



KAPLAN KIRSCH ROCKWELL

# semi-annual airport law digest *2016 year in review*

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While 2016 was a year with significant changes in the national political landscape, airport law did not see the same kind of dramatic changes. There have been important developments nevertheless in the areas of Unmanned Aircraft Systems (UAS, or drones), NextGen implementation, and internal restructuring at FAA. With the incoming administration committed to making major reforms throughout government, it is possible that the coming year will see more significant developments in the federal regulation of airports and aviation.

This Digest contains short articles on several important developments in airport law in 2016, and also includes: a listing of principal cases decided last year; new FAA rules, policies, and guidance; and reports, studies, and articles of particular interest to airport legal professionals. Note that UAS materials appear at the end of the Digest in their own category. The Digest also includes a look-ahead to some of the important legal and political developments we expect to see in 2017, such as investments in infrastructure, the implementation of safety management systems, updates to the Department of Transportation's NEPA guidance, and the potential upcoming battle over FAA reauthorization.

The electronic version of this Digest provides hyperlinks to all listed documents that are publicly available. Other materials are available through legal subscription services such as Westlaw or LexisNexis. We hope you find this Digest useful in your efforts to remind current in the always-evolving legal and regulatory framework that governs airports.

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## Articles

### FAA Continues NextGen Implementation, but Faces Numerous Hurdles

As FAA continues to implement new NextGen procedures across the country, community opposition has presented a significant hurdle for the agency's plans. Several ongoing and recently decided lawsuits challenge FAA's procedures as not properly considering community concerns before adopting new flight patterns. Congress remains concerned as well, as evidenced by recent Congressional action that attached a rider to the defense authorization bill requiring FAA to consult with local communities before implementing NextGen flight patterns. In addition, in two recent audits, the Department of Transportation, Office of the Inspector General has criticized FAA for its failure to implement a comprehensive approach to NextGen implementation. FAA has taken a number of steps to improve community outreach and engagement, but it remains to be seen how well they will work to satisfy airport and community needs and expectations. For further information, please contact [John Putnam](mailto:jputnam@kaplankirsch.com) at [jputnam@kaplankirsch.com](mailto:jputnam@kaplankirsch.com).

### FAA Issues New UAS Regulations

In June, the FAA unveiled its long-anticipated framework for the operation of small unmanned aircraft systems (sUAS) in the National Airspace System, codified in a new Part 107 of the Federal Aviation Regulations. See 81 Fed. Reg. 42064 (June 28, 2016). Under Part 107, commercial sUAS operators will no longer be required to seek case-by-case operating authorization from the FAA. Instead, any person holding a "remote pilot certificate" – obtained by passing an aeronautical knowledge test – will be authorized to operate a sUAS for any purpose, so long as they stay within the parameters established under Part 107. Operators may also apply to the FAA for a Certificate of Waiver or Authorization (CoW) from most of these rules by demonstrating that the proposed operation may still be safely conducted. For more information about these new rules and how they pertain to airport sponsors and local governments, please read Kaplan Kirsch & Rockwell's [recent summary](#) regarding the topic or contact [Eric Smith](mailto:esmith@kaplankirsch.com) at [esmith@kaplankirsch.com](mailto:esmith@kaplankirsch.com).

### Federal Aviation Administration Staffing – Recent Changes and a Look Ahead

As is common with the change in administrations, the past twelve months have seen significant changes in the senior management and legal staff at FAA – both at the political and senior career level. Most notably, Eduardo Angeles, Associate Administrator for Airports, left his post in December ahead of the incoming administration. No replacement has yet been announced and, if history is any indication, it is likely to be mid-to-late 2017 before a replacement is named. Meanwhile, the senior airports official at FAA is Winsome Lenfert, who arrived in Washington this autumn from the Southern Regional Airports Division. Other recent moves include Glen Martin (from Administrator, Western Pacific Region, to Vice President, Air Traffic Services, Air Traffic Office, Headquarters) and Dennis Roberts (from Administrator, Southern Region, to Administrator, Western Pacific Region). In addition, Jim Whitaker, former Deputy Administrator and Chief NextGen Officer, left the agency in June 2016. The FAA Chief Counsel's office is also in the midst of a significant reorganization. Jim Lofton was recently named as the Assistant Chief Counsel, Airports and Environmental Law Division. While Lofton has 25 years of environmental law experience with the Department of Justice, he is new to the FAA. Senior airport lawyers in the agency, including Daphne Fuller and Jonathan Cross, have taken other positions with the AGC outside the airport area. In the compliance world, Kevin Willis, who was previously the deputy in the compliance office, has taken over for Randy Fiertz, who moved last year to head the Seattle Regional Airports Division office.

