



ANNUAL AIRPORT LAW DIGEST

2025 YEAR IN REVIEW

January 2026
NO. 42



INTRODUCTION

We are pleased to share Kaplan Kirsch's Airport Law Digest – 2025 Year in Review.

This Airport Law Digest includes a list of principal cases decided over the past year; new federal 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. While we have noted some instances where an appeal is pending, we have not attempted to determine the current procedural posture of every case listed in this Digest.

This Digest is provided for informational purposes only and should not be relied upon for legal advice.

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 editors [Nicholas M. Clabbers](#) and [Laura K. Kilgarriff](#), or any other Kaplan Kirsch attorney who normally represents you.

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“Immigration Enforcement Conditions” in Transportation Grants Invalidated Nationwide

In 2025, DOT took a series of actions to modify the grant conditions imposed on airport and other project sponsors. One change in particular required grant recipients to cooperate with U.S. Immigration and Customs Enforcement (ICE) in the enforcement of federal immigration law. In May, twenty states and the District of Columbia sued in the United States District Court for the District of Rhode Island to prevent DOT from imposing those immigration enforcement conditions. *See California v. U.S. DOT*, No. 25-cv-208 (D. R.I.). In June, the district court granted a preliminary injunction, blocking DOT from implementing or enforcing those conditions against any grant recipients in the plaintiff states.

In November, the district court granted summary judgment in favor of the plaintiffs and invalidated those grant conditions nationwide. The district court concluded that the immigration enforcement conditions imposed were unlawful and, going further than the preliminary injunction, vacated those grant conditions in *all* DOT grants for all grant recipients. A more detailed summary of this decision is [available here](#). The FAA subsequently released new template grant agreements which do not contain the immigration enforcement conditions. If you have questions, contact [Tracy Davis](#), [Peter Kirsch](#), or [Steven Osit](#).

DBE and ACDBE Programs Significantly Changed

In October, the DOT issued an Interim Final Rule making substantial changes to the Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) programs. The revisions remove the race- and sex-based presumption of disadvantage that has historically been the primary basis for the certification of businesses as DBEs and ACDBEs and revise the regulations in 49 C.F.R. Part 23 (ACDBE) and 49 C.F.R. Part 26 (DBE). Going forward, companies desiring to be certified as ACDBEs and DBEs are required, individually, to demonstrate by a preponderance of the evidence, that they are economically and socially disadvantaged. The Interim Final Rule was issued under a provision of the Administrative Procedure Act that allows for issuance of rules without notice and comment. DOT issued a related Frequently Asked Questions (FAQ), available on the DOT [website](#). For a more detailed analysis of the rule, see our [Alert here](#). If you have questions, contact [Tracy Davis](#) or [Slone Isselhard](#).



FAA Updates Guidance on Required Contract Provisions

In late December, the FAA [updated its listing](#) of the required procurement and contract language that sponsors must use in all airport sponsor contracts. The revisions are designed to align the required contract language with new Executive Orders and modifications to the DOT Disadvantaged Business Enterprises (DBE) program noted above. The new listing of contract requirements is effective immediately and applies to all future procurements and contracts, even those that do not involve federal funds.

Under Grant Assurances 1 and 30, when airport sponsors execute contracts, they must include certain language referencing and implementing other statutes, regulations, and Executive Orders. The scope of the language varies based on whether federal funds are involved and the specific type of contract (e.g., construction, services, equipment), but a baseline set of provisions apply to all procurements and contracts executed by the sponsor. For additional information, please contact [Nicholas M. Clabbers](#).

LITIGATION

COURT DECISIONS

[U.S. Supreme Court](#)

Nationwide Injunctions. *Trump v. CASA, Inc.*, No. 24A884, 2025 U.S. LEXIS 2501 (June 27, 2025) (holding that universal injunctions likely exceed the authority of federal district courts).





Judicial Review. *McLaughlin Chiropractic Associates, Inc. v. McKesson Corp.*, No. 23-1226, 2025 U.S. LEXIS 2385 (June 20, 2025) (holding that district courts are not bound by agency legal interpretations in agency orders even if the original agency order was not challenged within the prescribed time).

NEPA. *Seven Cnty. Infrastructure Coal. v. Eagle Cnty.*, No. 23-975, 145 S. Ct. 1497 (May 29, 2025) (holding that in NEPA analysis, agencies are not required to consider environmental effects of upstream and downstream projects that are separate in time or place from the project under review).

U.S. Circuit Courts

Takings. *HRT Enters. v. City of Detroit*, 2025 U.S. App. LEXIS 33451 (6th Cir. Dec. 22, 2025) (affirming a taking occurred when the City extended the airport's imaginary surfaces across the plaintiff's property and rendered it unusable).

NEPA. *Badger Helicopters Inc. v. FAA*, 154 F.4th 902 (8th Cir. Sep. 4, 2025) (holding that the decision to develop air tour management plans instead of voluntary agreements was not arbitrary or capricious and that use of older flight and noise data in environmental assessments was reasonable).

Airport Noise and Capacity Act. *Delux Pub. Charter, LLC v. Cnty. of Westchester*, 2025 U.S. App. LEXIS 21853 (2d Cir. Aug. 26, 2025) (finding that Westchester County's law requiring "all passenger service provided at the Airport... be provided at the Terminal" was preempted by the Airport Noise and Capacity Act (ANCA) but did not violate the Airline Deregulation Act (ADA) and did not violate equal protection).

