




KAPLAN KIRSCH

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INTRODUCTION

We are pleased to share Kaplan Kirsch's Airport Law Digest - 2024 Mid-Year Update.

This Airport Law Digest includes a list of key airport-related cases decided during the first half of 2024, new DOT and FAA rules, policies, and guidance, and reports, studies, and articles of 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.

We hope you find this Digest useful in your efforts to remain current in the always-evolving legal and regulatory framework that governs airports. We have published this Digest slightly later this year to address major Supreme Court decisions regarding administrative law. If you have questions about any of the materials in this Digest, please contact editors [Nicholas Clabbers](#) and [Adam Gerchick](#), or [any other Kaplan Kirsch attorney](#) who normally represents you. As with all of our Kaplan Kirsch publications, this Digest is not intended to provide legal advice which requires a specific analysis of how the law applies to particular facts. Please consult with your counsel if you wish to understand how the cases and other materials cited in the Digest apply to your own situation.

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FAA Reauthorization Brings Changes to Airport Law

On May 16, President Biden signed the [FAA Reauthorization Act of 2024](#) (the 2024 Act) into law, reauthorizing the Federal Aviation Administration and key federal airport and aviation programs through September 30, 2028. The 2024 Act makes several significant changes to federal airport policy. In addition to its widely reported expansion of eligibility for Airport Improvement Program (AIP) grant funding, the 2024 Act makes important changes to FAA processes and AIP grant obligations. Among other provisions, Congress has attempted to streamline the environmental review process and the FAA's process for approving airport land-use changes. Congress has also established a new grant assurance, regarding the availability of leaded aviation gasoline, and prescribed monetary penalties for airport sponsors who violate it. In addition, the 2024 Act codifies a policy meant to dissuade state lawmakers from attempting hostile takeovers of local airport sponsors. Our Firm [analyzed](#) several provisions of the 2024 Act that airport legal professionals should keep in mind. This article summarizes a few of those provisions.

FAA Land-Use Oversight

Congress has attempted to remedy the confusion that arose when it last tried to limit the FAA's oversight of land-use changes at airports. Congress tried to constrain that oversight under Section 163 of the 2018 FAA reauthorization act, but Section 163 often led to disagreements between the FAA and airport sponsors over the scope of the FAA's remaining land-use authority.

Congress has tried to remedy that confusion by replacing Section 163 with Section 743 of the 2024 Act. Though not entirely clear, Section 743 appears to limit the FAA's oversight of airport land use to those parts of airport "projects" that are aeronautical or that concern land acquired with federal funds or from the federal government. Section 743 also does away with the requirement for an airport sponsor to obtain the FAA's determination that the FAA lacks jurisdiction over a proposed land use. Under Section 743, a sponsor merely must notify the FAA of a proposed project on airport land; if the FAA fails to assert jurisdiction within 45 days, it loses jurisdiction over the project.

The full implications of these changes are still unclear, and additional guidance may be forthcoming from the FAA.

Environmental Reviews

The 2024 Act makes a broader range of airport projects eligible for the "streamlined" environmental-review procedures of 49 U.S.C. § 47171, including additional terminal-development projects and airport capacity-enhancement projects. The Act also establishes two new categorical exclusions under the National Environmental Policy Act (NEPA), covering projects that receive less than \$6 million of federal funds or involve certain disaster-recovery efforts. But those categorical exclusions are not ironclad; projects that involve "extraordinary circumstances" will still require a more-stringent environmental review. Airport sponsors may want to await more guidance from the FAA before presuming that a project will be covered by a new categorical exclusion.





A New Grant Assurance, and New Penalties for Violating It

The 2024 Act establishes a new grant assurance to preserve aircraft operators' access to low-lead aviation gasoline, or "avgas." Specifically, Section 770 requires the FAA to insert a new grant assurance that provides that, if 100-octane low-lead (100LL) avgas was available for sale at a sponsor's airport at any point in 2022, whether through the sponsor or another fuel provider, the sponsor may not restrict the sale or self-fueling of 100LL on the airport until the *earlier* of December 31, 2030, or the date on which an FAA-approved, industry-standard unleaded avgas is offered for sale at the airport. Crucially, Section 770 imposes a monetary penalty of (up to) \$5,000 *per day* for sponsors who violate this new grant assurance—the first time Congress has established a financial penalty for violating a grant assurance other than for revenue diversion.

