

# SEMI-ANNUAL AIRPORT LAW DIGEST

## 2021 MID-YEAR UPDATE

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The first six months of 2021 were a whirlwind of activity. The change in administration and control of the Senate means a unified, Democratic federal government for the first time in ten years. The new administration was tasked with rolling out the new COVID-19 vaccines and charting a course for economic recovery. For airports, the increase in vaccinations and return to a semblance of normal life has been welcome, with a surge in overall passenger traffic, particularly to leisure destinations. While passenger numbers have yet to return to 100% of pre-pandemic levels, it seems clear that recovery is underway. That said, the effects of the pandemic will continue to reverberate, as airports work to resolve budget, staffing, and operational issues.

This Airport Law Digest includes a list of principal cases decided over the last year; 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. As airports continue to recover from the effects of the COVID-19 pandemic, we have provided a select subset of COVID-19 guidance materials published in 2020 at the end of this Digest.

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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## EMERGING ISSUES: ADVANCED AIR MOBILITY

Over the past several months, the concept of Advanced Air Mobility (AAM) has increasingly captured the attention of the aviation industry, including private investors, state and local governments, airport operators, federal regulators, and Congress.

AAM is an umbrella term encompassing new modes of transporting passengers and cargo by air, enabled by recent advances in aircraft technology such as electric vertical takeoff and landing (eVTOL) capability. There are a number of proposed business cases for AAM, including transportation between busy urban areas and airports in lieu of congested roadways (often referred to as Urban Air Mobility or UAM), enhanced connectivity to rural or other remote areas, intraregional transportation between major cities, and just-in-time on-demand cargo and delivery. In each business case, AAM promises to deliver a mode of transportation that is more environmentally conscious, both in terms of no- or low-emissions and reduced noise impacts, as well as less expensive than traditional forms of air transportation. While many AAM concepts would eventually transition to fully autonomous operations, most contemplate single-pilot operations in the first several years of operation. None of the next-generation aircraft intended for AAM has yet achieved certification in the United States; however, several companies are completing advanced stages of design and actively working with FAA to achieve this milestone within the next few years. As this milestone nears, many companies are now focused on ensuring that the infrastructure necessary to support AAM is in place by the time operations are approved.

In addition to myriad technical and operational challenges arising from the development and ultimate integration of AAM into the National Airspace System, developing the infrastructure necessary to support AAM presents a host of complex regulatory challenges for state and local

governments and airport operators. Many proposed AAM business models contemplate the construction of new “vertiports” at off-airport locations or, even where located on-airport, from landside facilities such as parking or intermodal transfer facilities. These operations raise important questions regarding appropriate design standards and methods of certifying vertiports that will support AAM operations, passenger screening and security, and the eligibility of AAM infrastructure (or components thereof) for funding under the Airport Improvement Program, among other matters. Additionally, it will be increasingly important to define appropriate boundaries between federal and state/local authority with respect to the siting of take-off and landing facilities and regulation of low-altitude operations – still very much an open issue in the context of unmanned aerial systems. Electric aircraft may also require changes in state laws; for example, some state prohibitions on the resale of public utilities raise questions as to how the owners of vertiport infrastructure may generate revenue in exchange for supplying eVTOL with their power and recharging requirements. These and other issues will no doubt be the subject of substantial policymaking and legislation in the months and years to come, which we look forward to detailing in future issues of the Airport Law Digest.

In the interim, there has been very little guidance for state and local governments and airport operators considering the development of AAM infrastructure. It is therefore prudent to carefully coordinate any requests with your local Airports District Office. Additionally, airports should closely coordinate with state and regional planning agencies, many of which have started to plan for AAM in long-range transportation planning efforts, to ensure that AAM-related initiatives are complimentary to and do not conflict with traditional aviation modes.

For more information about AAM, contact [Steven Osit](#).