Administrative Procedure; Aviation Worker Screening. *City of Billings et al. v. TSA*, 153 F.4th 46 (D.C. Cir. Aug. 22, 2025) (holding that TSA failed to give the public notice and the opportunity to comment, as required by the Administrative Procedure Act, when issuing the Aviation Worker Screening (AWS) National Amendment). (Note that the court's mandate invalidating the rule has not been issued in this case pending a report to the court from TSA on its procedure for reissuing the regulations. TSA is required to report regularly to the court and its most recent report indicated that issuance of new regulations has been delayed by the government shutdown.)

Air Tour Management Plans. *Helicopter Ass'n Intl. v. FAA*, No. 24-1008, 2025 U.S. App. LEXIS 14076 (9th Cir. June 5, 2025) (denying petition for review of FAA and NPS Air Tour Management Plan for Volcanoes National Park because agencies clearly considered public comments).

Grant Assurances. *Kunz v. FAA*, No. 22-9583, 2025 U.S. App. LEXIS 12283 (10th Cir. May 20, 2025) (upholding Part 16 determination concluding that airport sponsor has no obligation to acquire property or compensate property owners that are adjacent to an airport solely because the airport receives federal grants).

Takings; Qualified Immunity. *De Leon v. Munoz*, No. 24-40215, 2025 U.S. App. LEXIS 7424 (5th Cir. Mar. 31, 2025) (airport director was entitled to qualified immunity against takings and Fourth Amendment claims for decision to temporarily bar lessee from the airport during investigation of alleged burglaries and subsequent arrest for trespass).

Administrative Procedure; Airline Fee Disclosure. *Airlines for America v. DOT*, 127 F.4th 563 (5th Cir. Jan. 28, 2025) (remanding DOT's rule requiring airlines to disclose certain fees when customers search for flights because it violated the APA by relying on data that was not available to the public during the notice and comment period).

U.S. District Courts

Grant Conditions. *California v. United States DOT*, 2025 U.S. Dist. LEXIS 217103 (D. R.I. Nov. 4, 2025) (concluding that recent immigration enforcement conditions imposed through DOT grant agreements were unlawful and vacating those grant conditions in all DOT grants).

Private Cause of Action. *Emrich Aerial Spraying LLC v. City of Pawhuska*, No. 25-cv-00115-SH, 2025 U.S. Dist. LEXIS 208624 (N.D. Okla. Oct. 23, 2025) (recognizing that the grant assurances do not contemplate private causes of action under 42 U.S.C. § 1983).

Standing. *Ashton v. Administrator*, No. 1:24CV113, 2025 U.S. Dist. LEXIS 188545 (M.D.N.C. Sep. 25, 2025) (dismissing a plaintiff's complaint regarding the FAA's alleged "policy on litigation," which would allow airport sponsors to reject any proposal or application from an entity if the "entity has been party to vexatious or frivolous litigation," because his claim was hypothetical).

First Amendment. *Columbus Cent. Ohio Bldg. v. Columbus Reg'l Airport Auth.*, No. 2:24-cv-4230, 2025 U.S. Dist. LEXIS 187682 (S.D. Ohio Sep. 24, 2025) (where the plaintiff contended that the Authority's policy governing protesting activity unlawfully prohibited it from picketing at the airport, finding that the plaintiff met the burden of showing a causal connection between injury and the policy and denying the motion to dismiss).

DEI and Immigration Grant Requirements. *City of Fresno v. Turner*, 2025 U.S. Dist. LEXIS 187230 (N.D. Cal. Sep. 23, 2025) (issuing a preliminary injunction enjoining DOT, including FAA and Federal Transit Administration (FTA), from enforcing the DEI and immigration grant requirements against plaintiff municipalities).

Duration of Grant Assurances. *City of Boulder v. United States*, 2025 U.S. Dist. LEXIS 180444 (D. Colo. Sep. 15, 2025) (finding that FAA and sponsor disagreement on perpetual nature of Grant Assurances was insufficient to constitute a disputed title for purposes of a Quiet Title Act action and therefore dismissing claim for declaratory judgment for lack of subject matter jurisdiction).

Airline Deregulation Act; Preemption. *Southwest Airlines Co. v. City of San Antonio*, 2025 WL 2490528 (W.D. TX Aug. 29, 2025) (dismissal of Southwest Airlines' lawsuit challenging the City's assignment of gates in the planned new terminal complex, claiming that the City's decision was preempted by the Airline Deregulation Act, violated the Equal Protection clause, and was barred by promissory estoppel), *appeal pending*.

NEPA. *Friends of the Everglades, Inc. v. Noem*, 2025 U.S. Dist. LEXIS 163085 (S.D. Fl. 2025) (granting in part and denying in part a motion for preliminary injunction prohibiting the state and federal defendants from installing additional fixtures (e.g., industrial-style lighting, fencing, site expansion) and bringing additional migrants onto airport property), *appeal pending and injunction stayed*.

Grant Conditions. *Martin Luther King, Jr. Cty. v. Turner*, No. 2:25-cv-814, 2025 U.S. Dist. LEXIS 155762 (W.D. Wash. Aug. 12, 2025) (following a June order granting 31 municipal plaintiffs' motions for preliminary injunction against federal agencies' (including DOT's) use of various grant conditions pertaining to immigration enforcement, DEI, gender ideology and other administration priorities unrelated to the purpose of the grants, adding 30 additional local government and agencies and plaintiffs and expanding the PI to additional federal agencies' grants).

Grant Conditions. *City and Cnty. of S.F. v. Trump*, No. 25-cv-01350-WHO, 2025 U.S. Dist. LEXIS 118990 (N.D. Cal. June 23, 2025) (after issuing preliminary injunction in earlier orders, finding that application of immigration-related conditions on federal transportation grants to so-called sanctuary jurisdictions would violate that preliminary injunction).