Other Key Provisions

The Act includes numerous other provisions of import to airport sponsors. Among them are provisions intended to deter attempts by state lawmakers and others to unilaterally take over an airport sponsor's board, sections designed to support advanced air mobility, and provisions expanding eligibility for AIP funding. We encourage airport legal professionals to review our Firm's [analysis](#) of the 2024 Act, as well as those provided by airport-industry organizations.

The Supreme Court Limits Administrative Power

The last week of the Supreme Court's latest term yielded decisions in three cases that, together, are likely to fundamentally alter the power of federal administrative agencies, including the Department of Transportation (DOT) and the FAA. Most notably, in [Loper Bright Enterprises v. Raimondo](#), the Court reversed four decades of precedent by overruling the *Chevron* doctrine. Under *Chevron*, the Court had held that, when a federal agency reasonably interprets an ambiguous provision of a statute that it administers, courts must defer to that interpretation. Now, under *Loper Bright*, the federal courts must exercise their own judgment as to the scope of an agency's authority under a particular statute, without deferring to the agency's interpretation thereof. It remains to be seen how *Loper Bright* will affect DOT or FAA authority. But the decision could open both agencies up to a much broader range of challenges to their interpretations of their own statutory authority, including over matters such as airport land use and economic regulation of air carriers that have been the subject of industry contention.

The Court also assisted parties seeking to challenge federal regulations and other administrative actions. In [Corner Post, Inc. v. Board of Governors of the Federal Reserve System](#), the Court held that, under the Administrative Procedure Act (the APA), a party has six years to challenge a final agency action after that party is *injured* by the action—not six years after the action goes into effect. *Corner Post* concerned a Federal Reserve policy that went into effect before the petitioner even existed. When the petitioner sought to challenge the policy, more than six years after it went into effect, the lower courts held that the statute of limitations under the APA had run out. But the Court reversed, holding that the clock began to run only once the petitioner was actually injured by the policy. *Corner Post* could create opportunities for airport sponsors and others to challenge longstanding DOT or FAA policies that have only recently disadvantaged those sponsors particularly.

Finally, in [SEC v. Jarkesy](#), the Court held that a respondent was entitled to a jury trial in an Article III court when the Securities and Exchange Commission sought to impose monetary penalties on the respondent for securities fraud. While the Court acknowledged that some administrative-penalty actions do not require a jury trial, the Court viewed the SEC's enforcement action against the respondent as analogous to a common-law fraud claim, for which the Seventh Amendment creates a right to a trial by jury. The Court also held that the enforcement action was not covered by a "public-rights exception" to the jury-trial requirement. Though it remains to be seen, *Jarkesy* could implicate DOT or FAA efforts to impose certain monetary penalties on airport sponsors.

For airport sponsors, the implications of *Loper Bright*, *Corner Post*, and *Jarkesy* are far from settled, and will only become clearer as challenges to agency actions make their way through the federal courts. However, the cases together reflect a new era in administrative law, with administrative agencies losing much of the discretion and deference that the Court previously afforded them.

LITIGATION

Note that some cases with only Lexis or Westlaw citations may be published at a later date.

COURT DECISIONS

U.S. Supreme Court

Administrative Procedure. *Corner Post, Inc. v. Bd. of Governors of the Fed. Rsrv. Sys.*, No. 22-1008, 2024 U.S. LEXIS 2885 (U.S. July 1, 2024) (the statute of limitations on a challenge to a federal agency action under the Administrative Procedure Act accrues six years after the petitioner is injured by a final agency action, not six years after the agency takes the action).

Deference. *Loper Bright Enters. v. Raimondo*, Nos. 22-451 and 22-1219, 2024 U.S. LEXIS 2882 (U.S. June 28, 2024) (overruling the *Chevron* doctrine, under which courts were required to defer to federal administrative agencies' reasonable interpretations of their own statutory authority; holding instead that courts must exercise their own judgment in determining the scope of such an agency's statutory authority).