## INDUSTRY GROUPS LOOK TOWARDS RECOVERY & PROTECTING AGAINST NEXT CRISIS

Earlier this year, as airports worldwide were struggling with the financial and operational impacts of the pandemic, the American Association of Airport Executives established a program specifically designed to be a resource for airport sponsors as they planned for both handling the pandemic and recovering from its effects. The Airport Consortium on Customer Trust (ACT) has coordinated the efforts of the nation's leading airports and consultants to share innovative solutions as sponsors prepared for return of travelers. Kaplan Kirsch & Rockwell is a member of this ad hoc group.

The recent report issued by ACT, *Finance and Revenue Generating Innovations*, provides a comprehensive resource for the latest thinking in financing options and new ways to generate revenue that are not inextricably tied to passenger enplanements. The report concluded that airport sponsors find themselves at an inflection point where it is appropriate to reevaluate their dependence on legacy sources of revenue (e.g., airline rates and charges; in-terminal and passenger-related concessions). The authors recommend that airports examine a broader scope of revenue approaches (and strategies for partnering with the private sector) to reduce the volatility of cash flow, to mitigate risks, and to better weather the next unanticipated crisis. The report discusses the value in reassessing the relationship with concessionaires and seeking more diversified revenue that is not directly tied to passenger counts. For lawyers, the report suggests reassessing the contractual arrangements for many airport users to better spread the risk for unanticipated crises.

The report is available for [download at no charge from the AAE website](#). Kaplan Kirsch & Rockwell partners [Dave Bannard](#) and [Peter Kirsch](#) helped co-author the white paper.







## FREQUENTLY ASKED QUESTIONS: ARPA

The American Rescue Plan Act of 2021 (ARPA) provides for approximately \$8 billion of grants to airports. This third round of federal COVID relief funds is in addition to the money designated for airports under the CARES Act (~\$10 billion) and CRRSAA (~\$2 billion). The FAA, which is tasked with administering all of these grant programs, recently released its [written guidance](#) expanding upon how the ARPA money will be distributed and conditioned. While providing much-needed information related to this new and expansive program, the guidance raises issues that airports should carefully consider when applying for, administering, and using their grant funding.

ARPA funds are available until and must be obligated by September 30, 2024. Sponsors must apply for ARPA grants by November 30, 2021, and the FAA has indicated that it intends to expedite the award of these funds. ARPA funds can be used for operational expenses incurred on or after January 20, 2020, and debt service payments due on or after March 11, 2021 (the date that ARPA was enacted). If ARPA funds are spent on new airport development, the development-related costs must be associated with combating the spread of pathogens at the airport (i.e., reconfiguring a terminal for social distancing, replacing or upgrading ventilation systems, etc.). The allocations for ARPA grants can be found [here](#), with more general information also available on the FAA's [website](#). Note that the ARPA grant agreement will include a new special condition that the airport sponsor must implement a policy requiring all persons to wear a mask, in accordance with the TSA SD and CDC guidelines, at all times while in all public areas of the airport, except to the extent exempted. Failure to comply with this condition may result in suspension of payments or termination of a grant.

While much of the General Airport Rescue Grant conditions will look similar to airports who have received CARES and CRRSAA money, ARPA also provides separate funding to airports that must be used for concessions-related relief in the form of a separate Concessions Rent Relief Airport Rescue Grant. The pool of concessions relief funding is \$800 million, to be allocated to primary commercial service airports based on number of annual boardings. As with CRRSAA's concessions relief program, airports may provide

relief from rent and minimum annual guarantee (MAG) obligations for eligible concessionaires, but there are several new and different features in ARPA's program.

Significantly, the eligible pool of concessionaires has changed: in the newer ARPA grants, relief must be provided to eligible small concessions (i.e., an in-terminal concession that is either (1) a small business that has maximum gross receipts, averaged over the previous 3 fiscal years, of less than \$56,420,000 or (2) a joint venture as defined in 49 CFR § 23.3) and eligible large concessions (i.e., an in-terminal concession that has maximum gross receipts, averaged over the previous 3 fiscal years, of more than \$56,420,000), whereas under CRRSAA, relief was to be provided to on-airport car rental, on-airport parking, and in-terminal airport concessions (as defined in 49 CFR Part 23). In practice, this means, for example, that some airports may have provided relief to on-airport rental car companies under CRRSAA that now may not be eligible for ARPA relief.