Federal Jurisdiction. *Great Horned Owls, LLC v. Okla. City Airport Trust*, Case No. CIV-25-747-G, 2025 U.S. Dist. LEXIS 106926 (W.D. Okla. June 5, 2025) (in breach of contract case concerning oil and gas lease on airport property, remanding to state court because plaintiff's claim did not invoke a federal question despite concerning access to federally-regulated property).

Discrimination; Preemption. *American Car Rental Ass'n v. Humphreys*, No. 1:24-cv-02450-DDD-KAS, 2025 U.S. Dist. LEXIS 122043 (D. Colo. May 29, 2025) (granting defendant's motion for summary judgment and concluding that a state law imposing a \$3 per day fee on car rental transactions was not preempted by federal law because it did not disproportionately target businesses located at a commercial service airports).

Disadvantaged Business Enterprises. *Mid-America Milling Co. v. DOT*, No. 3:23-cv-00072-GFVT-EBA (E.D. Ky. May 28, 2025) (pending joint motion for entry of consent order that would determine presumption of disadvantage based on race or sex and application to DOT's DBE program is unconstitutional).

Breach of Contract. *Allegiant Air, LLC v. Lonestar Airport Holdings, LLC*, No. 1:23-CV-1498-DAE, 2025 U.S. Dist. LEXIS 95909 (W.D. Tex. May 19, 2025) (in dispute over sublease at AUS South Terminal, order denying defendant's motion to dismiss breach of contract claim related to proceeds from City's condemnation of the facility).

First Amendment. *MSP Small Bus. Concessions All. v. Metro. Airports Comm'n*, No. 24-cv-3764, 2025 U.S. Dist. LEXIS 84700 (D. Minn. May 5, 2025) (holding that a trade association representing small businesses at MSP did not have standing to bring a First Amendment claim over a policy limiting picketing, strikes, work stoppages, and boycotts because the harm was hypothetical).



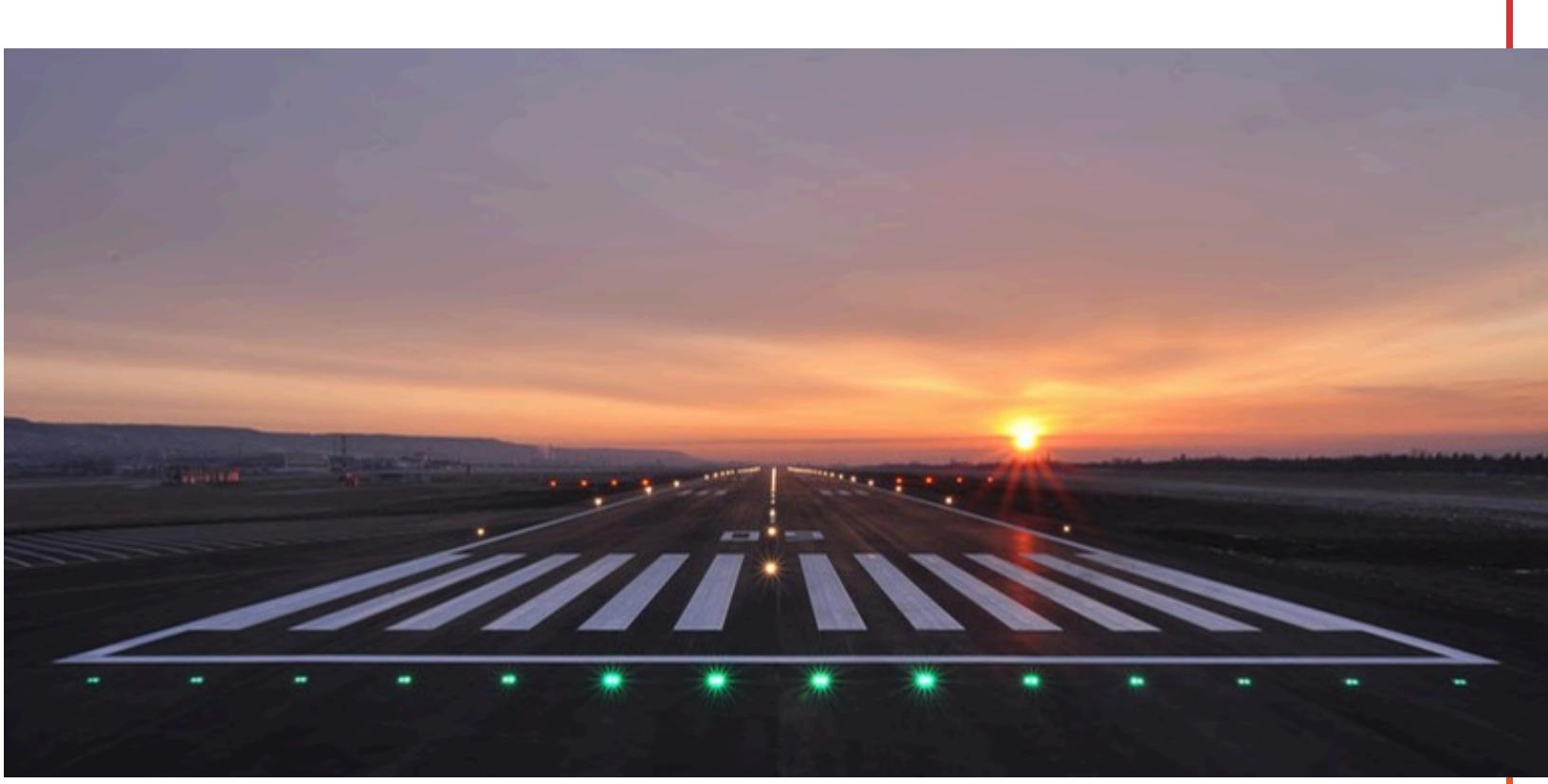
Concessions Contract. *Mag U.S. Lounge Mgmt. LLC v. Ontario Int'l Airport Auth.*, No. 2:21-cv-04909-CAS(RAOx); 5:22-cv-01926-CAS(RAOx), 2025 U.S. Dist. LEXIS 76482 (C.D. Cal. Apr. 22, 2025) (granting motion for summary judgment and concluding that airport authority breached a contract with its existing parking operator by entering into a different contract with another operator, but denying related motions for summary judgment on issues of damages and payment of termination fees).

