



  
KAPLAN KIRSCH ROCKWELL

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**AIRPORT LAW DIGEST**  
**2022 YEAR IN REVIEW**

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## INTRODUCTION

This Airport Law Digest provides a list of principal cases decided over the past 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.

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 [Adam Gerchick](#), or [any other Kaplan Kirsch & Rockwell attorney](#) who normally represents you. As with all of our Kaplan Kirsch & Rockwell 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 circumstances.

## CONTENTS

- 1 | Administrative Developments
- 2 | Litigation
- 5 | Federal Legislation
- 6 | Federal Rules, Orders, and Guidance
- 8 | Reports, Studies, Articles, and Other Publications

## ADMINISTRATIVE DEVELOPMENTS

For airport law professionals, leadership at the FAA and DOT can substantially affect the advice they provide to their clients, because so much of airport law relies on a complex combination of law, policy and agency practice.

The FAA has been without a permanent Administrator since former FAA Administrator Steve Dickson resigned nearly a year ago. Billy Nolen, a senior agency safety official, has been acting administrator since April 2022. The President nominated Phil Washington, currently CEO at Denver International Airport, to be the new administrator. For a number of reasons, Washington did not receive a confirmation hearing in the last Congress, but the President re-nominated him in January. Senate leadership, including the key committee leadership and the majority leader, have recently indicated their support for Washington's nomination, which could lead to a comparatively quick confirmation process. Notwithstanding this support, Washington's limited experience with airports has been the subject of criticism, which criticism comes at a particularly sensitive time for the agency in light of recent problems with Southwest Airlines and with the FAA's system for publishing Notices to Air Missions (NOTAMs).

For airport professionals, one of the FAA's key policy officials is the Deputy Associate Administrator for Airports. Traditionally, this has been the senior professional position in the Airports Division and has been held by a person with considerable inside agency expertise. Winsome Lenfert, who has held the position for six years, announced her resignation effective January 31. Associate Administrator Shannetta Griffin, the Airports Division's senior political official, has announced a broad search for Lenfert's replacement and has indicated that outside candidates are welcome.

Other positions within the FAA continue to be occupied by acting officials, including the key Assistant Chief Counsel for Airports and Environmental Law and all of the branch chiefs under that Assistant Chief Counsel.

See, [https://www.faa.gov/about/office\\_org/headquarters\\_offices/agc/practice\\_areas/airports\\_environmental\\_law/contacts](https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/airports_environmental_law/contacts)



# LITIGATION

## COURT DECISIONS

### Federal Appellate Courts

#### **Airline Deregulation Act**

*Virgin Am., Inc. v. Bernstein*, U.S. Sup. Ct. Docket No. 21-260, and *Air Transp. Ass'n of Am., Inc. v. Wash. Dep't of Lab. & Indus.*, U.S. Sup. Ct. Docket No. 21-627 (both petitions for writ of certiorari denied June 30, 2022) (petitions to review Ninth Circuit decisions on the scope of the Airline Deregulation Act's preemptive effect on state laws of general applicability, such as minimum-wage and other labor requirements).

#### **Drones**

*Brennan v. Dickson*, 45 F.4th 48 (D.C. Cir. 2022) (denying Fourth Amendment challenge to drone Remote ID Rule on grounds that drones are almost always flown in public, such that the rule violates no reasonable expectation of privacy).

#### **Fixed Base Operator; Exclusive Rights**

*Bos. Exec. Helicopters, LLC v. Maguire*, 45 F.4th 506 (1st Cir. 2022) (applying the meaning of "non-exclusive" in the context of federal grant-assurance statute to ascertain that an FBO's "non-exclusive" lease of airport property meant it lacked an exclusive right to provide FBO services on the airport, not that it has no exclusive right to its own leasehold).

#### **Pouring Rights**

*Host Int'l, Inc. v. MarketPlace, PHL, LLC*, 32 F.4th 242 (3d Cir. 2022) (private firm acting as landlord on behalf of sponsor did not commit antitrust violation by requiring airport concessionaire to enter into pouring-rights agreement as condition of concessions lease).