Also notable is that, while airports could retain up to 2% of its funding allocation to cover the costs of administering the relief under CRRSAA, there is no such similar provision in ARPA – meaning that airports must administer the funds at their own expense and distribute 100% of their allotted ARPA concessions rent relief funding.

Requirements for allocating the concessions relief will otherwise look similar to CRRSAA in that airports must administer the relief based on proportionality according to rent paid by eligible concessions in the relevant baseline time period; must only provide relief to concessions that remain ready, able, and available to provide services; and must again obtain certifications from participating concessionaires that they have not received a second draw or assistance for a covered loan under section 7(a)(37) of the Small Business Act (15 U.S.C. 636(a)(37)) that has been applied toward rent or MAG costs. The last requirement stems from the general principle that federal money may not be used for the same purposes or expenses that have already been covered by another federal program (e.g., CARES, CRRSAA, ARPA).

For more information about ARPA or the new FAQ, contact [Sarah Wilbanks](#).



## FAA WELCOMES NEW ASSOCIATE ADMINISTRATOR FOR AIRPORTS

In early June, President Biden appointed Shannetta Griffin, P.E., as the new Associate Administrator for Airports. An experienced airport professional, Ms. Griffin joins the FAA from the Columbus Regional Airport Authority, where she served as the Chief Commercial Officer. Earlier in her career, Ms. Griffin also worked for the Indianapolis Airport Authority and the Hartsfield-Jackson International Airport, as well as CDM Smith. With Ms. Griffin's appointment, Acting Associate Administrator Winsome Lenfert returns to her former role as Deputy.

## PFAS BILL MOVES FORWARD, FUTURE UNCERTAIN

On June 23, 2021, the House Energy and Commerce Committee approved H.R. 2467, the PFAS Action Act. This legislation requires the EPA to designate PFOA and PFOS as a hazardous substance under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) within one year and gives the EPA an additional five years to determine whether to designate all PFAS as a hazardous substance under CERCLA. Importantly, the legislation includes a specific airport liability exemption from CERCLA. The future of this legislation – both in the full House and the Senate – is unclear. Nonetheless, PFAS will continue to be an extremely important issue for airports moving forward. For more information, please contact [Thomas Bloomfield](#), [Sara Mogharabi](#), or [Nicholas Clabbers](#).

## FAA ISSUES DRAFT LAND USE COMPATIBILITY GUIDANCE, INVITES COMMENTS

On June 22, 2021, the FAA released Draft Advisory Circular 150/5190-4B, [Airport Compatible Land Use Planning](#). For airport sponsors, the draft is primarily a consolidation and clarification of existing policy and guidance on obligations to maintain compatible land uses on and near the airport. However, there is new material directed at other stakeholder that will also apply to airports, so sponsors should review the draft in detail. FAA is accepting comments on the draft until August 6, 2021. For more information or to discuss submitting comments, please contact [Catherine van Heuven](#) or [Nicholas Clabbers](#).





# LITIGATION

Listed in Reverse Chronological Order

## FEDERAL AND SELECT STATE COURT DECISIONS

**FOIA.** *Jobe v. NTSB*, No. 20-30033, 2021 U.S. App. LEXIS 18135 (5th Cir. June 17, 2021) (holding that that outside parties to an NTSB investigation are considered governmental consultants subject to FOIA and not exempt under the “intra-agency” communication privilege).

**Ridesharing.** *Turo v. Sup. Ct. of San Francisco Cty.*, No. CGC-18-563803 (Cal. App. 1st June 16, 2021) (denying appeal of finding that Turo was a “rental car company” under California law).