Takings. *Equitable Dev., LLC v. Marshfield Airport Comm'n*, No. 25-10736-BEM, 2025 U.S. Dist. LEXIS 71400 (D. Mass. Apr. 15, 2025) (denying motion for preliminary injunction, where it was unlikely plaintiff could prove commission acted in bad faith while condemning easements near an airport because there were negotiations and compensation offered).

First Amendment. *Conway v. City of Chicago*, No. 20 CV 4966, 2025 U.S. Dist. LEXIS 60535 (N.D. Ill Mar. 31, 2025) (holding that an airport employee who was disciplined after reporting a supervisor is not acting as a "private citizen" and therefore does not have a cause of action for retaliation under the First Amendment).

Breach of Contract. *Greater Rockford Airport Auth. v. Schenker, Inc.*, No. 3:24-cv-50398, 2025 U.S. Dist. LEXIS 44786 (N.D. Ill. Mar. 12, 2025) (in matter concerning sublease of an air cargo facility, holding that airport sponsor's termination of master lease and simultaneous assumption of existing sublease does not automatically terminate that sublease).

TNCs; Standing. *Avrissaint v. Sarasota Manatee Airport Auth.*, No. 8:23-cv-1729-SDM, 2025 U.S. Dist. LEXIS 43316 (M.D. Fla. Mar. 11, 2025) (holding that taxi drivers with operating agreement with airport sponsor lacked standing to challenge the sponsor's decision to partner with Uber, because the operating agreement was intended to benefit patrons, not drivers).



Grant Assurances and Leases. *Joliet Avionics, Inc. v. City of Aurora*, No. 19 C 8507, 2025 U.S. Dist. LEXIS 55582 (N.D. Ill. Feb. 24, 2025) (denying reconsideration of decision that language of lease did not specifically incorporate expanded duties of airport minimum standards and FAA grant assurances).

Standing. *Brunner v. Cnty. of Yavapai*, No. CV-23-08517-PCT-KML, 2025 U.S. Dist. LEXIS 32171 (D. Ariz. Feb. 24, 2025) (holding that owner of a bankrupt airport business had standing to bring a § 1983 claim against airport authority for alleged personal discrimination but not for harms that befell the business, but dismissing the allegations on statute of limitations grounds).

TNCs and Civil Rights. *Naseri v. City & Cnty. of San Francisco*, No. 24-cv-05413-TSH, 2025 U.S. Dist. LEXIS 11671 (N.D. Cal. Jan. 22, 2025) (order granting municipal airport operator's motion to dismiss rideshare driver plaintiff's § 1983 claims that he was improperly banned from airport premises).

First Amendment. *Glover v. RDU Airport Auth.*, No. 5:23-CV-00704-M, 2025 U.S. Dist. LEXIS 7181 (E.D.N.C. Jan. 14, 2025) (in challenge to airport authority's decision to ban plaintiff from airport premises, denying motion for summary judgement in part on the basis that First Amendment protects bizarre behavior on airport property and plaintiff's use of a curse word alone did not interfere with the "intended purpose of the airport property").

State Courts

Government Takings. *State ex rel. Boggs v. City of Cleveland*, 2025 Ohio 5094 (Nov. 13, 2025) (finding that a property owner outside the City's boundary had standing to pursue a mandamus action for inverse condemnation for alleged takings caused by airport operations).

Airline Use and Lease Agreement. *Am. Airlines, Inc. v. City of Chicago*, Case No. 2025 CH 07402 (Cir. Ct. Cook Cty., Ch. Div. 2025) (denying a preliminary injunction seeking to enjoin the City from implementing a gate space redetermination under the Airline Use and Lease Agreement).

Government Function. *City of Min. Wells v. QAR Indus.*, 2025 Tex. App. LEXIS 7087 (Tex. App. Sep. 4, 2025) (finding that leasing hangar space is a government function under Tex. Transp. Code § 22.001).

Preemption. *Town of Superior v. Bd. of Cnty. Comm'r's of the Cnty. of Jefferson*, No. 2024CV30221 (Colo. Dist. Ct., Boulder Cnty. Mar. 28, 2025) (granting motion to dismiss because plaintiff's request to enjoin "touch and go" operations would involve local regulation of aircraft operations, which is preempted by federal law), *appeal pending*.

Part 16 Decisions

Hangar Leases. *Feng and Isla Grande Aviation, LLC v. Puerto Rico Ports Auth.*, FAA Docket No. 16-24-07, Director's Determination (Oct. 24, 2025) (finding that 9-year lease term was sufficient to comply with Grant Assurance 38, but that provision which permitted sponsor to unilaterally cancel the lease for any reason undermined that 9-year term and thus put the sponsor in violation).

Unjust Economic Discrimination. *Joliet Avionics, Inc. v. City of Aurora*, FAA Docket No. 16-24-06, Director's Determination (Oct. 8, 2025) (finding sponsor not in violation of Grant Assurance 22 because two FBOs executing leases 15 years apart were not similarly situated, but cautioning sponsor to enforce the minimum standards fairly).