#### **Flight Tracks**

*Save Our Skies LA v. FAA*, 50 F.4th 854 (9th Cir. 2022) (challenge to FAA orders regarding flight departure tracks was untimely because the orders at issue merely made "minor editorial changes" to years-old orders).

#### **NEPA**

*City of N. Miami v. FAA*, 47 F.4th 1257 (11th Cir. 2022) (upholding FAA's Metroplex NEPA finding of no significant impact because FAA followed NEPA requirements and allowed substantial public comment).

#### **Jet Restriction**

*Palm Beach Cty. v. Fed. Aviation Adm'r*, 53 F.4th 1318 (11th Cir. 2022) (upholding FAA's final agency decision that county's restriction on jets at a general aviation airport violated ANCA and county's grant obligations).

#### **Legal Status of Sponsor**

*Mag US Lounge Mgmt., LLC v. Ontario Int'l Airport Auth.*, No. 22-55230, 2022 U.S. App. LEXIS 34478 (9th Cir. Dec. 14, 2022) (reversing a district court's holding that an airport sponsor, a public "joint powers authority" under state law, was an "arm of the state" rather than a "citizen" of such state for diversity-of-jurisdiction purposes).

#### **Antitrust; Statute of Limitations**

*Hawthorne Hangar Operations, L.P. v. Hawthorne Airport, LLC*, No. 21-55542, 2022 U.S. App. LEXIS 21647 (9th Cir. Aug. 4, 2022) (holding that would-be fuel seller's antitrust claim against airport master tenant was barred by the statute of limitations).



## NEPA

*City of Scottsdale v. FAA*, No. 20-1070, 2022 U.S. App. LEXIS 17395 (D.C. Cir. June 24, 2022) (City lacked standing to challenge FAA's compliance with NEPA in approving new flight routes because City failed to demonstrate that it was affected by shifted air traffic).

## Exclusive Rights

*Atl. Beechcraft Servs. v. FAA*, No. 21-1047, 2022 U.S. App. LEXIS 14795 (D.C. Cir. May 27, 2022) (affirming FAA decision in Part 16 proceeding that Grant Assurance 23 does not prohibit a particular airport tenant from granting an exclusive right to provide services within its leasehold, but rather prohibits a sponsor from granting an exclusive right to provide a service on the airport as a whole).

## Appellate Jurisdiction

*Kurtz v. FAA*, No. 20-73440, 2022 U.S. App. LEXIS 5358 (9th Cir. Mar. 1, 2022) (neither FAA's conditional approval of corrective action plan nor brief FAA letter clarifying conditions of such plan constituted final agency order subject to judicial review).

## Federal District Courts

### Condemnation; Sovereign Immunity

*Lonestar Airport Holdings, LLC v. City of Austin*, No. 1:22-CV-00770-RP, 2022 U.S. Dist. LEXIS 227516 (W.D. Tex. Dec. 19, 2022) (magistrate's report and recommendation) (recommending court permit private terminal developer's contract claims to proceed against public airport sponsor for condemning terminal, but recommending dismissal of developer's promissory estoppel claim given sponsor's governmental immunity).

### Contract

*Corotoman, Inc. v. Cent. W. Va. Reg'l Airport Auth., Inc.*, No. 2:21-cv-00545, 2022 U.S. Dist. LEXIS 224389 (S.D. W. Va. Dec. 13, 2022) (sponsor breached agreement with nearby landowner by failing to complete blasting work or execute land swap, as required by agreement).

### Takings

*HRT Enters. v. City of Detroit*, No. 12-13710, 2022 U.S. Dist. LEXIS 139936 (E.D. Mich. Aug. 5, 2022) (reaffirming prior rulings that airport sponsor had "effectively taken" private property by repeatedly making clear its intent to do so in the future).

### Automobile Seizure; Due Process

*Santander Consumer USA, Inc. v. Port Auth. of N.Y. & N.J.*, No. 20-CV-1997 (MKB), 2022 U.S. Dist. LEXIS 138986, (E.D.N.Y. Aug. 4, 2022) (holding Port Authority was entitled to impound "abandoned" cars in its airport garages pursuant to official policy, but that it was constitutionally obligated to provide a hearing at least before claiming ownership of such cars).