Administrative Enforcement. *SEC v. Jarkesy*, 219 L. Ed. 2d 650 (U.S. 2024) (SEC action that imposed civil penalties implicated the Seventh Amendment right to trial by jury because the SEC's antifraud provisions implicated common law, and common-law claims must be tried before a jury; public-rights exception to requirement to try cases in Article III courts did not apply because the SEC's action did not fall within that exception).

U.S. Circuit Courts

Airport Control. *Jackson Mun. Airport Auth. v. Harkins*, 98 F.4th 144 (5th Cir. 2024) (en banc) (holding moot former airport commissioners' challenge to an attempted state takeover of a municipal airport authority on the grounds that none of the intervenor commissioners remained in office, and no current commissioners had intervened).

Drones; First Amendment. *Nat'l Press Photographers Ass'n v. McCraw*, 90 F.4th 770 (5th Cir. 2024) (rejecting facial First Amendment challenge to Texas statute limiting aerial drone photography).

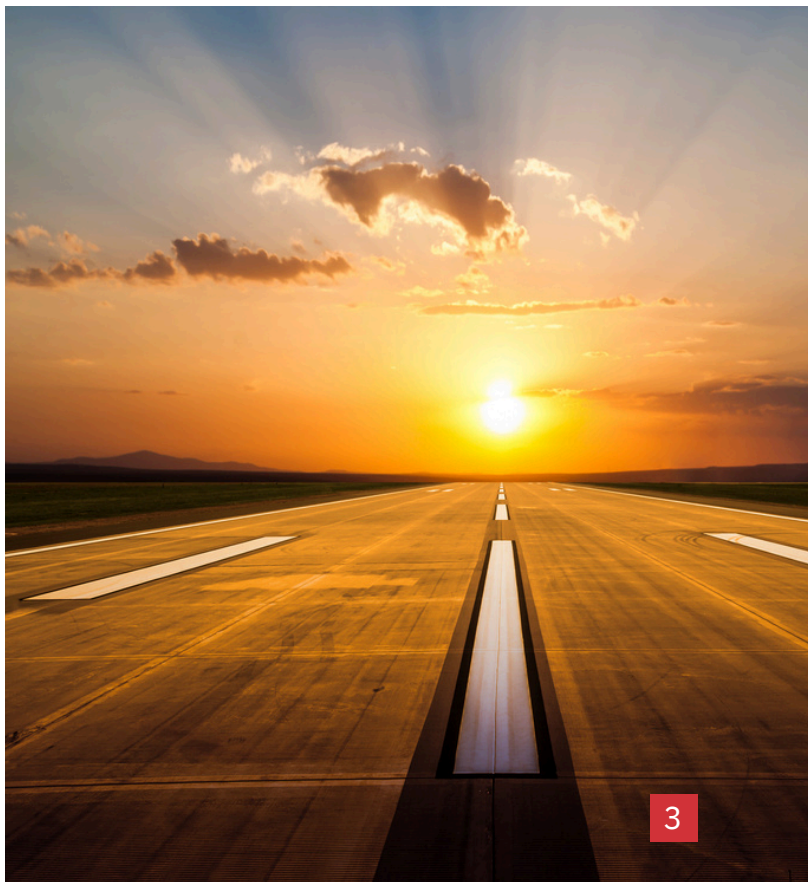
NEPA. *Trenton Threatened Skies, Inc. v. FAA*, 90 F.4th 122 (3d Cir. 2024) (FAA complied with NEPA when it reasonably concluded, *inter alia*, that new airport terminal would not induce growth in air traffic because traffic would increase regardless).

Takings. *Wheelwright v. Ogden City Airport*, Case No. 22-4083, 2024 U.S. App. LEXIS 1670 (10th Cir. Jan. 24, 2024) (affirming district court's dismissal of airport hangar tenants' regulatory-takings claim, holding that their leases did not make them owners of airport property).

U.S. District Courts

Public Charters; Preemption. *Delux Pub. Charter, LLC d/b/a JSX Air v. Cnty. of Westchester*, Case 7:22-cv-01930-PMH, 2024 U.S. Dist. LEXIS 115642 (S.D.N.Y. July 1, 2024) (upholding airport sponsor's requirement that Part 380 charter operator operate from terminal, rather than from FBO, as grandfathered under the federal Airport Noise and Capacity Act of 1990 (ANCA) and as a lawful exercise of the sponsor's proprietary rights and powers to allocate airfield space under the Airline Deregulation Act; rejecting plaintiff's class-of-one discrimination claim under Section 1983 because sponsor had rational basis for terminal-use requirement).