Concessions. *SSP America, Inc., et al. v. Burbank-Glendale-Pasadena Airport Auth.*, FAA Docket No. 16-25-04, Director's Determination (Sep. 30, 2025) (finding sponsor did not violate Grant Assurance 1 when procuring non-AIP concessions contract in a manner inconsistent with 2 CFR Part 200 and did not violate Grant Assurance 37 because the record did not support a finding that the sponsor awarded the contract based on geographic preferences).

Fuel Tax Revenue. *Zwingle v. San Mateo County*, FAA Docket No. 16-23-11, Director's Determination (Sep. 29, 2025) (dismissing a complaint alleging that the County was improperly diverting aviation fuel tax revenue).

Hangar Leases. *Feliciano and Yellow Hangar, LLC v. Puerto Rico Ports Auth.*, FAA Docket No. 16-24-08, Director's Determination (Sep. 17, 2025) (finding sponsor not in violation of Grant Assurances 22, 24, and 38 where it provided tenant with series of ground leases amounting to 27 years at rates consistent with others on the airport).



Hangar Leases. *Bresciani v. Puerto Rico Ports Auth.*, FAA Docket No. 16-23-15, Director's Determination (Aug. 19, 2025) (initial 4-year ground lease, plus 15 years of holdover occupancy paid at ground lease rates, was sufficient to satisfy sponsor's "long-term" lease obligations under Grant Assurance 38).

Ultralights. *Guinn v. Pickens Cnty.*, FAA Docket No. 16-23-18, Director's Determination (Aug. 7, 2025) (finding sponsor in violation of Grant Assurance 22 for requiring ultralight operator to operate in specific areas that necessitated mitigation measures when other areas were available, provide an FAA FME examination/letter of observation, obtain arbitrary insurance coverage, and provide flight scheduling lead times).

Leaded AvGas. *Aircraft Owners & Pilots Ass'n v. Cnty. of Santa Clara*, FAA Docket No. 16-22-08, Director's Determination (Mar. 24, 2025) (finding sponsor in violation of Grant Assurances 22 and 23 for prohibiting the use and sale of 100LL at County airports), *appeal pending*.

Airport Operations. *Trexel v. City of Willits*, FAA Docket No. 16-23-07, Director's Determination (Mar. 23, 2025) (among other allegations, finding that sponsor was in violation of Grant Assurance 19 for failing to control persistent, unmitigated pedestrian access to the airport).

FBO Consolidation. *Smith v. Okaloosa Cnty.*, FAA Docket No. 16-24-01, Director's Determination (Mar. 20, 2025) (finding sponsor in violation of Grant Assurances 5, 22, and 23 by approving leases and assignments that allowed consolidation of incumbent FBOs to the potential exclusion of new entrants), *appeal pending*.

FEDERAL LEGISLATION

H.R. 1, [One Big Beautiful Bill Act](#) (July 4, 2025).

S. 1071, [National Defense Authorization Act \(NDAA\) for Fiscal Year 2026](#) (Dec. 18, 2025); Section 8602 (authorizing non-federal law enforcement agencies to use counter-UAS to address threats to people, facilities, or operations, including critical infrastructure).

FEDERAL RULES, ORDERS, & GUIDANCE

The White House

Exec. Order No. 14356, 90 Fed. Reg. 48,387, [Ensuring Continued Accountability in Federal Hiring](#) (Oct. 20, 2025).

Exec. Order 14335, 90 Fed. Reg. 40,219, [Enabling Competition in the Commercial Space Industry](#) (Aug. 13, 2025).

Exec. Order No. 14304, 90 Fed. Reg. 24,717, [Leading the World in Supersonic Flight](#) (June 6, 2025).

Exec. Order No. 14305, 90 Fed. Reg. 24,719, [Restoring American Airspace Sovereignty](#) (June 6, 2025).

Exec. Order No. 14307, 90 Fed. Reg. 24,727, [Unleashing American Drone Dominance](#) (June 6, 2025).

Presidential Memorandum, [Updating Permitting Technology for the 21st Century](#) (Apr. 15, 2025).

Exec. Order No. 14173, 90 Fed. Reg. 8633, [Ending Illegal Discrimination and Restoring Merit-Based Opportunity](#) (Jan. 21, 2025).