### Equal Protection; Preemption

*Delux Pub. Charter, LLC v. Cty. of Orange*, No. SACV 20-2344 JVS (KESx), 2022 U.S. Dist. LEXIS 153219 (C.D. Cal. July 29, 2022) (dismissing various constitutional and federal statutory claims asserted against airport sponsor arising from the location on the airport where JSX was permitted to operate and related sponsor actions).

### Reversionary Clauses

*Ogden Reg'l Airport Ass'n v. Ogden City Airport*, No. 1:21-cv-00075-DBB-DBP, 2022 U.S. Dist. LEXIS 122846 (D. Utah July 11, 2022) (sponsor's decision not to renew its airport leases, but instead enforce those leases' reversionary clauses, did not establish an unconstitutional taking or a First Amendment violation).



## First Amendment Retaliation

*AH Aero Servs., LLC v. Heber City*, No. 2:17-cv-1118, 2022 U.S. Dist. LEXIS 78250 (D. Utah Apr. 28, 2022) (holding that sponsor and its airport managers had not unlawfully retaliated against FBO, in part because City had an interest in regulating its relationship with the FBO as a public contractor).

## First Amendment; Drones

*Nat'l Press Photographers Ass'n v. McCraw*, No. 1:19-CV-946-RP, 2022 U.S. Dist. LEXIS 56475 (W.D. Tex. Mar. 28, 2022) (holding that journalists' use of drones "to document the news" is protected expression under the First Amendment, such that state law restricting their use for certain recording was subject to strict scrutiny and ultimately unconstitutional).

## Premises Liability

*Criss v. United Airlines*, Civil Action No. 20-cv-1670-WJM-NRN, 2022 U.S. Dist. LEXIS 39771 (D. Colo. Mar. 7, 2022) (under Colorado premises-liability law, airline was "landowner" of its preferential-use jet bridge but could not be held to have actual or constructive knowledge of jet bridge's allegedly dangerous wet condition because personal-injury plaintiff had only established that employees of airline's independent regional affiliate, not the airline itself, had traversed the jet bridge that day).

## State Courts

### Turo

*Turo Inc. v. Superior Court of S.F.*, No. A160200, 2022 Cal. App. LEXIS 564 (Ct. App. June 28, 2022) (Turo is not a rental car company under California law, including under statute authorizing airports to collect user fees from rental car companies).

## ADMINISTRATIVE DECISIONS

### Release of Airport Property

*In re Spadaro Airport*, FAA Docket No. 16-21-01, Order of Dismissal (Dec. 19, 2022) (dismissing investigation into sale of airport without FAA authorization and releasing airport property from federal grant obligations in exchange for sponsor's reimbursement of grant funds).

### Easements and FAA Jurisdiction

*Kunz v. Salt Lake City*, FAA Docket No. 16-21-06, Final Agency Decision (Nov. 2, 2022) (affirming director's determination that sponsor did not violate Grant Assurances 20 or 21 when it declined to purchase aviation easement over complainant's property, which was outside runway protection zone; that sponsor did not violate Grant Assurance 35 by failing to pay complainant's legal fees in sponsor's failed condemnation proceeding, as FAA cannot address state-court legal fees; and that FAA could not adjudicate a constitutional takings claim).

### Relevance of State Law to Grant Assurances

*Sunrise Aviation, Inc. v. City of Ormond Beach*, FAA Docket No. 16-20-03, Final Agency Decision (Aug. 16, 2022) (affirming director's determination that, among other things, sponsor did not violate Grant Assurance 22 by leasing parcels to tenant that was allegedly not properly incorporated under state law, holding that such state-law questions do not implicate federal grant obligations).

### Lease and Hangar Development

*Wilson v. City of Marina*, FAA Docket No. 16-21-13, Final Agency Decision (July 18, 2022) (affirming director's determination that sponsor did not violate Grant Assurances 22 or 23 by declining to offer a ground lease to a prospective tenant who had not yet provided a detailed proposal to build hangars on the site).