**Employment Discrimination.** *Peterkin v. Prospect Airport Servs.*, Civ. Act. No. 21-490, 2021 U.S. Dist. LEXIS 109612 (E.D. Pa. June 11, 2021) (dismissing various employment-related claims against airport proprietor where plaintiff was employee of ground service contractor and had not established that proprietor was a joint employer).

**Metroplex/NextGen.** *Arapahoe Cty. Pub. Airport Auth., et al. v. FAA*, No. 20-1075, 2021 U.S. App. LEXIS 17023 (D.C. Cir. June 8, 2021) (per curiam) (dismissing petitions for review of FAA’s Denver Metroplex plan, holding that petitioners had failed to provide evidence of standing to pursue the case and that standing was not self-evident on the face of the pleadings).

**Takings.** *Boggs v. City of Cleveland*, 2021 U.S. Dist. LEXIS 101308 (N.D. Ohio May 28, 2021) (dismissing § 1983 claims based on takings from aircraft overflights on statute of limitations grounds and holding that the action accrued upon opening of new runway, and finding that plaintiffs were not entitled to relief under the Uniform Relocation and Real Property Acquisition Act because that statute provides no private right of action).

**Slots.** *Spirit Airlines, Inc. v. U.S. Dep’t of Transp.*, Case. No. 19-1248, 2021 U.S. App. LEXIS 15144 (D.C. Cir. May 21, 2021) (finding that FAA decision not to immediately allow new flights at Newark Liberty International Airport (EWR) following Southwest Airlines’ cessation of flights from EWR was arbitrary and capricious because it failed to assess the impact of that decision on competition at EWR and consider alternative means to alleviate congestion).

**Drones.** *Elec. Privacy Info. Ctr. v. Drone Advisory Comm.*, 995 F.3d 993 (D.C. Cir. Apr. 30, 2021) (holding that privacy group was not entitled to certain records produced and maintained by subgroups of the FAA’s former Drone Advisory Committee because those subgroups did not report to or communicate directly with FAA).

**Ridesharing.** *Mass. Port Auth. v. Turo, Inc.*, No. SJC-13012 (Sup. Jud. Ct. Mass. Apr. 21, 2021) (affirming preliminary injunction prohibiting operation of ridesharing service at Boston Logan Airport without a permit, finding that Turo was not immune from regulation under the Communications Decency Act and that the airport sponsor was likely to succeed in its claims that Turo was aiding and abetting trespassing).

**Ridesharing.** *Turo Inc. v. City of Los Angeles*, 847 Fed. Appx. 442 (9th Cir. Mar. 10, 2021) (reversing district court of preliminary injunction against ridesharing service at Los Angeles International Airport, finding that low level of activity from Turo as compared to overall traffic at LAX would not result in irreparable harm).

**Hazards.** *Short v. United States*, 847 Fed. Appx. 413, 2021 U.S. App. LEXIS 5637 (9th Cir. Feb. 25, 2021) (finding that for the purposes of liability under Federal Tort Claims Act, Forest Service was not mandated to close an airport on federal property or remove trees even if they constituted a “hazard” under FAA regulations, and the Forest Service appropriately mitigated risks by showing the trees in the FAA’s Airport Master Record).

**Pre-emption.** *Bernstein v. Virgin Am., Inc.*, 990 F.3d 1157 (9th Cir. Feb. 23, 2021) (affirming district court’s decision that neither the Federal Aviation Act nor the Airline Deregulation Act preempts California state requirement for meal and rest breaks because they have no direct implications for safety).



## PENDING CASES

**Airport Access.** *Delux Pub. Charter, LLC v. Cty. of Orange*, No. 8:20-cv-2344 (C.D. Cal. amended complaint filed June 17, 2021) (alleging de facto ban of JSX and JetSuiteX from John Wayne Airport in violation of Airline Deregulation Act and Airport Noise and Capacity Act, among other claims).