Section 1983; Pandemic Restrictions. *Abadi v. Am. Airlines, Inc.*, Case No. 23-cv-4033 (LJL), 2024 U.S. Dist. LEXIS 59889 (S.D.N.Y. Mar. 29, 2024) (plaintiff's Section 1983 claim against multiple airlines for masking requirement failed because defendants had not acted under state coercion when enforcing mask mandates).



Exclusive Rights. *AerSale, Inc. v. City of Roswell*, Case No. 2:22-cv-00218-MIS-DLM, 2024 U.S. Dist. LEXIS 103960 (D.N.M. June 11, 2024) (joining long line of cases in holding that the prohibition on exclusive rights codified at 49 U.S.C. § 40103(e) does not provide a private right of action).

Through-the-Fence Access. *Coste v. Town of Islip*, Case No. 23-cv-1339 (NJ) (SIL), 2024 U.S. Dist. LEXIS 112898 (E.D.N.Y. June 26, 2024) (report and recommendation) (recommending dismissal of various constitutional and tort claims by through-the-fence operator against an airport sponsor that purportedly planned to close a taxiway the operator used to access the airport).

Parking Regulation. *Koch v. City of Spokane*, Case No. 2:23-CV-0164-TOR, 2024 U.S. Dist. LEXIS 44752 (E.D. Wash. Mar. 13, 2024) (driver had no constitutional liberty interest in parking his car in no-parking zone and going into terminal to pick up passenger; while municipal code could be read to allow him to stand outside of vehicle, it was not reasonable to read it as allowing him to go into terminal).

ACDBE. *MCS Burbank, LLC v. Raleigh-Durham Airport Auth.*, Case No. 5:34-CV-00255-M, 2024 U.S. Dist. LEXIS 116056 (E.D.N.C. May 3, 2024) (finding no private cause of action to enforce ACDBE regulation (49 C.F.R. § 26.53(f))).

Section 1983; Pandemic Restrictions. *Reinbold v. Alaska Airlines*, Case No. 3:23-cv-00087-JMK, 2024 U.S. Dist. LEXIS 24484 (D. Alaska Feb. 12, 2024) (Air Carrier Access Act provides no private right of action; plaintiff could not sustain Section 1983 claim against air carrier for denying her boarding over mask noncompliance because carrier was not a state actor).

Antitrust. *United States v. JetBlue Airways Corp.*, Civ. Action No. 23-10511-WGY, 2024 U.S. Dist. LEXIS 7509 (D. Mass. Jan. 16, 2024) (permanently enjoining proposed Jetblue-Spirit Airlines merger on antitrust grounds under Section 7 of the Clayton Act).

Private Right of Action. *Zeal v. Spirit Airlines, Inc.*, Case No. 1:23-cv-01784, 2024 U.S. Dist. LEXIS 71493 (N.D. Ohio Apr. 19, 2024) (Air Carrier Access Act does not create affirmative duty for an airport sponsor to provide wheelchair assistance to a passenger; further, Air Carrier Access Act creates no private right of action).

State Courts

Statute of Limitations. *City & Cnty. of Denver v. Bd. of Cnty. Comm'rs of Adams Cnty.*, 543 P.3d 371 (Colo. 2024) (when plaintiff county learned that airport sponsor had been using a predictive model to measure aircraft noise in violation of an agreement between the parties, statute of limitations began to run on plaintiff's breach of contract claim, regardless of the fact that plaintiff did not realize for decades that it was forgoing monetary damages under the contract as a result of the model).

ANCA; Airport Closure. *In re E. End Hangars, Inc. v. Town of E. Hampton*, 225 A.D.3d 861 (N.Y. App. Div. 2024) (affirming trial court's holding that airport sponsor acted arbitrarily and capriciously in closing public airport in violation of the procedures of ANCA; further holding that the trial court was authorized to adjudicate the ANCA claim because such adjudication "does not require the special competence of the FAA").