## Lease Compliance and Renewal

*Marina Aviation, LLC v. City of Marina*, FAA Docket No. 16-21-12, Final Agency Decision (June 17, 2022) (affirming director's determination that sponsor did not violate Grant Assurances 22 or 23 when it declined to renew a lease for a tenant with a history of late payments and non-payments to sponsor, even if the tenant was now paying on time).

## Civil Rights

*Haynes v. Adams County*, FAA Docket No. 16-22-04, Director's Determination (June 9, 2022) (finding that sponsor did not violate Grant Assurance 30 (Civil Rights) because complainant failed to demonstrate that he was discriminated against relative to others not in his protected class, or that various sponsor actions were improper).

## Leases and Indemnity

*HTX Helicopters, LLC v. R.I. Airport Corp.*, FAA Docket No. 16-21-10, Director's Determination (May 19, 2022) (finding that sponsor did not violate Grant Assurance 22 by requiring a lease to operate at airport, but finding sponsor not compliant with Grant Assurance 22 by requiring operator to indemnify sponsor for aircraft noise in order to obtain new lease).

## Lease Conditions and Hangar Access

*Mealy v. Clarion Cty. Airport Auth.*, FAA Docket No. 16-18-06, Director's Determination (May 11, 2022) (finding no violation of Grant Assurances 22 or 23 where sponsor provided different (but similar) lease terms to dissimilarly situated tenants, granted dedicated hangar space to air-ambulance operator requiring such space, but not to a dissimilar tenant, and required tenant to agree to code of conduct as condition of lease).

## Skydiving

*Theuma v. Arizona*, FAA Docket No. 16-19-16, Director's Determination (Jan. 21, 2022) (finding sponsor violated Grant Assurance 22 by requiring skydiving operator to provide not-reasonably obtainable insurance, restricting solo skydiving operations, and imposing higher gross-receipts fees on operator than upon similarly situated tour operators).

# FEDERAL LEGISLATION

[Consolidated Appropriations Act, 2023](#) (Pub. L. No. 117-328) (Dec. 29, 2022) (contains DOT and FAA funding and \$557 million for discretionary AIP grants and projects).

[Inflation Reduction Act of 2022](#) (Pub. L. No. 117-169) (Aug. 16, 2022) (appropriating funds for alternative fuel and low-emission aviation technology programs).

[Consolidated Appropriations Act, 2022](#) (Pub. L. No. 117-103) (Mar. 15, 2022) (containing the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2022).



# FEDERAL RULES, ORDERS, & GUIDANCE In Reverse Chronological Order

## THE WHITE HOUSE

Statement, [President Biden Announces Key Nominees](#) (July 6, 2022) (including initial nomination of Phil Washington to serve as FAA administrator; President Biden subsequently renominated Washington on Jan. 3, 2023).

Statement, [The Domestic Counter-Unmanned Aircraft Systems National Action Plan](#) (Apr. 25, 2022) (recommending eight steps to address dangers posed by UAS).

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

Notice of Funding Opportunity, [FY 2022 Competitive Funding Opportunity: Airport Improvement Program Supplemental Discretionary Grants](#), 87 Fed. Reg. 80,248 (Dec. 29, 2022).

Policy Statement, [Airborne Wind Energy Systems \(AWES\)](#), 87 Fed. Reg. 78,849 (Dec. 23, 2022) (FAA policy on use of navigable airspace by airborne wind energy systems).

Order 5190.6B, Change 2, [Airport Compliance Manual](#) (Dec. 9, 2022)

Letter to Airport Sponsors re: [Policies and General Best Practices for UAS Activities On Airports](#) (Nov. 22, 2022) (information and guidance on unmanned aircraft system operations).

[Contract Provision Guidelines for Obligated Sponsors and Airport Improvement Program Projects](#) (Nov. 18, 2022) (updated required federal contract provisions for airport sponsors).

Advisory Circular No. 150/5200-18D, [Airport Safety Self-Inspection](#) (Sept. 27, 2022) (guidance on conducting airport self-inspection programs).