**Environmental Review.** *Ctr. for Community Action & Env't'l Justice v. FAA*, No. 20-70272 (9th Cir. argued Feb. 1, 2021) (petition for review of FAA approval of NEPA Finding of No Significant Impact associated with proposed air cargo facility at San Bernardino International Airport).

### **Metroplex/Next Gen.**

*City of Los Angeles v. Dickson*, No. 19-71581 (9th Cir. argued June 11, 2021) (petition for review of FAA decisions setting flight procedures at Los Angeles International Airport).

*City of Los Angeles v. FAA*, No. 19-73164 (9th Cir. briefing concluded Apr. 26, 2021) (petition for review of FAA decision to allow flight tracks for departing aircraft at Hollywood Burbank Airport to shift following Metroplex implementation).

*City of N. Miami Beach v. FAA*, No. 20-14677A (11th Cir. amended pet. for review filed Dec. 28, 2020) (petition for review of FAA decision setting flight procedures at Miami International Airport).

## ADMINISTRATIVE DECISIONS

**Skydiving.** *Mile-Hi Skydiving Ctr. v. City of Longmont*, FAA Docket No. 16-19-03, Director's Determination (Jan. 22, 2021) (finding no Grant Assurance violations where sponsor established a separate parachute drop zone and charged a per-square-foot nonexclusive access fee for the use of the drop zone) (appeal pending).

**Access Restrictions.** *Forman v. Palm Beach Cty.*, FAA Docket No. 16-17-13, Final Agency Decision (Jan. 13, 2021) (affirming Director's Determination finding County's restriction on jet aircraft operations as not grandfathered under ANCA and an ongoing violation of Grant Assurance 22) (appeal pending).

**Airport Revenue.** *United Airlines, Inc. v. Port Auth. of N.Y. & N.J.*, FAA Docket No. 16-14-13, Order (Jan. 11, 2021) (largely affirming Director's Determination findings that Port Authority's grandfathered status did not exempt it from all airport revenue use restrictions and that the Port Authority's accounting practices were deficient and lacked transparency in violation of Grant Assurance 22).

**Rates and Charges and Exclusive Rights.** *Star Marianas Air, Inc. v. Commonwealth Ports Auth.*, FAA Docket No. 16-18-01, Final Agency Decision (Jan. 10, 2021) (affirming Director's Determination holding that sponsor's rates and charges structure did not violate the Anti-Head Tax Act and Grant Assurance 1, and that complainant had failed to provide evidence of an exclusive right at the airport).

## RESEARCH WARNING FOR AIRPORT LAWYERS

As we have indicated in prior *Airport Law Digests*, Lexis Advance has only inconsistently updated its database of FAA Part 16 decisions since September 2017, and we cannot confirm that the database is complete. While many recent decisions do appear to be present, there are also several which are missing. We have been unable to determine why this continues to be an issue. We have been unable to confirm if Westlaw Next is currently experiencing a similar issue, but know that it has in the past. We recommend caution when researching FAA Part decisions on either Lexis Advance or Westlaw Next and to supplement that research with FAA resources and the forthcoming update to the Airport Cooperative Research Program Legal Research Digest 21. New Part 16 decisions are intermittently uploaded to [FAA's website](#) and [Regulations.gov](#).

# FEDERAL LEGISLATION

[American Rescue Plan Act of 2021](#), Pub. L. No. 117-2 (Mar. 11, 2021).

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

### THE WHITE HOUSE

Memorandum for the Heads of Executive Departments and Agencies, [Regulatory Freeze Pending Review](#) (Jan. 20, 2021) (freezing further action on rules and regulations that had not yet been published in the Federal Register).

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

Draft Advisory Circular No. 150/5190-4B, [Airport Compatible Land Use Planning](#) (June 22, 2021) (comment period expires Aug. 6, 2021).

Frequently Asked Questions, [Airport Rescue Grants](#) (June 10, 2021) (guidance concerning grants to airports under American Rescue Plan Act).

Advisory Circular No. 150/5320-6G, [Airport Pavement Design and Evaluation](#) (June 7, 2021).