Standing; Collective Bargaining. *Port Auth. Police Lieutenants Benevolent Ass'n Inc. v. City of N.Y.*, 23 Civ. 560 (PAE), 2024 U.S. Dist. LEXIS 30503 (S.D.N.Y. Feb. 22, 2024) (airport sponsor's police union lacked standing to challenge mutual aid agreement between sponsor and city; potential need to share command with other police departments when responding to aircraft emergency did not create concrete injury sufficient to confer standing).

Airline Liability. *United Cont'l Holdings, Inc. v. Sullivan*, 896 S.E.2d 426 (Ct. App. Va. 2024) (holding, under state law, that flight attendant was injured in the course of her employment when she fell on a walkway between a parking lot and an airport terminal that was "an essential means of ingress and egress to the workplace").



Part 16 Decisions

Discrimination. *Haynes v. Adams Cnty.*, FAA Dckt. No. 16-22-04, Final Agency Decision (F.A.A. Jan. 9, 2024) (affirming Director's determination that tenant had failed to make a prima facie case that his eviction from airport hanger constituted racial discrimination by airport sponsor).

Access Restrictions. *Skydive Acad. of Haw. Corp. v. Hawaii*, FAA Dckt. No. 16-23-06, Director's Determination (Jan. 8, 2024) (finding no unjust discrimination or exclusive right where state, as lessor of an Army airfield, agreed to restrict nighttime civilian operations in favor of military flights pursuant to its lease with the Army).

Flying Clubs; Unjust Discrimination. *S. Pac. Flying Club v. Haw. Dep't of Transp.*, FAA Dckt. No. 16-21-15, Director's Determination (Feb. 16, 2024) (airport sponsor violated Grant Assurance 22 by requiring flying club to prove tax-exempt status and by conditioning flying club's use of airport on agreement not to provide certain forms of compensation to mechanics and flight instructors that FAA policy authorizes).

FEDERAL LEGISLATION

[FAA Reauthorization Act of 2024](#) (Pub. L. No. 118-63) (May 16, 2024) (reauthorizing the FAA and various federal aviation programs, including the Airport Improvement Program, through FY 2028).

[Airport and Airway Extension Act of 2024, Part II](#) (Pub. L. No. 118-60) (May 10, 2024) (extending existing FAA authority for one week to give Congress time to pass full FAA reauthorization).

[Consolidated Appropriations Act, 2024](#) (Pub. L. No. 118-42) (Mar. 9, 2024) (funding the U.S. Department of Transportation, the FAA, and various other federal agencies and programs through FY 2024).

[Airport and Airway Extension Act of 2024](#) (Pub. L. No. 118-41) (Mar. 8, 2024) (extending existing FAA authority through May 10, 2024).

[Extension of Continuing Appropriations and Other Matters Act, 2024](#) (Pub. L. No. 118-40) (Mar. 1, 2024) (extending existing federal funding levels for one week to allow Congress to pass full-year appropriations).

[Further Additional Continuing Appropriations and Other Extensions Act, 2024](#) (Pub. L. No. 118-35) (extending existing federal appropriations through March 1, 2024).

FEDERAL RULES, ORDERS, & GUIDANCE

THE WHITE HOUSE

[Statement from Press Secretary Karine Jean-Pierre on the Supreme Court Ruling in Loper Bright](#) (June 28, 2024) (condemning Supreme Court decision overruling *Chevron* doctrine, under which federal courts deferred to federal administrative agencies' reasonable interpretations of their own statutory authority).

[Statement from President Joe Biden After Signing FAA Reauthorization Act](#) (May 16, 2024) (emphasizing highlights of FAA Reauthorization Act of 2024).

COUNCIL ON ENVIRONMENTAL QUALITY

Final Rule, [National Environmental Policy Act Implementing Regulations Revisions Phase 2](#), 89 Fed. Reg. 35,442 (May 1, 2024) (finalizing second round of Biden administration's changes to government-wide regulation of environmental reviews under the National Environmental Policy Act).