Advisory Circular No. 150/5190-4B, [Airport Land Use Compatibility Planning](#) (Sept. 16, 2022) (describing compatible and incompatible land uses and presenting methods for promoting compatible use).

Draft Policy Statement, [Enabling the Use of Unleaded Aviation Gasoline in Piston Engine Aircraft and Aircraft Engines Through the Fleet Authorization Process](#) (Sept. 2022) (proposing process for permitting certain aircraft and engines to use unleaded avgas).

Proposed Policy, [Draft FAA Policy Regarding Processing Land Use Changes on Federally Acquired or Federally Conveyed Airport Land](#), 87 Fed. Reg. 56,601 (Sept. 15, 2022) (proposing updated FAA policy on approval of changes to use of certain airport land).

Letter to Airport Sponsors re: [Title VI Compliance and AIP Grant Eligibility](#) (Aug. 12, 2022) (requiring airport sponsors to obtain FAA approval of Title VI and Community Participation plans before receiving AIP grants).

Memorandum, [Updated Instructions Regarding ALP Reviews and Projects Potentially Affected by Section 163](#) (Aug. 3, 2022) (updated guidance on FAA's process for determining whether FAA has approval authority over development on a certain part of an airport under Section 163 of the 2018 FAA Reauthorization Act).

Notice of Proposed Rulemaking, [Disadvantaged Business Enterprise and Airport Concession Disadvantaged Business Enterprise Program Implementation Modifications](#), 87 Fed. Reg. 43,620 (July 21, 2022) (notice of proposed changes to DOT's ACDBE and DBE regulations).



Program Guidance Letter (PGL) 22-02, [Grant Proration Alternative](#) (July 19, 2022) (guidance on using multiple federal grant sources to complete a project or project phase).

Notice of Proposed Rulemaking, [Airplane Fuel Efficiency Certification](#), 87 Fed. Reg. 36,076 (June 15, 2022) (proposing fuel-efficiency requirements for certification of certain aircraft).

Advisory Circular No. 150/5000-0B, [Guidelines for Sound Insulation of Structures Exposed to Aircraft Noises](#) (June 7, 2022) (guidelines to develop and implement a sound insulation program).

Notice, [Temporary Waiver of Buy America Requirements for Construction Materials](#), 87 Fed. Reg. 31,931 (May 25, 2022) (temporarily waiving certain Buy America provisions of Bipartisan Infrastructure Law with respect to construction materials).

Advisory Circular No. 150/5200-28G, [Notice to Air Missions \(NOTAMs\) for Airport Operators](#) (May 25, 2022) (standards and guidance for issuance of NOTAMS).

Notice, [Airport Improvement Program \(AIP\) Grant Assurances](#), 87 Fed. Reg. 25,691 (May 2, 2022) (announcing modification of AIP grant assurances).

Advisory Circular No. 150/5335-5D, [Standardized Method of Reporting Airport Pavement Strength - PCR](#) (Apr. 28, 2022).

Notice, [FY 2022 Competitive Funding Opportunity: Airport Improvement Program Discretionary Grants](#), 87 Fed. Reg. 23,690 (Apr. 20, 2022).

Notice, [Funding Opportunity](#), 87 Fed. Reg. 23,687 (Apr. 20, 2022) (notice of opportunity to apply for Airport Infrastructure Grants under FAA Contract Tower (FCT) Competitive Grant Program established by Bipartisan Infrastructure Law).

Draft Advisory Circular No. 150/5200-10F, [Guide Specification for Aircraft Rescue and Fire Fighting \(ARFF\) Vehicles](#) (Apr. 6, 2022) (comment period expired May 6, 2022).

Advisory Circular No. 150/5300-13B, [Airport Design](#) (Mar. 31, 2022) (standards and guidance for design of airfield and other airport facilities).

Notice, [Funding Opportunity for the Department of Transportation's Multimodal Project Discretionary Grant Opportunity](#), 87 Fed. Reg. 17,108 (Mar. 25, 2022) (soliciting applications for several federal grant programs).