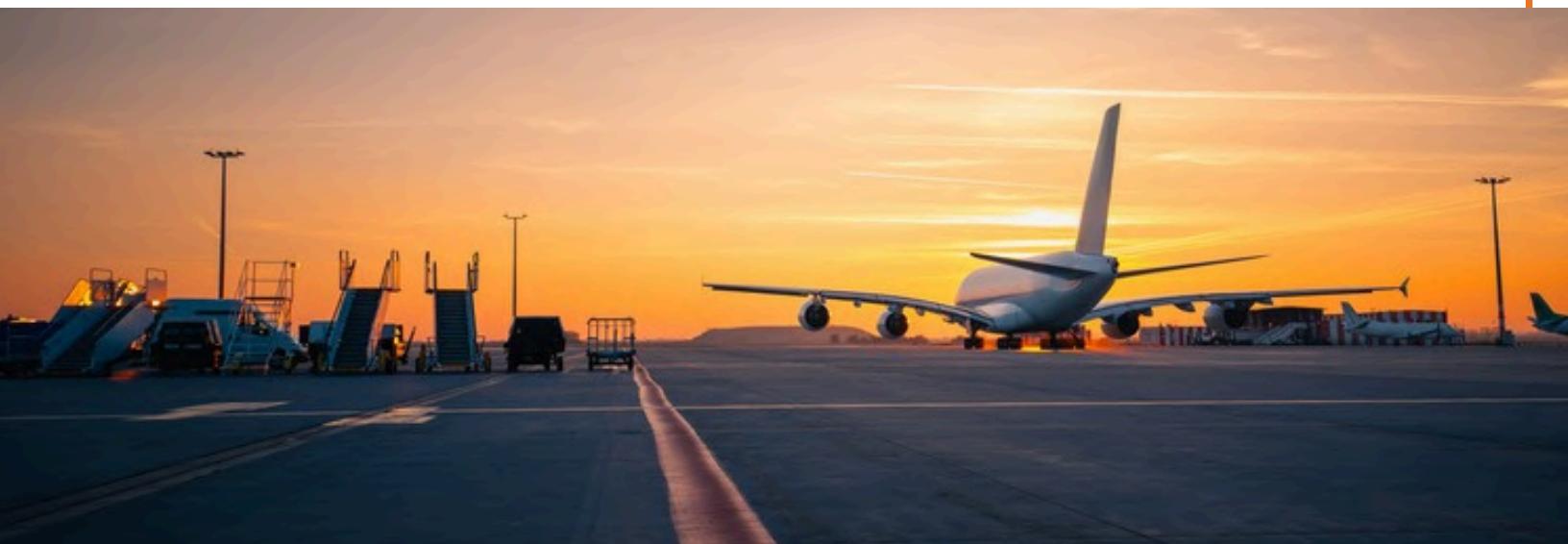
Exec. Order No. 14168, 90 Fed. Reg. 8615, [Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government](#) (Jan. 20, 2025).

Exec. Order No. 14159, 90 Fed. Reg. 8443, [Protecting The American People Against Invasion](#) (Jan. 20, 2025).

Exec. Order No. 14154, 90 Fed. Reg. 8353, [Unleashing American Energy](#) (Jan. 20, 2025).

Exec. Order No. 14151, 90 Fed. Reg. 8339, [Ending Radical and Wasteful Government DEI Programs and Preferencing](#) (Jan. 20, 2025).

Exec. Order No. 14148, 90 Fed. Reg. 8237, [Initial Recissions of Harmful Executive Orders and Actions](#) (Jan. 20, 2025).



Department of Transportation (DOT) and Federal Aviation Administration (FAA)

FAA, [Contract Provision Guidelines for Obligated Sponsors and Airport Improvement Program Projects](#) (Dec. 29, 2025).

FAA, [Updated AIP Program Guidance Letter \(PGL\) 26-01: Funding for Runway End Identification Light \(REIL\) and Precision Approach Path Indicator \(PAPI\) Systems](#) (Dec. 23, 2025).

DOT, [Advanced Air Mobility National Strategy](#) (Dec. 17, 2025).

FAA, [Questions/Answers on Grant Assurance 40, Access to Leaded Aviation Gasoline](#) (updated Dec. 10, 2025).

DOT, [Frequently Asked Questions](#) on the DOT DBE Program and ACDBE Program IFR (updated Dec. 1, 2025).

FAA, [AIP Program Guidance Letter \(PGL\) 26-02: Permanent Eligibility for Stand-Alone Acquisition of Input-Based Testing Equipment and Truck Modifications, and 100% Federal Share Sunset](#) (Nov. 18, 2025).

FAA, [Revised Instructions to Office of Airports Environmental Protection Specialists on Implementation of the Limited Federal Financial Assistance Categorical Exclusion](#) (Nov. 4, 2025).

DOT, Interim Final Rule, [Disadvantaged Business Enterprise Program and Disadvantaged Business Enterprise in Airport Concessions Program Implementation Modifications](#), 90 Fed. Reg. 47,696 (Oct. 3, 2025) (removing the race- and sex-based presumption of disadvantage that has historically been the primary basis for the certification of businesses as DBEs and ACDBEs).

FAA, [Infrastructure Investment and Jobs Act \(IIJA\) Frequently Asked Questions](#) (Sep. 3, 2025).



FAA, [Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight \(BVLOS\) Operations Notice of Proposed Rulemaking](#), 90 Fed. Reg. 38,212 (Aug. 7, 2025) (would establish a regulatory pathway for both recreational and commercial use of large UAS (up to 1,320 lbs.) that meets performance-based airworthiness standards to operate beyond the operator's visual line of sight).

FAA, [Clarifications Regarding Restrictive Use Notices to Airmen \(NOTAMs\)](#) (July 8, 2025).

DOT, Build America Bureau, [Press Release: Secretary Duffy Removes Financing Policy Roadblock to Get America Building Again](#) (July 7, 2025) (extending eligibility for TIFIA loans to all types of transportation projects and up to 49% of eligible costs).

DOT, Notice of Availability and Request for Comments, [Procedures for Considering Environmental Impacts](#), 90 Fed. Reg. 29,621 (July 3, 2025).

FAA, Notice of Rescission of FAA Order 1050.1F; Availability of FAA Order 1050.1G, [Request for Comments](#), 90 Fed. Reg. 29,615 (July 3, 2025).

DOT, [Letter from Secretary Sean P. Duffy re: Non-Enforcement of DEI and Climate-Related Grant Conditions](#) (July 2, 2025).

FAA, Order 1050.1G, [National Environmental Policy Act Implementing Procedures](#) (June 30, 2025).

DOT, Order 5610.1D, [DOT's Procedures for Considering Environmental Impacts](#) (June 25, 2025).

Compliance Guidance Letter (CGL) 2025-02, [FAA Guidance Regarding the Use of Airport Revenue for Airport Ground Access Projects](#) (June 9, 2025).

Reauthorization Program Guidance Letter (R-PGL) 25-08: [Alaska and Other Non-contiguous States and Territories](#) (May 20, 2025).