It is important to note that although the President-Elect has nominated Elaine Chao to assume the position of Secretary of Transportation in January 2017, FAA Administrator Michael Huerta has a term appointment that expires on January 7, 2018. Huerta has indicated that he intends to serve out the remainder of his term. Other senior political appointments at the FAA or Department of Transportation have yet to be announced and are not likely to be on the top of the list of appointments for the new administration.

# Things to Watch for in 2017

## Incoming Administration Signals Increased Infrastructure Development, Including Airports

Throughout the Presidential campaign, the President-Elect repeatedly promised to increase focus on infrastructure – particularly roads, bridges, and airports. His plan relies heavily on private financing and a reduction in regulatory burdens, [which critics have argued](#) will disproportionately assist new construction and leave existing facilities in need of repair neglected. The President-Elect has nominated former Bush-era Secretary of Labor Elaine Chao to be the new Secretary of Transportation. In her [questionnaire response](#) to the Senate Committee on Commerce, Science, and Transportation, Chao lists as one of her top priorities expediting critical infrastructure construction projects. Importantly, Chao states that she wants to complete these projects “with or without a new infusion of funds,” suggesting that if Congressional approval of funding stagnates, alternative strategies (cuts in regulations or tax breaks for the private sector) may become more prevalent.

The private sector has already indicated great interest in public-private partnerships (so-called P3s) in the airport realm and with a supportive administration, it is likely that there will be significant activity designed to make it easier for private investment in airport projects. As an illustration of the new emphasis on P3 projects, Westchester County, New York recently announced that it will join the FAA’s Airport Privatization Pilot Program with a proposed 40-year lease of the Westchester County Airport. In addition, the Port Authority of New York and New Jersey and Los Angeles World Airports are moving forward with P3 projects at [LaGuardia Airport](#) and [Los Angeles International Airport](#), respectively. For more information, please contact [Peter J. Kirsch](#) at [pkirsch@kaplankirsch.com](mailto:pkirsch@kaplankirsch.com).

## Update to Department of Transportation’s NEPA Implementation Guidance

In mid-December, the Department of Transportation released a draft update to its Order 5610.1, which governs the Department’s NEPA implementation procedures. The stated goals of the updated Order are to (1) ensure a full and fair NEPA process that includes meaningful public involvement throughout, and the balanced consideration of a reasonable range of alternatives and their impacts on the human environment; (2) improve efficiency and expedite project delivery; (3) provide good customer service to stakeholders through consistent implementation of NEPA across the Department; (4) provide the requisite flexibility for the Department’s Operating Administrations (OAs) to apply their NEPA implementing procedures to their specific programs; and (5) balance the needs of all OAs, from those with well-established NEPA programs to those seeking more guidance. Comments on the proposed changes were due on January 10, 2017. For further information, please contact [Steven Osit](#) at [sosit@kaplankirsch.com](mailto:sosit@kaplankirsch.com).