Final Rule, [Revisions to Civil Penalty Amounts](#), 87 Fed. Reg. 15,839 (Mar. 21, 2022) (among other things, adjusting upward maximum penalty for permanently closing airport without sufficient notice).

DOT Order 2022-3-8, [Order Prohibiting Termination of Service and Requesting Proposals](#), DOT-OST-2008-0112-0067 (Mar 11, 2022) (prohibiting SkyWest from terminating EAS service to 29 cities).

Notice of Availability, [Notice of Industry Day Meeting, and Request for Comment on the Draft Engineering Brief 105 for Vertiport Design](#), 87 Fed. Reg. 11,804 (Mar. 2, 2022).

Draft Engineering Brief No. 105, [Vertiport Design](#) (draft released Feb. 28, 2022).

Notice, [Funding Opportunity](#), 87 Fed. Reg. 10,890 (Feb. 25, 2022) (notice of opportunity to apply for discretionary grants for Airport Terminal Program established by Bipartisan Infrastructure Law).



Draft Advisory Circular No. 150/5020-1A, [Noise Control and Compatibility Planning for Airports](#) (Jan. 12, 2022) (comment period expired Mar. 11, 2022).

## COUNCIL ON ENVIRONMENTAL QUALITY

Final Rule, [National Environmental Policy Act Implementing Regulations Revisions](#), 87 Fed. Reg. 23,453 (Apr. 20, 2022) (amending certain NEPA regulations and discussing potential health effects of PFAS and PFOS).

## ENVIRONMENTAL PROTECTION AGENCY

Notice of Data Availability, [TSCA Section 8\(a\)\(7\) Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances](#), 87 Fed. Reg. 72,439 (Nov. 25, 2022) (comments closed Dec. 27, 2022; providing data and soliciting comment on PFAS rule).

Notice, [Proposed Finding that Lead Emissions from Aircraft Engines that Operate on Leaded Fuel Cause or Contribute to Air Pollution that May Reasonably Be Anticipated to Endanger Public Health and Welfare](#), 87 Fed. Reg. 62,753 (Oct. 17, 2022).

Notice of Proposed Rule, [Designation of Perfluorooctanoic Acid \(PFOA\) and Perfluorooctanesulfonic Acid \(PFOS\) as CERCLA Hazardous Substances](#), 87 Fed. Reg. 54,415 (Sept. 6, 2022).

Notice, [Lifetime Drinking Water Health Advisories for Four Perfluoroalkyl Substances](#), 87 Fed. Reg. 36,848 (June 21, 2022).

Notice, [Draft Recommended Aquatic Life Ambient Water Quality Criteria for Perfluorooctanoic Acid \(PFOA\) and Perfluorooctane Sulfonic Acid \(PFOS\)](#), 87 Fed. Reg. 26,199 (May 3, 2022).

Proposed Rule, [Control of Air Pollution From Aircraft Engines: Emission Standards and Test Procedures](#), 87 Fed. Reg. 6324 (Feb. 3, 2022) (proposing emissions standards for certain jet aircraft and discussing environmental impact of aircraft pollutants in airport vicinities).

## DEPARTMENT OF DEFENSE

Notice, [MIL-PRF-XX727, Fire Extinguishing Agent, Fluorine-Free Foam \(F3\) Liquid Concentrate, For Land-Based, Fresh Water Applications](#) (June 2, 2022) (notice of Navy's draft military specification (MILSPEC) for fluorine-free firefighting foam, which MILSPEC the FAA intends to adopt for civil airports once published) (actual draft MILSPEC only available by request to Navy).

## REPORTS, STUDIES, ARTICLES & OTHER PUBLICATIONS

In Reverse Chronological Order

### U.S. DEPARTMENT OF TRANSPORTATION

#### [Federal Aviation Administration](#)

FAA, Report to Congress, [Multiagency Use of Airspace and Environmental Review](#) (Oct. 12, 2022).

FAA, Report to Congress, [Certification Research Plan for Artificial Intelligence Applications](#) (Aug. 23, 2022).

FAA, Report to Congress, [Report to Congress on the Airport Improvement Program \(AIP\) for Fiscal Year \(FY\) 2019](#)

(Aug. 12, 2022).