FAA, [Questions/Answers on Grant Assurance 40, Access to Leaded Aviation Gasoline](#) (May 19, 2025).

DOT, Notice of Proposed Rulemaking, [Administrative Rulemaking, Guidance, and Enforcement Procedures](#), 90 Fed. Reg. 20,956 (May 16, 2025).

Advisory Circular No. 150/5200-34B, [Construction or Establishment of Landfills Near Public Airports](#) (May 15, 2025).

Reauthorization Program Guidance Letter (R-PGL) 25-07: [Civil Rights](#) (May 14, 2025).

Reauthorization Program Guidance Letter (R-PGL) 25-04: [Procurement](#) (May 12, 2025).

Reauthorization Program Guidance Letter (R-PGL) 25-05: [Funding and Formula Changes](#) (May 12, 2025).

Reauthorization Program Guidance Letter (R-PGL) 25-06: [Planning and Project Eligibility](#) (May 12, 2025).

FAA, [Notice of Modification](#), Airport Improvement Program (AIP) Grant Assurances, 90 Fed. Reg. 17,501 (Apr. 25, 2025).

DOT, [Letter from Secretary Sean P. Duffy re: Grantee Legal Obligations](#) (Apr. 24, 2025).

Reauthorization Program Guidance Letter (R-PGL) 25-03: [Extended, Expanded, and Revised Programs](#) (Apr. 23, 2025).

Reauthorization Program Guidance Letter (R-PGL) 25-02: [AIP Discretionary Set Aside](#) (Apr. 4, 2025).

Reauthorization Program Guidance Letter (R-PGL) 25-01: [Runway Projects](#) (Apr. 4, 2025).

DOT, [Order to Ensure Reliance upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities](#) (Jan. 29, 2025).

DOT, [Memorandum for Secretarial Officers and Heads of Operating Administrations](#) (Jan. 29, 2025).

[Department of Homeland Security \(DHS\), Transportation Security Administration \(TSA\), and Customs and Border Protection \(CBP\)](#)

TSA, [Confirm.ID User Fee Notice](#), 90 Fed. Reg. 55,754 (Dec. 3, 2025) (announcing rebranding of the fee-funded identity verification program announced Nov. 2025 as “TSA Confirm.ID” and updating fee from \$18 to \$45).

TSA, [Modernized Alternative Identity Verification User Fee](#), 90 Fed. Reg. 52,427 (Nov. 20, 2025) (announcing the launch of a fee-funded modernized alternative identity verification program for individuals who present at the TSA checkpoint without the required acceptable form of identification).





CBP, [Final Rule With Request For Comments, Collection of Biometric Data From Aliens Upon Entry to and Departure From the United States](#), 90 Fed. Reg. 48,604 (Oct. 27, 2025) (allows CBP to collect facial biometrics from all foreign travelers (including Canadians) upon entry and exit from the United States and eliminates the cap on the number of locations where CBP can conduct biometric pilots).

TSA, [One Stop Security Pilot](#) (announced Aug. 27, 2025) (enabling passengers arriving in the U.S. from certain foreign airports with connecting flights to be exempt from rescreening by TSA).

TSA “Gender” to “Sex” Policy Update (Sep. and Oct. 2025) (replacing the term “gender” with “sex” in certain TSA security programs and security directives and allowing for M, F, or U, under certain circumstances, as entries for the “sex” of applicants)(policy documents available on [Homeland Security Information Network \(HSIN\)](#)).

TSA, [DHS to End ‘Shoes-Off’ Travel Policy](#) (announced July 8, 2025).

TSA, [Terminology Relating to Sex; Technical Amendments](#), 90 Fed. Reg. 21,688 (replacing the term “gender” with “sex” in TSA’s regulations).

Council on Environmental Quality

Memorandum for Heads of Federal Departments and Agencies: [Establishment of Permitting Innovation Center](#) (Apr. 30, 2025).

Interim Final Rule: [Removal of National Environmental Policy Act Implementing Regulations](#) 90 Fed. Reg. 10,610 (Feb. 25, 2025).