## FAA Reauthorization

The current FAA authorization legislation expires in September. No one in Washington desires a repeat of the last reauthorization efforts, when Congress had to approve 23 separate short-term extensions of FAA authority before Congress finally approved a reauthorization bill. Nevertheless, recent efforts at reauthorization have proved contentious, especially on issues related to the role of (and control over) the air traffic system. All indications are that FAA reauthorization efforts will ramp up in the spring of 2017 with significant activity this summer. One of the major points of contention during the most recent reauthorization debate was a proposal advanced by House Transportation and Infrastructure Committee Chairman Bill Shuster (R-Pa.) to transfer air traffic control operations from FAA to a not-for-profit corporation. Shuster has indicated that he does not intend to completely abandon that proposal, although the details may change depending on the support it receives from the incoming administration and other members of Congress. GAO consulted Managing Partner [John Putnam](#) as one of the experts in its [recent report on possible air traffic transition issues](#). Airports, who have historically received far less attention in Congress than they desire, are gearing up for a fight over raising the ceiling on passenger facility charges and reforms to the AIP program. Industry groups, especially ACI-NA and AAEE, expect to play a major role. For further information, please contact [Peter J. Kirsch](#) at [pkirsch@kaplankirsch.com](mailto:pkirsch@kaplankirsch.com).

## New Rules for Safety Management Systems

In mid-July 2016, FAA released a Supplemental Notice of Proposed Rulemaking (SNPRM) for Airport Safety Management Systems (SMS), which proposed to limit the applicability of the previously-released SMS rules to fewer airports and extended the time for compliance to twelve months from the effective date of the final rule, among other items. Comments were due on September 12, 2016, and the final rule is expected to be published in early 2017. For a summary of the SNPRM, please read [Kaplan Kirsch & Rockwell’s white paper](#) or contact [Peter J. Kirsch](#) at [pkirsch@kaplankirsch.com](mailto:pkirsch@kaplankirsch.com).

## Passenger Facility Charge Rules

The FAA proposed, and then promptly withdrew, a proposed re-write of its Order regarding the administration of the Passenger Facility Charge program. The proposal was greeted with considerable concern by industry groups and while the agency has now withdrawn the proposal, a revised proposal is likely to be issued in 2017.

## Litigation (Listed in Reverse Chronological Order)

### **Court Decisions**

**Flight Patterns and Jurisdiction.** *McKay v. City & Cty. of San Francisco*, No. 16-cv-03561 NC; 16-cv-03564 NC (consolidated), 2016 U.S. Dist. LEXIS 178436 (N.D. Cal. Dec. 23, 2016) (dismissing complaint over new Metroplex flight patterns because district court lacked subject matter jurisdiction and case should have been initiated in court of appeals).

**Noise Issues.** *Citizens for Quiet Skies v. Mile-Hi Skydiving*, No. 15CA1159, 2016 LEXIS 1803 (Colo. App. Dec. 22, 2016) (unpublished) (affirming dismissal of neighborhood plaintiffs' claims of negligence per se, nuisance, trespass, and unjust enrichment alleged against skydiving operator at municipal airport).

**Area Navigation (RNAV).** *Lyons, v. FAA*, No. 14-72991, 2016 U.S. App. LEXIS 22925 (9th Cir. Dec. 21, 2016) (unpublished) (denying petition for judicial review of FAA decision on RNAV flight pattern rerouting).

**Preemption and Runway Length.** *Tweed New Haven Airport Auth. v. Jepsen*, Case No. 3:15cv01731 (D. Conn. Dec. 9, 2016) (denying defendant State of Connecticut's motion to dismiss complaint alleging that state law limiting the length of runways is preempted by federal law).

**Use Restrictions and ANCA.** *Friends of the E. Hampton Airport, Inc. v. Town of E. Hampton*, 841 F.3d 133 (2d Cir. 2016) (holding that Town's use restrictions were enacted in violation of the procedural requirements of ANCA).

**Grant Reimbursements.** *Tulsa Airports Improvement Trust ex rel. Cinnabar Serv. Co. v. FAA*, 839 F.3d 945 (10th Cir. 2016) (denying as not timely filed an airport contractor's appeal for reimbursement from FAA for noise abatement work).

**First Amendment.** *NAACP v. City of Philadelphia*, 834 F.3d 435 (3d Cir. 2016) (upholding finding that a ban on non-commercial advertisements in airport advertising space violated the First Amendment, without deciding whether the advertising space was a public or non-public forum).

**Standing.** *Stallworth v. Bryant*, No. 3:16-CV-246-CWR-FKB, 2016 U.S. Dist. LEXIS 109947 (S.D. Miss. Aug. 18, 2016) (finding that a private citizen did not have standing to contest State's planned reorganization of municipal airport authority).