FAA, Report to Congress, [Large Unmanned Aircraft Systems](#) (Aug. 3, 2022).



FAA, Report to Congress, [Part 91 Review, Reform, and Streamlining](#) (June 30, 2022).

FAA, Report to Congress, [Air Traffic Controller Hiring Reform](#) (Feb. 8, 2022).

FAA, Report to Congress, [Update of the FAA Comprehensive Plan and Unmanned Aircraft Systems \(UAS\) Program Alignment](#) (Feb. 3, 2022).

FAA, Report to Congress, [National Aviation Research Plan \(NARP\) FY 2022–2026](#) (Jan. 2022).

### [Office of Inspector General](#)

Office of Inspector General, [Report No. AV2023009](#), DOT's Tracking of Aviation Imports and Potential Impacts of Disruptions (Dec. 19, 2022).

Office of Inspector General, [Report No. PT2023003](#), DOT's Fiscal Year 2023 Top Management Challenges (Nov. 2, 2022).

Office of Inspector General, [Report No. AV2022041](#), FAA Has Made Progress on a UAS Traffic Management Framework, but Key Challenges Remain (Sept. 28, 2022).

Office of Inspector General, [Report No. AV2022032](#), FAA Quickly Awarded CARES Act Funds but Can Enhance Its Oversight Approach to Promote Effective Stewardship (July 18, 2022).

Office of Inspector General, [Audit Announcement](#), Audit Initiated of FAA's Oversight of Resiliency Planning in Airport Infrastructure Grant Projects (June 29, 2022).

Office of Inspector General, [Audit Announcement](#), Audit Initiated of FAA's Prevention and Detection of Airport Revenue Diversion (May 20, 2022).

Office of Inspector General, [Report No. AV2022027](#), FAA Made Progress Through Its UAS Integration Pilot Program, but FAA and Industry Challenges Remain to Achieve Full UAS Integration (Apr. 27, 2022).

Office of Inspector General, [Report No. AV2022026](#), While FAA Is Coordinating with Other Agencies on Counter-UAS, Delays in Testing Detection and Mitigation Systems Could Impact Aviation Safety (Mar. 30, 2022).

Office of Inspector General, [Report No. AV2022023](#), FAA Needs Additional Accountability and Transparency in Reporting Performance Measures and Targets for Major System Investments and Environmental Reviews (Mar. 14, 2022).

Office of Inspector General, [Report No. AV2022016](#), Changes in Requirements and Schedule Delays Contributed to the Termination of the NAS Voice System Contract (Jan. 12, 2022).

Office of Inspector General, [Capstone Memorandum CC2022002](#), Observations and Common Themes in OIG's Recent Work on FAA's Oversight of Air Carrier Maintenance Programs (Jan. 5, 2022).

### [U.S. GOVERNMENT ACCOUNTABILITY OFFICE](#)

[Report No. GAO-23-105188](#), Transforming Aviation: Congress Should Clarify Certain Tax Exemptions for Advanced Air Mobility (Nov. 2022).

[Report No. GAO-23-106358](#), Passengers with Disabilities: Barriers to Accessible Air Travel Remain (Nov. 2022).

[Report No. GAO-23-105201](#), Aviation Security: TSA Should Assess Potential for Discrimination and Better Inform Passengers of the Complaint Process (Nov. 2022).



[Report No. GAO-22-105135](#), Persistent Chemicals: EPA Should Use New Data to Analyze the Demographics of Communities with PFAS in Their Drinking Water (Sept. 2022).

[Report No. GAO-22-105063](#), Aviation Security Programs: TSA Should Clarify Compliance Program Guidance and Address User Concerns with Its Data Systems (Sept. 2022).

[Report No. GAO-22-104664](#), Aviation Safety: FAA Should Strengthen Efforts to Address the Illegal Practice of Intentionally Aiming Lasers at Aircraft (Aug. 2022).

[Report No. GAO-22-104579](#), Air Travel and Communicable Diseases: Federal Leadership Needed to Advance Research (July 2022).