DEPARTMENT OF DEFENSE

Final Rule, [Defense Federal Acquisition Regulation Supplement; Replacement of Fluorinated Aqueous Film-Forming Foam](#) (DFARS Case 2020-D011), 89 Fed. Reg. 20,869 (Mar. 26, 2024) (prohibiting Department of Defense from purchasing aqueous film-forming firefighting foam (AFFF), which contains PFAS).

Department of Defense, [Plan to Transition to a Fluorine-Free Firefighting Agent](#) (Feb. 2024) (describing department's plans to adopt PFAS-free alternative to AFFF).

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

DOT, [Establishment of Slot Exemption Proceeding at Ronald Reagan Washington National Airport Pursuant to 49 U.S.C. § 41718](#), Dckt. DOT-OST-2024-0065 (June 24, 2024) (soliciting air carrier applications for each of five roundtrip slots at DCA made available pursuant to the FAA Reauthorization Act of 2024).

FAA, [FAA Ensuring Safe Public Charter Flights, Exploring Future Solutions for All Flyers](#) (June 17, 2024) (announcing FAA's intent to issue a future proposed rulemaking to amend federal air-carrier regulations to subject public charter operations to the same safety requirements that apply to scheduled air carriers).

CertAlert No. 24-06, [Video Release: Airport Operators: Decreasing Vehicle Pedestrian Deviations \(V/PDs\)](#) (June 13, 2024).

DOT, [Order Soliciting Small Community Grant Applications](#), Dckt. DOT-OST-2024-0066 (June 10, 2024) (soliciting applications for a share of \$12 million in FAA grant funds for the Small Community Air Service Development program).

FAA, [CY 2023 All-Cargo Data Reporting Requirements for FY 2025 AIP Entitlement Funding](#) (June 4, 2024) (extending deadline through June 30, 2024 to report all-cargo landed weights for CY 2023 in light of expanded eligibility for cargo-related AIP funding under the FAA Reauthorization Act of 2024).

Final Rule, [Railroad Rehabilitation and Improvement Financing Program and Transportation Infrastructure Finance and Innovation Act Program Regulations](#), 89 Fed. Reg. 45,772 (May 24, 2024) (amending implementing regulations for TIFIA and the Railroad Rehabilitation and Improvement Financing (RRIF) programs, primarily by incorporating requirements of the Bipartisan Infrastructure Law).

Draft Advisory Circular 150/5210-26, [Incident Management/Command and Control Training for Airport Personnel](#) (May 14, 2024) (draft advisory circular, subject to public comment, on training standards for incident management and command).

CertAlert No. 24-05, [Department of Defense's \(DoD's\) Memorandum on Rinsing Aircraft Rescue Firefighting \(ARFF\) Vehicles Transitioning from Aqueous Film Forming Foam \(AFFF\) to Fluorine-Free Foam \(F3\)](#) (May 8, 2024) (cancels CertAlert No. 24-04, *Information on Best Practices for Cleaning Aircraft Rescue Firefighting (ARFF) Vehicles Transitioning from Aqueous Film Forming Foam (AFFF) to Fluorine-Free Foam (F3)*).

Request for Information, [Opportunities and Challenges of Artificial Intelligence \(AI\) in Transportation; Request for Information](#), 89 Fed. Reg. 36,848 (May 3, 2024) (soliciting public input on potential applications of artificial intelligence (AI) to transportation and on potential risks and opportunities that AI poses to the transportation sector).

Memorandum, [Updated Fatigue Rules](#) (Apr. 19, 2024) (FAA administrator's order that air traffic controllers receive at least a 10-hour break between daytime shifts and at least a 12-hour break after overnight shifts).



Final Rule, [Disadvantaged Business Enterprise and Airport Concession Disadvantaged Business Enterprise Program Implementation Modifications](#), 89 Fed. Reg. 24,898 (Apr. 9, 2024) (revising procedures for implementing DOT's Disadvantaged Business Enterprise (DBE) and Airport Concession Disadvantaged Business Enterprise (ACDBE) programs).

[Notice of Funding Opportunity for FAA's Office of Airports FY 2023 Supplemental Discretionary Grants](#), 89 Fed. Reg. 22,468 (Apr. 1, 2024) (soliciting applications for \$268.7 million in FY 2023 supplemental discretionary grants under AIP).