**Environmental Review.** *Zbitnoff v. City of Winooski*, No. 5:14-cv-132, 2016 U.S. Dist. LEXIS 105329 (D. Vt. Aug. 10, 2016) (rejecting challenge to EIS for Air Force's decision to locate new F-35 jets at an air base where plaintiffs claimed that the Air Force failed to consider the possibility that municipalities would make use of the Part 150 program and demolish nearby neighborhoods).

**Final Agency Decisions.** *Southwest Airlines Co. v. U.S. DOT*, 832 F.3d 270 (D.C. Cir. 2016) (dismissing administrative appeal for lack of jurisdiction because DOT guidance letter was not a final agency action under the Administrative Procedure Act).

**Constitutional Rights.** *Rogers v. Louisville-Winston Cty. Airport Auth.*, No. 1:13-CV-197-SA-DAS, 2016 U.S. Dist. LEXIS 103336 (N.D. Miss. Aug 5, 2016) (finding no violations of the Equal Protection clause or the First Amendment where the airport authority refused to rent a specific hangar to a tenant).

**Antitrust.** *Boston Exec. Helicopters, LLC v. Maguire*, No. 15-13647-RGS, 2016 U.S. Dist. LEXIS 87398 (D. Mass. July 6, 2016) (finding that a local airport authority was immune from antitrust suits).

**FAA Penalty Authority.** *Wallaesa v. FAA*, 824 F.3d 1071 (D.C. Cir. 2016) (holding that FAA has the authority to impose civil penalties for interference with flight crewmembers even where the conduct is not physically violent but is nonetheless disruptive).

**Revenue Diversion.** *Air Transportation Ass'n of Am. v. Jordan*, No. 3:16-cv-00230-HZ, 2016 U.S. Dist. LEXIS 73731 (D. Or. May 30, 2016) (finding that a group of airlines did not have standing to sue the City of Portland for improper airport revenue diversion related to new charges for sewer improvements because the City merely charged the airport sponsor, which then passed those charges to the airlines).

**Environmental Analysis.** *California v. U.S. DOT*, No. 02-cv-04621-KAW; 02-cv-04623-KAW (consolidated), 2016 U.S. Dist. LEXIS 66859 (N.D. Cal. May 20, 2016) (addressing a 2003 permanent injunction on new construction at an airport until the sponsor complied with NEPA, and holding that the withdrawal of the original construction plan and submission of an updated plan requiring NEPA compliance warranted lifting of the injunction).

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**Airport Real Estate.** *City of Santa Monica v. United States*, 650 F. App'x. 326 (9th Cir. 2016) (unpublished) (reversing district court ruling that City's quiet title action for property underlying airport was barred by statute of limitations).

**First Amendment.** *Southwest Airlines Pilots' Ass'n v. City of Chicago*, No. 16 C 5117, 2015 U.S. Dist. LEXIS 70266 (N.D. Ill. May 14, 2016) (granting temporary restraining order and allowing pilots' association to display advertisements critical of airline in terminal facilities).

**Equal Protection and Ridesharing Services.** *Illinois Transp. Ass'n v. City of Chicago*, No. 14 cv 827, 2016 U.S. Dist. LEXIS 54598 (N.D. Ill. Apr. 25, 2016) (denying defendant City's motion to dismiss plaintiff taxi trade group's equal protection suit, which alleged disparate airport fees and regulations for traditional taxi agencies and Transportation Network Providers).

**Ridesharing Fees.** *Tadepalli v. Uber Techs, Inc.*, No. 15-cv-04348-MEJ, 2016 U.S. Dist. LEXIS 55014 (N.D. Cal. Apr. 25, 2016) (approving settlement of a class action suit against ride-sharing service Uber for misrepresentation of "airport tolls" in its rates charged to customers).

**Preemption.** *Crawford v. Antonio B. Won Pat Int'l Airport Auth.*, No. 15-00001, 2016 U.S. Dist. LEXIS 44657 (D. Guam Mar. 31, 2016) (holding that a plaintiff's unjust enrichment claim was not preempted by federal law where it was based on the airport authority's alleged improper use of the plaintiff's ancestral lands).