[Report No. GAO-22-105088](#), Persistent Chemicals: Technologies for PFAS Assessment, Detection, and Treatment (July 2022).

[Report No. GAO-22-106154](#), Facial Recognition Technology: CBP Traveler Identity Verification and Efforts to Address Privacy Issues (July 2022).

[Report No. GAO-22-105018](#), Contact Tracing for Air Travel: CDC's Data System Needs Substantial Improvement (July 2022).

[Report No. GAO-22-105020](#), Transforming Aviation: Stakeholders Identified Issues to Address for 'Advanced Air Mobility' (May 2022).

## CONGRESSIONAL RESEARCH SERVICE

[Report No. IN12034](#), Transportation of Migrants Facilitated by States (Oct. 20, 2022).

[Report No. R47067](#), Unmanned Aircraft Systems: Current and Potential Programs (updated July 28, 2022).

[Report No. R4717](#), Sustainable Aviation Fuel (SAF): In Brief (July 7, 2022).

[Report No. 46854](#), Transportation, Housing and Urban Development, and Related Agencies (THUD) Appropriations for FY2022 (updated June 30, 2022).

[Report No. IF12148](#), Regulating PFAS Under the Clean Water Act (June 28, 2022).

[Report No. R42781](#), Federal Civil Aviation Programs: In Brief (updated June 23, 2022).

[Report No. IF12055](#), The U.S. DOT Disadvantaged Business Enterprise Program (Feb. 25, 2022).

[Report No. IN11864](#), Infrastructure Investment and Jobs Act (IIJA) and Airport Funding (Feb. 24, 2022).

[Report No. IF12046](#), National Spectrum Policy: Interference Issues in the 5G Context (Feb. 14, 2022).

[Report No. IF11696](#), Aviation, Air Pollution, and Climate Change (updated Feb. 8, 2022).

[Report No. IF12028](#), Aviation Concerns Regarding the Rollout of 5G Wireless Telecommunications Networks (Jan. 26, 2022).



## TRANSPORTATION RESEARCH BOARD, AIRPORT COOPERATIVE RESEARCH PROGRAM

Ordered by Report Number

### [Research Reports](#)

[Research Report 247](#): Airfield Pavement Markings: Effective Techniques for Removal and Temporary Applications (Nov. 2022)

[Research Report 246](#): Airside Operations Safety: Understanding the Effects of Human Factors (Oct. 2022).

[Research Report 245](#): Guide to Evaluating Airport Governance Structures (Nov. 2022).

[Research Report 244](#): Advancing the Practice of State Aviation System Planning (Dec. 2022).

[Research Report 241](#): Toward a Touchless Airport Journey (July 2022).

[Research Report 240](#): Primer for Airport Organizational Redesign (July 2022).

[Research Report 238](#): Airfield Design for Large Unmanned Aircraft Systems (Dec. 2022).

[Research Report 237](#): Primer and Framework for Considering an Airport Noise and Operations Monitoring System (Mar. 2022).

[Research Report 236](#): Preparing Your Airport for Electric Aircraft and Hydrogen Technologies (Feb. 2022).

### [Synthesis Reports](#)

[Synthesis 120](#): Airport Software Solutions and Services Sourcing (Sept. 2022).

[Synthesis 119](#): Considerations for Establishing and Maintaining Successful Pollinator Programs on Airports (Aug. 2022).

[Synthesis 118](#): Airport Parking Pricing Strategies (July 2022).

[Synthesis 117](#): Agricultural Operations on Airport Grounds (Mar. 2022).

[Synthesis 116](#): Examples of Facility Space Provided for Community Use at Airports (Mar. 2022).

### [Web-Only Documents](#)

[Web-Only Document 54](#): Development of a Small Aircraft Runway Length Analysis Tool (Sept. 2022).

[Web-Only Document 53](#): Measuring and Understanding the Relationship Between Air Service and Regional Economic Development (Aug. 2022).

[Web-Only Document 52](#): Command-Level Decision Making for Transportation Emergency Managers (May 2022).





## EDITOR'S NOTE

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

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

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