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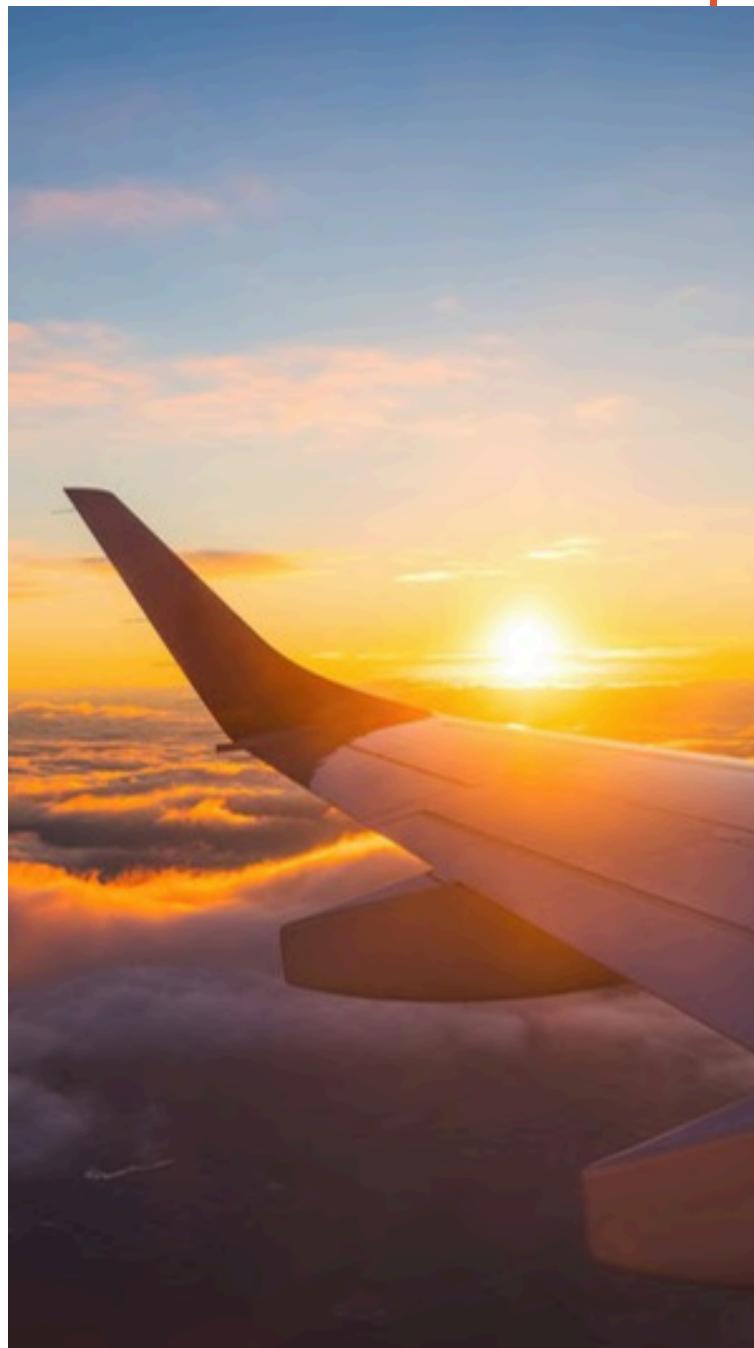
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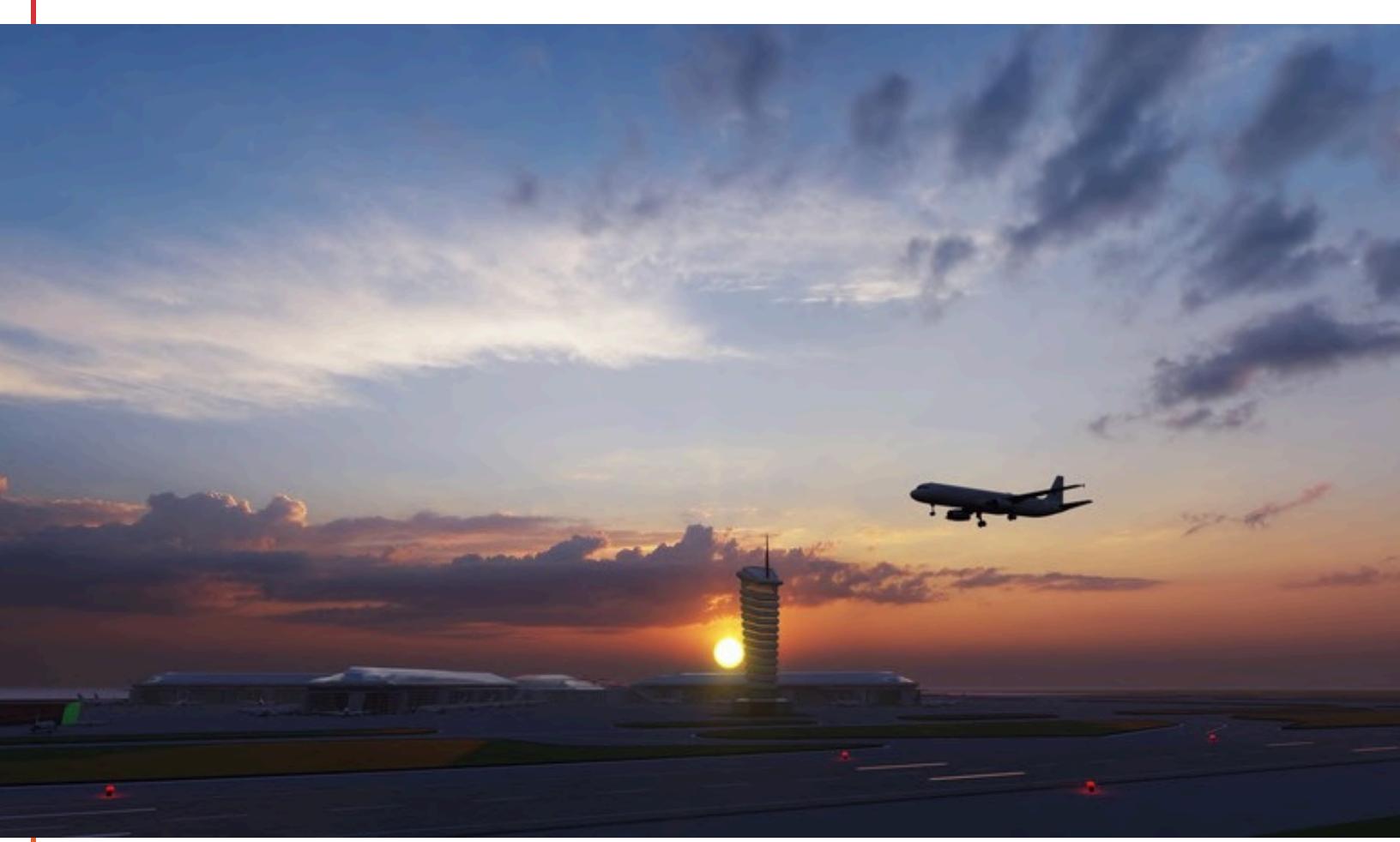
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EDITOR'S NOTE

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