Notice of Proposed Rulemaking, [Ensuring Safe Accommodations for Air Travelers With Disabilities Using Wheelchairs](#), 89 Fed. Reg. 17,766 (Mar. 12, 2024) (imposing new requirements on air carriers to assist passengers using wheelchairs or mobility scooters).

CertAlert No. 24-03, [Airport Foreign Object Debris \(FOD\) Management](#) (Feb. 29, 2024).

Final Rule, [Airplane Fuel Efficiency Certification](#), 89 Fed. Reg. 12,634 (Feb. 16, 2024) (limiting greenhouse gas emissions from aircraft in U.S. airspace).

CertAlert No. 24-02, [Autonomous Ground Vehicle Systems \(AGVS\) Technology on Airports](#) (Feb. 15, 2024).

[UAS Detection and Mitigation Systems Aviation Rulemaking Committee Final Report](#) (Feb. 5, 2024) (recommending a framework for detecting and mitigating UAS at airports and in the National Airspace System).

CertAlert No. 24-01, [Part 139 Requirements for Issuing a Notice to Air Missions \(NOTAM\) When the Airport Operator Has No Operative Airport Rescue Fire Fighting \(ARFF\) Equipment Available on the Airport](#) (Jan. 31, 2024).

ENVIRONMENTAL PROTECTION AGENCY

[Designation of Perfluorooctanoic Acid \(PFOA\) and Perfluorooctanesulfonic Acid \(PFOS\) as CERCLA Hazardous Substances](#), 89 Fed. Reg. 39,124 (May 8, 2024) (designating two PFAS chemicals as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act).

[PFAS National Primary Drinking Water Regulation](#), 89 Fed. Reg. 32,532 (Apr. 26, 2024) (designating a maximum (acceptable) contamination level for PFAS in drinking water at four parts per trillion, the lowest readily detectable level).

[PFAS Enforcement Discretion and Settlement Policy Under CERCLA](#) (Apr. 19, 2024) (providing that EPA will generally not take enforcement action against publicly owned airports for their use of PFAS substances but cautioning that EPA "expects" those airports to "exercise a high standard of care" in using PFAS chemicals).

[Interim Guidance on the Destruction and Disposal of Perfluoroalkyl and Polyfluoroalkyl Substances and Materials Containing Perfluoroalkyl and Polyfluoroalkyl Substances—Version 2](#) (Apr. 8, 2024) (non-mandatory guidance on how to destroy and dispose of PFAS-containing substances; updates a 2020 guidance document).



REPORTS, STUDIES, ARTICLES, & OTHER PUBLICATIONS

In Reverse Chronological Order

U.S. DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

FAA, Report to Congress, [Aviation Safety \(AVS\) Workforce Plan 2024 - 2033](#) (May 8, 2024).

FAA, Report to Congress, [Air Traffic Controller Workforce Plan 2024 - 2033](#) (May 8, 2024).

FAA, Report to Congress, [UAS Safety Enforcement](#) (Apr. 16, 2024).

FAA, Report to Congress, [Aircraft Noise Exposure](#) (Apr. 9, 2024).

FAA, Report to Congress, [Fiscal Year 2022 Safety Incident Report](#) (Feb. 1, 2024).

FAA, Report to Congress, [Procurement of Foreign Manufactured Articles, FY23](#) (Jan. 30, 2024).

FAA, Report to Congress, [Noise Programs Catalog](#) (Jan. 19, 2024).

FAA, Report to Congress, [Technology Review](#) (Jan. 11, 2024).

Office of Inspector General

Office of Inspector General, [Report No. FS2024027](#), DOT's Fiscal Year 2023 Payment Integrity Information Act Compliance Review (May 29, 2024).

Office of Inspector General, [Report No. SA2024024](#), Summary Report on Significant Single Audit Findings Impacting DOT Programs for the 3-Month Period Ending December 31, 2023 (May 8, 2024).

Office of Inspector General, [Report No. AV2024023](#), FAA's Report on Air Traffic Modernization Presents an Incomplete and Out-of-Date Assessment of NextGen (Apr. 30, 2024).

Office of Inspector General, [Report No. ZA2024019](#), FAA's Information Technology and Telecommunications Contracting Practices Limit Best Value Outcomes (Feb. 26, 2024).

