Advisory Circular No. 150/5220-9B, [Aircraft Arresting Systems on Civil Airports](#) (issued Oct. 2019).

Draft Advisory Circular No. 150/5000-9B, [Guidelines for Sound Insulation of Structures Exposed to Aircraft Noise](#) (draft issued Oct. 2019, comment period closed).

Draft Advisory Circular No. 150/5200-18D, [Airport Safety Self-Inspection](#) (issued Sept. 2019).

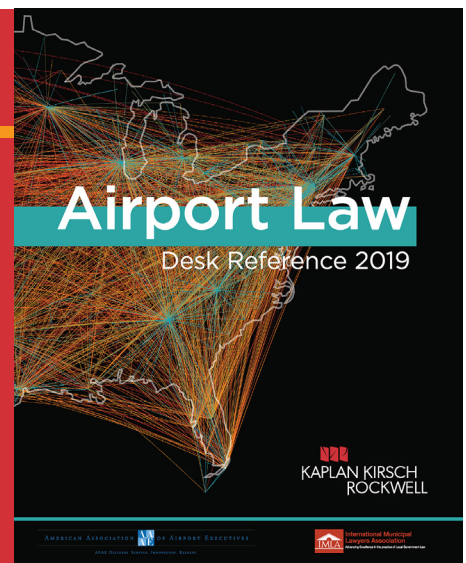
Order 5090.5, [Formulation of the NPIAS and ACIP](#) (Sept. 3, 2019).

Draft Advisory Circular No. 150/XXXX-XX, [Filing Notice of Construction or Alteration Located on a Public Use Airport](#) (issued Aug. 2019).

AIRPORT LAW DESK REFERENCE

Kaplan Kirsch & Rockwell, in cooperation with AAAE, annually publishes the *Airport Law Desk Reference*, a user-friendly resource intended to make legal authorities on airport law both accessible and understandable. The *Airport Law Desk Reference* highlights the black-letter law in 30 topic areas and provides a comprehensive compendium of legal authorities applicable to each topic area.

The 2019 *Airport Law Desk Reference* is a companion tool for the Annual Airport Law Workshop and is available for purchase from AAAE. To purchase a copy, e-mail [Maribeth Sarnecki](#) for a copy of the order form.



Final Statement Of Enforcement Priorities Regarding Service Animals, [Guidance on Nondiscrimination on the Basis of Disability in Air Travel](#), 84 Fed. Reg. 43,480 (Aug. 21, 2019).

Memorandum For Secretarial Officers And Heads Of Operating Administrations, [Interim Policy on One Federal Decision Implementation](#) (Aug. 19, 2019).

Memorandum For Secretarial Officers And Heads Of Operating Administrations, [Interim Policy on Page Limits for NEPA Documents and Focused Analyses](#) (Aug. 19, 2019).

Program Guidance Letter 19-03, [Grants for Predevelopment Costs for Airport Investment Partnership Program](#) (July 29, 2019).

Reauthorization Program Guidance Letter (R-PGL) 19-02, [Planning and Project Eligibility](#) (July 24, 2019).

Advisory Circular No. 150/5300-16B, [General Guidance and Specifications for Aeronautical Surveys: Establishment of Geodetic Control on or Near an Airport](#) (July 8, 2019).

Draft Advisory Circular No. 150/5210-14C, [Aircraft Rescue Fire Fighting Equipment, Tools and Personal Protective Equipment](#) (issued June 13, 2019).

Draft Advisory Circular No. 150/5210-7E, [Aircraft Rescue and Fire Fighting Communications](#) (issued June 13, 2019).

Program Guidance Letter 19-01, [Aqueous Film Forming Foam \(AFFF\) Input-Based Testing Equipment](#) (June 10, 2019).

Reauthorization Program Guidance Letter (R-PGL) 19-01, [Extended and Expanded Programs](#) (June 3, 2019).

Notice, [Implementing the Exception for Limited Recreational Operations of Unmanned Aircraft](#), 84 Fed. Reg. 22,552 (May 17, 2019).

Advisory Circular No. 150/5340-1M, [Standards for Airport Marking](#) (May 10, 2019).

Advisory Circular No. 150/5340-18G, [Standards for Airport Sign Systems](#) (May 10, 2019).

PFC Update, PFC 72-19, [Changes to the Passenger Facility Charge \(PFC\) Levels Above \\$3](#) (May 9, 2019).

Letter to Airport Sponsors re: [UAS Detection Systems](#) and [Attachment A](#), [Attachment B](#), and [Attachment C](#) (May 7, 2019).

PFC Update, PFC 71-19, [Oversight of Public Agency Passenger Facility Charge \(PFC\) Program](#) (Apr. 1, 2019).

Advisory Circular No. 150/5345-43J, [Specification for Obstruction Lighting Equipment](#) (Mar. 11, 2019).

Order JO 7400.2M, [Procedures for Handling Airspace Matters](#) (Feb. 28, 2019).

Order 5100.38D, Change 1, [Airport Improvement Program Handbook](#) (Feb. 26, 2019).