**Flightcrew Rules.** *Indep. Pilots Ass'n. v. FAA*, 638 F. App'x 6 (D.C. Cir. 2016) (rejecting challenge to FAA's decision to exclude all-cargo operations from a final rule setting forth new flightcrew member duty and rest requirements for passenger operations).

**Ridesharing Services.** *Gebresalassie v. District of Columbia*, 170 F. Supp. 3d 52 (D.D.C. 2016) (dismissing equal protection complaint alleging disparate treatment of traditional taxis and transportation network companies).

**Preemption.** *Echavarria v. Williams Sonoma, Inc.*, No. 15-6441, 2016 U.S. Dist. LEXIS 33980 (D. N.J. Mar. 16, 2016) (holding that the Federal Aviation Administration Authorization Act does not preempt state law governing motor carrier employer-employee relationships).

**Environmental Analysis.** *City of Mukilteo v. U.S. DOT*, 815 F.3d 632 (9th Cir. 2016) (upholding FAA decision to forgo an EIS before the commencement of new commercial passenger service).

**Preemption.** *Cent. W. Va. Reg'l Airport Auth., Inc. v. Triad Eng'g, Inc.*, No. 2:15-cv-11818, 2016 U.S. Dist. LEXIS 19816 (D. W. Va. Feb. 18, 2016) (holding that where a landslide occurred on airport property, state law claims of negligence, breaches of warranties, breach of contract, and products liability against defendant engineering firm were not preempted by the Federal Aviation Act).

**Bird Strikes.** *Friends of Animals v. Clay*, 811 F.3d 94 (2d Cir. 2016) (upholding a depredation permit issued to an airport operator under the Migratory Bird Treaty Act allowing the operator to "take" birds in "emergency situations").

**Preemption.** *Nat'l Fed'n. of the Blind v. United Airlines, Inc.*, 813 F.3d 718 (9th Cir. 2016) (holding that a class action alleging claims for violation of California's antidiscrimination laws was preempted by the Air Carrier Access Act and its implementing regulations).

**Gate Allocation.** *City of Dallas v. Delta Airlines, Inc.*, No. 3:15-CV-2069-K, U.S. Dist. LEXIS 2105 (N.D. Tex. Jan. 8, 2016) (granting preliminary injunction to Delta Airlines to allow continued use of gates at Dallas Love Field following the expiration of certain provisions of the Wright Amendment).

## **Pending Cases**

**NHPA and Section 4(f) Review.** *Kaufmann v. FAA*, No. 3:16-cv-00801-DJH-CHL (W.D. Ky. filed Dec. 14, 2016) (challenge to FAA compliance with National Historic Preservation Act and Section 4(f) of the Department of Transportation Act for a tree trimming project at Louisville Bowman Field).

**Gate Allocation.** *City of Dallas v. Delta Airlines, Inc.*, No. 16-10051 (5th Cir. argued Sept. 26, 2016) (appealing district court grant of preliminary injunction regarding gate allocation at Love Field following the expiration of certain provisions of the Wright Amendment).

**Area Navigation.** *Citizens Assn. of Georgetown v. FAA*, No. 15-1285 (D.C. Cir. filed Aug. 24, 2015) (challenging RNAV procedures in the DC Metroplex area).

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**Passenger Facility Charges.** *Hillsborough Cty. Aviation Auth. v. FAA*, No. 15-1238 (D.C. Cir. held in abeyance Oct. 28, 2016) (appealing FAA's denial of Passenger Facility Charge authorization to construct an automated people mover at Tampa International Airport).

**Area Navigation.** *City of Phoenix v. Huerta*, No. 15-1158 (argument scheduled Mar. 17, 2017) (challenging RNAV procedures in Phoenix).

**Gate Allocation.** *In re. Compliance with Federal Obligations by the City of Dallas, Texas*, FAA Docket No. 16-15-10 (Notice of Investigation served Aug. 7, 2015) (FAA investigation into possible grant assurance violations related to a failure to accommodate air carrier requesting gate space).