Policy, [Review of Solar Energy System Projects on Federally-Obligated Airports](#), 86 Fed. Reg. 25,801 (May 11, 2021).

Notice, [Funding Opportunity for Environmental Mitigation Pilot Program](#), 86 Fed. Reg. 25,060 (May 10, 2021).

Notice, [Airport Investment Partnership Program: Application Procedures](#), 86 Fed. Reg. 20,586 (Apr. 20, 2021).

Frequently Asked Questions, [Airport Coronavirus Response Grant Program](#) (Apr. 9, 2021) (guidance concerning grants to airports under the Coronavirus Response and Relief Supplemental Appropriation Act).

Final Rule, [Operation of Small Unmanned Aircraft Systems Over People](#), 86 Fed. Reg. 4314 (Jan. 15, 2021).

Final Rule, [Remote Identification of Unmanned Aircraft](#), 86 Fed. Reg. 4390 (Jan. 15, 2021).

Request for Comments, [Overview of FAA Aircraft Noise Policy and Research Efforts: Request for Input on Research Activities to Inform Aircraft Noise Policy](#), 86 Fed. Reg. 2722 (Jan. 13, 2021).

Final Rule, [Special Flight Authorizations for Supersonic Aircraft](#), 86 Fed. Reg. 3782 (Jan. 15, 2021).

### DEPARTMENT OF HOMELAND SECURITY

TSA Security Directive 1542-21-01, [Security Measures – Face Mask Requirements](#) (Jan. 31, 2021).

### COUNCIL ON ENVIRONMENTAL QUALITY

Interim Final Rule and Request for Comments, [Deadline for Agencies To Propose Updates to National Environmental Policy Act Procedures](#), 86 Fed. Reg. 34,154 (June 29, 2021) (extending period by two years for federal agencies to propose their own regulations to implement July 2020 CEQ final rule revising NEPA procedures).

### ENVIRONMENTAL PROTECTION AGENCY

Advanced Notice of Proposed Rulemaking, [Addressing PFOA and PFOS in the Environment: Potential Future Regulation Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act and the Resource Conservation and Recovery Act](#) (Jan. 14, 2021) (not published in Federal Register and under review pursuant to regulatory freeze order of January 20, 2021).

### CENTER FOR DISEASE CONTROL AND PREVENTION

Update, [Requirement for Face Masks on Public Transportation Conveyances and at Transportation Hubs](#) (June 10, 2021) (announcing intent to formally modify mask mandate order to remove requirement for masks in outdoor spaces at airports).

Order, [Requirement for Persons to Wear Masks While on Conveyances and at Transportation Hubs](#) (eff. Feb. 1, 2021).





# REPORTS, STUDIES, ARTICLES, & OTHER PUBLICATIONS

Listed in Reverse Chronological Order

## U.S. DEPARTMENT OF TRANSPORTATION

Office of Inspector General, Report No. ZA2021026, [Gaps in Guidance, Training, and Oversight Impede FAA's Ability To Comply With Buy American Laws](#) (June 2, 2021).

Office of Inspector General, Report No. AV2021024, [DOT Appropriately Relied on Unsubsidized Carriers in Accordance With Its Policy but Conducted Limited Oversight of the Essential Air Service Communities They Serve](#) (May 19, 2021).

Office of Inspector General, Report No. AV2021023, [NextGen Benefits Have Not Kept Pace With Initial Projections, but Opportunities Remain To Improve Future Modernization Efforts](#) (Mar. 30, 2021).

FAA, Final Report, [Analysis of the Neighborhood Environmental Survey](#) (updated Feb. 2021).

Office of Inspector General, Report No. AV2021017, [Gaps in FAA's Oversight of the AIP State Block Grant Program Contribute to Adherence Issues and Increase Risks](#) (Feb. 10, 2021).

## U.S. GOVERNMENT ACCOUNTABILITY OFFICE

Report No. GAO-21-354, [Passengers with Disabilities: Airport Accessibility Barriers and Practices and DOT's Oversight of Airlines' Disability-Related Training](#) (Apr. 2021).