Interim Final Rule, [External Marking Requirement for Small Unmanned Aircraft](#), 84 Fed. Reg. 3669 (Feb. 13, 2019).

Advance Notice of Proposed Rulemaking, [Safe and Secure Operations of Small Unmanned Aircraft Systems](#), 84 Fed. Reg. 3732 (Feb. 13, 2019).



36TH ANNUAL AIRPORT LAW WORKSHOP
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LET'S
CONNECT



#ProjectsThatKeepLifeMoving

Notice of Proposed Rulemaking, [Operation of Small Unmanned Aircraft Systems Over People](#), 84 Fed. Reg. 3856 (Feb. 13, 2019).

Notice of Proposed Rulemaking, [Update to Investigative and Enforcement Procedures \(14 C.F.R. Part 13\)](#), 84 Fed. Reg. 3614 (Feb. 12, 2019).

Advisory Circular No. 150/5200-36B, [Qualifications for Wildlife Biologist Conducting Wildlife Hazard Assessments and Training Curriculums for Airport Personnel Involved in Controlling Wildlife Hazards on Airports](#) (Jan. 24, 2019).

Draft Advisory Circular No. 150/5200-33C, [Hazardous Wildlife Attractants on or Near Airports](#) (Jan. 18, 2019) (comment period closed).

Part 139 Cert Alert No. 19-01, [Aqueous Film Forming Foam \(AFFF\) Testing at Certificated Part 139 Airports](#) (Jan. 17, 2019) (cancelled by CertAlert No. 19-02)

ENVIRONMENTAL PROTECTION AGENCY

Document No. EPA 823R18004, [EPA's Per- and Polyfluoroalkyl Substances \(PFAS\) Action Plan](#) (Feb. 2019).

DEPARTMENT OF HOMELAND SECURITY

Fact Sheet, [Counter Unmanned Aircraft Systems Legal Authorities](#) (May 2019).

INTERNAL REVENUE SERVICE

Private Letter Ruling No. 201918008, [Statutory Safe Harbor Relating to the Allowable Term for Leases of Port and Airport Facilities Financed with Tax-Exempt Private Activity Bonds](#) (released May 3, 2019).

REPORTS, STUDIES, ARTICLES, & OTHER PUBLICATIONS

Listed in Reverse Chronological Order

U.S. DEPARTMENT OF TRANSPORTATION

Office of Inspector General, Report No. AV2019062, [FAA Has Made Progress in Implementing Its Metroplex Program, but Benefits for Airspace Users Have Fallen Short of Expectations](#) (Aug. 27, 2019).

Office of Inspector General, Report No. AV2019050, [FAA Has Taken Steps to Advance SENSr Program, but Opportunities and Risks Remain](#) (Apr. 23, 2019).

Office of Inspector General, Report No. AV2019015, [Most Public Agencies Comply With Passenger Facility Charge Program Requirements, But FAA Can Improve the Use of Its Oversight Tools](#) (Dec. 18, 2018).

U.S. GOVERNMENT ACCOUNTABILITY OFFICE

Report No. GAO-20-136, [Unmanned Aircraft Systems: FAA Should Improve Drone-Related Cost Information and Consider Information and Consider Options and Recover Costs](#) (Dec. 17, 2019).

Report No. GAO-20-16, [Information on Prices for Aviation Services and FAA's Oversight of Grant Requirements](#) (Nov. 26, 2019).

Report No. GAO-19-172, [Small Community Air Service Development: Process for Awarding Grants Could Be Improved](#) (Mar. 2019).

Report No. GAO-19-238R, [Airport Funding: Alternative Methods for Collecting Airports' Passenger Facility Charges and Implementation Factors to Consider](#) (Dec. 20, 2018).



CONGRESSIONAL RESEARCH SERVICE

Report No. LSB10363, [Is a TSA Screener a “Law Enforcement Officer”? Court Allows Lawsuit Against United States to Proceed](#) (Nov. 19, 2019).

Report No. R42781, [Federal Civil Aviation Programs: In Brief](#) (Oct. 17, 2019).

Report No. R43327, [Financing Airport Improvements](#) (Mar. 15, 2019).

Report No. R44176, [Essential Air Service \(EAS\)](#) (Dec. 19, 2018).

TRANSPORTATION RESEARCH BOARD, AIRPORT COOPERATIVE RESEARCH PROGRAM

Research Reports

Research Report 204: [Air Demand in a Dynamic Competitive Context with the Automobile](#) (Nov. 21, 2019)

Research Report 209: [Integrating Sustainability Planning and the Environmental Review Process](#) (Nov. 18, 2019)

Research Report 206: [Guidebook on Effective Land Use Compatibility Planning Strategies for General Aviation Airports](#) (Nov. 13, 2019)

Research Report 207: [Optimizing the Use of Electric Preconditioned Air \(PCA\) and Ground Power Systems for Airports](#) (Nov. 4, 2019)

Research Report No. 208: [Benefit Cost Analyses Guidebook for Airport Stormwater](#) (Oct. 28, 2019)

Research Report 212: [Airports and Unmanned Aircraft Systems, Volume 3: Potential Use of UAS by Airport Operators](#) (pre-publication draft Oct. 18, 2019)