## **Administrative Decisions**

**Minimum Standards.** *R.L.S. Rental Co., Inc. v. City of Joplin*, FAA Docket No. 16-13-06, Director's Determination (June 10, 2016) (finding no violation of Grant Assurances where the FBO was in compliance with consistently-applied minimum standards).

**Economic Nondiscrimination.** *Messinger v. Clover Acquisition Corp.*, FAA Docket No. 16-15-01, Director's Determination (May 26, 2016) (finding that a sponsor's actions in banning a former airport employee from FBO premises because he was sexually harassing another employee did not constitute a violation of Grant Assurance 22).

**Grant Assurances Generally.** *Hicks v. City of Mount Airy*, FAA Docket No. 16-15-07, Director's Determination (Apr. 29, 2016) (finding sponsor in compliance with all Grant Assurances despite complaint alleging more than seven violations).

**Insurance.** *Hirokai Nishio v. Saipan Int'l Airport*, FAA Docket No. 16-13-03, Director's Determinations (Apr. 29, 2016) (finding a violation of Grant Assurance 22 where the airport sponsor applied insurance requirements inequitably).

**Airport Revenue Diversion.** *Chandler Air Serv., Inc. v. City of Chandler*, FAA Docket No. 16-13-05, Director's Determination (Feb. 9, 2016) (finding that the City may have violated Grant Assurance 25, *Airport Revenue*, by collecting levied aviation fuel tax and placing it in the City's general fund and by waiving delinquent tax and interest for operator, but giving sponsor a reasonable time to comply before finding a violation).

## **Federal Legislation**

**National Defense Authorization Act for Fiscal Year 2017**, S. 2943 (signed by President Obama on Dec. 23, 2016) (includes a provision requiring the FAA to review RNAV flight path changes and take steps to mitigate the negative effects these changes have had on the community).

**FAA Extension, Safety, and Security Act of 2016**, Pub. L. 114-190 (enacted July 15, 2016) (FAA reauthorization through September 2017).

**Airport and Airway Extension Act of 2016**, Pub. L. 114-141 (enacted Mar. 30, 2016) (FAA reauthorization for 3.5 months, expiring July 15, 2016).



## **Airport Law Desk Reference**

Kaplan Kirsch & Rockwell, in cooperation with AAE, publishes the ***Airport Law Desk Reference***, a user-friendly resource guide intended to make legal authorities on airport law both accessible and understandable. The ***Airport Law Desk Reference*** highlights the black-letter law in 28 topic areas and provides a comprehensive compendium of legal authorities applicable to each topic area.

The ***Airport Law Desk Reference*** is a companion tool for the Basics of Airport Law Workshop and Legal Update and available for purchase from AAE.

For a copy, please contact Melissa Sabatine at AAE, [melissa.sabatine@aae.org](mailto:melissa.sabatine@aae.org).

# Federal Rules, Orders, and Guidance

## *(Listed in Reverse Chronological Order)*

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### **Department of Transportation and FAA**

Advisory Circular 150/5200-28F, [Notices to Airmen \(NOTAMs\) for Airport Operators](#) (Dec. 30, 2016).

Notice of Availability and Request for Comment, [Update to U.S. Department of Transportation's NEPA Implementing Procedures](#), 81 Fed. Reg. 92966 (Dec. 20, 2016) (setting deadline for comments at Jan. 10, 2016).

Update, [Working Group on Improving Air Service to Small Communities](#) (last updated Dec. 19, 2016) (announcing 25 stakeholder members of Working Group, [available here](#)).

Notice of Receipt and Acceptance for Review, [Airport Privatization Pilot Program: Preliminary Application for Westchester County Airport, White Plains, NY](#), 81 Fed. Reg. 90044 (Dec. 13, 2016).

[List of Nationwide Buy America Waivers](#) (as of Dec. 27, 2016) (listing manufacturer's equipment that has been issued a Buy American Waiver under 49 U.S.C. § 50101(b) and can be used on AIP-funded projects).

Draft Advisory Circular 150/5050-4A, [Community Involvement in Airport Planning](#) (Oct. 7, 2016) (deadline for comments extended to Feb. 8, 2017).