Report No. GAO-21-412T, [COVID-19 Pandemic: Preliminary Observations on Efforts toward and Factors Affecting the Aviation Industry's Recovery](#) (Mar. 2021).

Report No. GAO-21-165, [Unmanned Aircraft Systems: FAA Could Strengthen Its Implementation of a Drone Management System by Improving Communication and Measuring Performance](#) (Jan. 2021).

## CONGRESSIONAL RESEARCH SERVICE

Report No. LSB10589, [Legal Issues Related to Transportation Mask-Wearing Mandates](#) (Apr. 12, 2021).

Report No. R43545, [Airport Privatization: Issues and Options for Congress](#) (Mar. 11, 2021).

Report No. R42781, [Federal Civil Aviation Programs: In Brief](#) (Jan. 22, 2021).

# 37<sup>TH</sup> ANNUAL AIRPORT LAW WORKSHOP

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## TRANSPORTATION RESEARCH BOARD, AIRPORT COOPERATIVE RESEARCH PROGRAM

### *Research Reports*

Research Report 233: [Airport Biometrics: A Primer](#) (May 2021).

Research Report 232: [Playbook for Cultivating Talent in the Airport Environment](#) (May 2021).

Research Report 230: [Enhancing Academic Programs to Prepare Future Airport Industry Professionals](#) (Apr. 2021).

Research Report 229: [Airport Collaborative Decision Making \(ACDM\) to Manage Adverse Conditions](#) (Apr. 2021).

Research Report 228: [Airport Microgrid Implementation Toolkit](#) (Apr. 2021).

Research Report 227: [Evaluating and Implementing Airport Privatization and Public-Private Partnerships](#) (Apr. 2021).

Research Report 225: [Rethinking Airport Parking Facilities to Protect and Enhance Non-Aeronautical Revenues](#) (Mar. 2021).

Research Report 226: [Planning and Design of Airport Terminal Restrooms and Ancillary Spaces](#) (Jan. 2021).

### *Synthesis Reports*

Synthesis 115: [Practices in Airport Emergency Plans](#) (Mar. 2021).

### *Legal Research Digests*

Legal Research Digest 42: [Legal Implications of Data Collection at Airports](#) (June 2021).

Legal Research Digest 41: [Legal Issues Relating to Airport Commercial Contracts](#) (Feb. 2021).

## SELECT COVID-19 MATERIALS

[Coronavirus Response and Relief Supplemental Appropriation Act, 2021](#), Pub. L. 116-260 (Dec. 27, 2020) (including coronavirus stimulus and emergency relief to airports)

FAA, [Information for Airport Sponsors Considering COVID-19 Restrictions or Accommodations](#) (updated Dec. 2020).

FAA, [COVID-19 Vaccine Transport Considerations for Airport Operators](#) (Dec. 11, 2020).

FAA, [CARES Act Airport Grants – Frequently Asked Questions](#) (updated Dec. 3, 2020).

DOT, DHS, and HHS, [Runway to Recovery: The United States Framework for Airlines and Airports to Mitigate the Public Health Risks of Coronavirus](#) (July 2, 2020).

FAA, [Considerations for State, Local, and Territorial COVID-19 Restrictions That Impact Air Transportation](#) (Mar. 28, 2020).

[Coronavirus Aid, Relief, and Economic Security \(CARES\) Act](#), Pub. Law No. 116-136 (Mar. 27, 2020).



# 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.

The Airport Law Digest is a semi-annual publication of Kaplan Kirsch & Rockwell LLP and is provided as a complimentary service to registrants of the annual Airport Law Workshop. The Digest is for informational purposes only and is not for the purpose of providing legal advice – including the application of law to any particular set of facts and circumstances. Readers are urged to consult their counsel and consultants concerning their own situation and any specific legal questions.

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](mailto:info@kaplankirsch.com) or at one of our offices below.

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