Research Report 212: [Airports and Unmanned Aircraft Systems, Volume 2: Incorporating UAS into Airport Infrastructure—Planning Guidebook](#) (pre-publication draft Oct. 17, 2019)



Research Report 212: [Airports and Unmanned Aircraft Systems, Volume 1: Managing and Engaging Stakeholders on UAS in the Vicinity of Airports](#) (pre-publication draft Oct. 9, 2019)

Research Report 205: [Revolving Funds for Sustainability Projects at Airports](#) (Sep. 13, 2019)

Research Report 202: [Developing Innovative Strategies for Aviation Education and Participation](#) (July 30, 2019)

Research Report 201: [Airport Emergency Communications for People with Disabilities and Others with Access and Functional Needs](#) (July 16, 2019)

Research Report 198: [Wetland Mitigation, Volume 2, A Guidebook for Airports](#) (June 11, 2019) (associated Appendices available at same link).

Research Report 200: [Using GIS for Collaborative Land Use Compatibility Planning Near Airports](#) (May 7, 2019).

Research Report 197: [Guidebook for Developing a Comprehensive Renewable Resources Strategy](#) (May 3, 2019).

Research Report 16: [Guidebook for Managing Small Airports – Second Edition](#) (Apr. 30, 2019), see also associated WebResource 6 below.

Research Report 194: [Using Disaggregated Socioeconomic Data in Air Passenger Demand Studies](#) (Mar. 24, 2019).

Research Report 195: [Best Practices for Airport Obstruction Management Guidebook](#) (Mar. 15, 2019), see also associated WebResource 7 below.

Research Report 192: [Airport Management Guide for Providing Aircraft Fueling Services](#) (Mar. 7, 2019).

Research Report 196: [Guidebook for Integrating Collaborative Partnering into Traditional Airport Practices](#) (Feb. 20, 2019).

Synthesis Reports

Synthesis 104: [Current Landscape of Unmanned Aircraft Systems at Airports](#) (Dec. 13, 2019).

Synthesis 103: [Promoting Aviation Career Education in High Schools and Community Colleges](#) (Nov. 26, 2019).

Synthesis 102: [Value, Benefits, and Limitations of Qualifications-Based Selection for Airport Project Delivery](#) (Nov. 22, 2019).

Synthesis 101: [Communication Strategies for Airport Passenger Access and Mobility](#) (Nov. 21, 2019).

Synthesis 100: [Airport Greenhouse Gas Reduction Efforts](#) (Oct. 21, 2019).

Synthesis 98: [Simulation Options for Airport Planning](#) (Sept. 19, 2019).

Synthesis 99: [Emergency Working Groups at Airports](#) (Sept. 18, 2019).

Synthesis 94: [Attracting Investment at General Aviation Airports Through Public–Private Partnerships](#) (Sept. 4, 2019).

Synthesis 97: [How Airports Plan for Changing Aircraft Capacity: The Effects of Upgauging](#) (Aug. 29, 2019).

Synthesis 96: [Practices to Mitigate Alkali-Silica Reaction \(ASR\) Affected Pavements at Airports](#) (Aug. 22, 2019).



Synthesis 95: [Airport Incident Reporting Practices](#) (May 17, 2019).

Legal Research Digests

Legal Research Digest 37: [Legal Issues Relating to Airports Promoting Competition](#) (Nov. 19, 2019).

Web-Only Documents

WebResource 6: [Resources for Managing Small Airports](#) (Mar. 20, 2019).

WebResource 7: [Best Practices for Airport Obstruction Management Library](#) (Mar. 5, 2019).

OTHER INSTITUTIONAL AUTHORS

Blue Ribbon Task Force on UAS Mitigation at Airports, [Final Report](#) (Oct. 2019).

Blue Ribbon Task Force on UAS Mitigation at Airports, [Interim Report](#) (July 2019).

EDITOR'S NOTES

Kaplan Kirsch & Rockwell's airports practice is one of the largest and most experienced in the country. The Firm's attorneys have counseled clients on issues associated with complex airport development and master planning projects; land use; environmental review; rates and charges; airline incentives; finance; security; safety; airport proprietors' rights; and compliance with federal requirements. The Firm has represented clients throughout the nation in regulatory and legislative advocacy on a wide range of policy matters and in litigation related to airport operations and development. The Firm's clients have included airport proprietors, local and state governments, airport tenants, and users and businesses affected by airport operations.

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If you have any questions or would like to learn more about the topics addressed in this Digest, please contact the attorney who normally represents you or contact us at info@kaplankirsch.com or at one of our offices below.

Nick Clabbers
Editor



BOSTON
225 Franklin Street
26th Floor
Boston, MA 02110
617.329.4687

DENVER
1675 Broadway
Suite 2300
Denver, CO 80202
303.825.7000

NEW YORK
450 7th Avenue
Suite 1404
New York, NY 10123
646.883.5110

SAN FRANCISCO
595 Pacific Avenue
4th Floor
San Francisco, CA 94133
628.209.4151

WASHINGTON, DC
1634 I Street, NW
Suite 300
Washington, DC 20006
202.955.5600