Standard Operating Procedure 9.00, [FAA Aeronautical Study, Coordination and Evaluation](#) (Sept. 1, 2016).

Draft FAA Order 5500.1B, Passenger Facility Charge (Aug. 5, 2016) (withdrawn).

Advisory Circular 150/5200-30D, [Airport Field Condition Assessments and Winter Operations Safety](#) (July 29, 2016), and [Draft Change 1](#) (Dec. 30, 2016).

Final Rule, [Extension of Requirement for Helicopters to Use the New York North Shore Helicopter Route](#), 81 Fed. Reg. 48323 (July 25, 2016).

Supplemental Notice of Proposed Rulemaking, [Safety Management System for Certificated Airports](#), 81 Fed. Reg. 45872 (July 14, 2016) (comments were due Sept. 12, 2016).

Notice of Final Policy, [Non-Aeronautical Use of Airport Hangars](#), 81 Fed. Reg. 38906 (June 15, 2016).

Notice of Policy, [Evaluating Disputed Changes of Sponsorship at Federally Obligated Airports](#), 81 Fed. Reg. 36144 (June 6, 2016).

Extension to Order, [Operating Limitations at New York LaGuardia Airport](#), 81 Fed. Reg. 33126 (May 25, 2016).

Extension to Order, [Operating Limitations at John F. Kennedy International Airport](#), 81 Fed. Reg. 32636 (May 25, 2016).

Press Release, [City of Cleveland Agrees to Pay \\$200,000 and Enhance Compliance Systems](#) (May 17, 2016).

Withdrawal of Notice of Proposed Rulemaking, [Slot Management and Transparency for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport](#), 81 Fed. Reg. 30218 (May 16, 2016) (withdrawing Jan. 8, 2015 Notice of Proposed Rulemaking that would have imposed longer-term limits on scheduled and unscheduled operations at subject airports and established a secondary market for slots).

Draft Advisory Circular No. 150/5360-14A, [Access to Airport by Individuals with Disabilities](#) (May 6, 2016); see also [Opportunity to Comment on the Draft Advisory Circular](#), 81 Fed. Reg. 27489 (May 6, 2016) (setting comment deadline at June 6, 2016, though comments received after that date may be considered).

Notice of Proposed Policy Amendment and Request for Comments, [Passenger Facility Charge \(PFC\) Program: Eligibility of Ground Access Projects Meeting Certain Criteria](#), 81 Fed. Reg. 26611 (May 3, 2016).

Compliance Guidance Letter, [Interim Procedures for Review of Restrictions on Banner Towing, Powered Parachute, Gliders, Light Sport Aircraft, Parachute Operations, and Ultralights at Federally Obligated Airports](#) (Apr. 25, 2016).

Program Guidance Letter No. 16-01, [Wildlife Hazard Site Visits & Associated Follow-up Actions](#) (Apr. 12, 2016).

Notice of Intent, [Nondiscrimination on the Basis of Disability in Air Travel: Establishment of a Negotiated Rulemaking Committee](#), 81 Fed. Reg. 20265 (Apr. 7, 2016).

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[Change of Newark Liberty International Airport \(EWR\) Designation](#), 81 Fed. Reg. 19861 (Apr. 6, 2016) (designating EWR as a Level 2, schedule-facilitated airport effective Oct. 30, 2016).

National Part 139 CertAlert No. 16-01, [Operational Safety During Snow Removal Activities](#) (Apr. 1, 2016).

Notice of Final Policy, [Guidance on the Procedures and Process to Petition the Secretary Under the Airport and Airway Improvement Act](#), 81 Fed. Reg. 17756 (Mar. 30, 2016).

Advisory Circular No. 150/5100-20, [Guidance on the Extraction of Oil and Gas at Federally Obligated Airports](#) (Mar. 23, 2016).

Final Policy, [Petition of the Aircraft Owner and Pilots Association \(AOPA\) To Amend FAA Policy Concerning Flying Club Operations at Federally Obligated Airports](#), 81 Fed. Reg. 13719 (Mar. 15, 2016).