Office of Inspector General, [Report No. ZA2024018](#), FAA Did Not Fully Follow Its Processes When Awarding and Administering CARES Act-Funded Airport Development Grants and Contracts (Feb. 21, 2024).

GOVERNMENT ACCOUNTABILITY OFFICE

[Report No. GAO-24-107347](#), Priority Open Recommendations: Department of Transportation (June 10, 2024).

[Report No. GAO-24-106158](#), Drones: Actions Needed to Better Support Remote Identification in the National Airspace (June 6, 2024).

[Report No. GAO-24-106193](#), Commercial Space Transportation: How FAA Considers Environmental and Airspace Effects (Apr. 24, 2024).

[Report No. GAO-24-107264](#), Discretionary Grants: DOT Should Improve Clarity and Transparency of Program Management (Apr. 18, 2024).

[Report No. GAO-24-107495](#), Aircraft Registrations: Risks Remain from Efforts to Obscure Ownership Information (Apr. 9, 2024).





[Report No. GAO-24-107195](#), Aviation Safety: Federal Efforts to Address Unauthorized Drone Flights Near Airports (Mar. 18, 2024).

[Report No. GAO-24-106754](#), Commercial Aviation: Key Lessons from COVID-19 Preparedness and Emergency Financial Assistance to the Industry (Mar. 18, 2024).

[Report No. GAO-24-106451](#), Advanced Air Mobility: Legal Authorities and Issues to Consider for Operations (Mar. 14, 2024).

[Report No. GAO-24-106493](#), Commercial Aviation Manufacturing: Supply Chain Challenges and Actions to Address Them (Mar. 6, 2024).

[Report No. GAO-24-106314](#), Trusted Traveler Programs: DHS Has Enrollment Processes, but CBP Should Provide Additional Information on Reconsiderations (Feb. 28, 2024).

[Report No. GAO-24-106052](#), Aviation Security: Transportation Security Administration Could Further Improve Officer Engagement (Feb. 27, 2024).

[Report No. GAO-24-106184](#), Commercial Space Transportation: FAA's Oversight of Human Spaceflight (Feb. 21, 2024).

[Report No. GAO-24-106040](#), Aviation Certification: FAA Should Evaluate Effectiveness of the International Validation Process (Jan. 10, 2024).

CONGRESSIONAL RESEARCH SERVICE

[Report No. R47687](#), Transportation, Housing and Urban Development, and Related Agencies (THUD) Appropriations for FY2024 (updated June 26, 2024).

[Report No. IN12351](#), Senate Committee-Passed FAA Bill Revived Debate over Reagan National Airport Slot and Perimeter Rules (Apr. 29, 2024).

[Report No. IF11696](#), Aviation, Air Pollution, and Climate Change (updated Apr. 26, 2024).

[Report No. IF12482](#), Federal Aviation Administration Reauthorization: Legislative Action in the 118th Congress (updated Mar. 14, 2024).

[Report No. IN12305](#), Boeing 737-9 Max Grounded Amid Renewed Concerns About Manufacturing Quality and Product Safety (Jan. 18, 2024).

TRANSPORTATION RESEARCH BOARD, AIRPORT COOPERATIVE RESEARCH PROGRAM

Ordered by Report Number

[Research Reports](#)

[Research Report 262](#): PFAS Management at Airports: A Guide (June 3, 2024).

[Research Report 261](#): Advanced Air Mobility and Community Outreach: A Primer for Successful Stakeholder Engagement (Mar. 6, 2024).

[Research Report 260](#): Airport Energy Resiliency Roadmap (May 24, 2024).

[Synthesis Reports](#)

[Synthesis 133](#): Identifying Military Resources and Strategies to Improve Civilian Airport Resiliency (Jan. 8, 2024).

[WebResources](#)

[WebResource 17](#): Developing a Holistic Airport Common Use Program (Feb. 1, 2024).

[WebResource 16](#): Playbook for Developing a Culture of Innovation at Airports (Mar. 19, 2024).

[WebResources](#)

[Web-Only Document 59](#): Integration of Contingency Planning for Small Airports (Mar. 15, 2024).





EDITORS' NOTE

Kaplan Kirsch'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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