Order 8000.369B, [Safety Management System](#) (Mar. 18, 2016).

Order 8260.3C, [United States Standard for Terminal Instrument Procedures](#) (Mar. 14, 2016).

[Required Contract Provisions for Airport Improvement Program and for Obligated Sponsors](#) (eff. Jan. 29, 2016).

Notice of Proposed Rulemaking, [Stage 5 Airplane Noise Standards](#), 81 Fed. Reg. 1923 (Jan. 14, 2016).

Standard Operating Procedure 8.00, [Runway Safety Area Determination](#) (Jan. 1, 2016).

Advisory Circular No. 70/7460-1L, [Obstruction Marking and Lighting](#) (eff. Dec. 4, 2015).

## Reports, Studies, and Articles

### **U.S. Department of Transportation**

Office of the Inspector General, [Audit Announcement – Review of FAA's Runway Safety Initiatives](#) (Dec. 8, 2016).

Office of the Inspector General, [Audit Report: Total Costs, Schedules, and Benefits of FAA's NextGen Transformational Programs Remain Uncertain](#) (Nov. 10, 2016).

Office of the Inspector General, [Audit Report: FAA Reforms Have Not Achieved Expected Cost, Efficiency, and Modernization Outcomes](#) (Jan. 15, 2016).

### **U.S. Government Accountability Office**

Air Traffic Control: [Experts' and Stakeholders' Views on Key Issues to Consider in a Potential Restructuring](#), GAO-17-131 (Oct. 2016).

Federal Aviation Administration: [Preliminary Observations of Potential AirTraffic Control Restructuring Transition Issues](#), GAO-16-386R (Feb. 10, 2016).

Transportation Security: [Status of GAO Recommendation on TSA's Security-Related Technology Acquisitions](#), GAO-16-176 (Feb. 2016).



## **Transportation Research Board, Airport Cooperative Research Program**

### ***Legal Research Digests***

Legal Research Digest 30: [Contract Risk Management for Airport Agreements](#) (Nov. 2016).

Legal Research Digest 28: [Operational and Legal Issues with Fuel Farms](#) (June 2016).

Legal Research Digest 27: [The Fourth Amendment and Airports](#) (Apr. 2016).

### ***Reports***

Report 164: [Exhaust Emissions from In-Use General Aviation Aircraft](#) (Nov. 2016).

Report 165: [Tracking Alternative Jet Fuel](#) (Nov. 2016).

Report 163: [Guidebook for Preparing and Using Airport Design Day Flight Schedules](#) (Nov. 2016).

Report 161: [Guidelines for Improving Airport Services for International Customers](#) (Oct. 2016).

Report 162: [Guidebook for Assessing Airport Lead Impacts](#) (Oct. 2016).

Report 159: [Pavement Maintenance Guidelines for General Aviation Airport Management](#) (Sept. 2016).

Report 160: [Addressing Significant Weather Impacts on Airports: Quick Start Guide and Toolkit](#) (Sept. 2016).

Report 158: [Deriving Benefits from Alternative Aircraft-Taxi Systems](#) (Aug. 2016).

Report 157: [Improving the Airport Customer Experience](#) (July 2016).

Report 156: [Guidebook for Managing Compliance with Federal Regulations: An Integrated Approach](#) (May 2016).

Report 154: [Water Efficiency Management Strategies for Airports](#) (May 2016).

Report 152: [Evaluation Methods for Determining Interior Noise Levels Used in Airport Sound Insulations Programs](#) (Mar. 2016).

Report 153: [Guidebook for IROPS Stakeholder Communication & Coordination](#) (Mar. 2016).

Report 151: [Developing a Business Case for Renewable Energy at Airports](#) (Mar. 2016).

Report 148: [LED Airfield Lighting System Operation and Maintenance](#) (Dec. 2015).

Report 149: [Improving Ground Support Equipment Operational Data for Airport Emissions Modeling](#) (Dec. 2015).

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## **Synthesis Reports**

Synthesis 78: [Continuity of Operations Planning for Small Airports](#) (Oct. 2016).

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-Nick Clabbers, editor

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