AirTAP Briefings

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# FAA reauthorization brings changes for airport land use

The FAA Reauthorization Act of 2024, signed into law on May 16, marks a pivotal shift in airport land use and project management, offering airports greater flexibility and independence in managing their projects. By loosening federal oversight on non-aeronautical land and establishing a streamlined notification process, the act enables airports to better leverage their property for non-aeronautical ventures. This change provides an invaluable opportunity for airports to diversify income sources, strengthen financial sustainability, and invest more confidently in projects without extended federal reviews.

The FAA Reauthorization Act of 2024 is a comprehensive bipartisan bill that reauthorizes the FAA and aviation infrastructure and safety programs for five years. This act extends the Airport Improvement Program (AIP) and other federal aviation programs through September 2028.

A major change introduced by the new law is Section 743, "Review of Airport Layout Plans," which revises Section 163 ("Limited Regulation of Non-Federally Sponsored Property") of the previous reauthorization act.

## Why is this important for airports?

Airport sponsors look for ways to best use airport property to support the long-term vision of their airport while bringing in revenue for airfield maintenance and development. Many airports with property that may no longer be needed for aeronautical development are exploring options to sell, lease, or repurpose portions of it for non-aeronautical uses. Doing so offers airports a way to generate new revenue streams and bolster financial sustainability. However, it also comes with regulatory complexities that require careful navigation to ensure compliance with FAA requirements.

The 2024 reauthorization introduces changes that affect how airport sponsors can move forward with such projects. Understanding these updates will help airport sponsors use airport property while still complying with federal regulations. For example, the FAA has instituted a land-use change approval action for non-aeronautical land uses for which the FAA has Airport Layout Plan approval authority.

Among the notable changes under Section 743:

- **Removed restrictions:** The FAA no longer maintains a list of specific regulations it cannot enforce, allowing it to focus only on areas it has direct authority over.
- **Airport layout plan (ALP) approval:** The FAA's approval is now limited to aeronautical parts of projects federally acquired or for conveyed land, reducing FAA control over non-aeronautical projects.
- **Non-aeronautical projects:** The FAA cannot regulate non-aeronautical portions of a project that do not trigger FAA ALP approval authority.
- **Notification requirement:** Airport sponsors must inform the FAA of projects that are outside of their oversight. The FAA has 45 days to respond or it will lose approval authority over that project.

## Implementing Section 743 into current and upcoming projects

Official guidance on the FAA Reauthorization Act of 2024 may take time to develop. The most important step for airport sponsors is to meet with their FAA program manager early and often throughout the process. In addition, airport sponsors should carefully consider:

- **Project classification:** Clearly define aeronautical vs. non-aeronautical parts of a project.
- **Land and funding:** Note that the FAA retains oversight of federally funded and federally conveyed land.
- **Grant conditions:** Clarify what grant conditions apply when a project includes both aeronautical and non-aeronautical uses.
- **Notification tracking:** Maintain a system to track FAA notifications and responses to avoid jurisdiction issues.
- **Ongoing FAA communication:** Regularly check in with local FAA offices for updates on project approvals and jurisdiction.
- **Risk management for non-jurisdictional projects:** Document decisions and manage risks for projects outside FAA control to avoid future compliance issues.

Similarly, if the FAA does not have ALP

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approval authority, then it lacks land use authority. A separate FAA land-use change action is required for proposed non-aeronautical uses on federally required or conveyed property. This ties back to recent changes to the FAA's land-use change policy (January 8, 2024).

As airports adapt to these updates, it's critical that they accurately classify projects, clearly communicate with the FAA, and diligently track notification responses to maximize the benefits of this new legislative landscape. Ultimately, the 2024 Reauthorization Act will empower airports to shape their own development paths, promoting economic resilience while maintaining essential regulatory compliance.

**Resources**

1. Text of H.R.3935–118th Congress (2023-2024): FAA Reauthorization Act of 2024 | Congress.gov
2. FAA Reauthorization Act of 2018
3. "FAA Reauthorization Act Makes Key Changes to Airport Law," (May 16, 2024), Kaplan Kirsch LLP
4. Updated Reauthorization Program Guidance Letter (R-PGL) 19-02: Planning Project Eligibility, 2022-03-04

Visit airtap.umn.edu/publications/briefings for links to these resources.

*—Melissa Underwood is a senior aviation planner with SEH.*

# An airport's story: Lake Elmo Airport

Located about 15 miles east of downtown St. Paul, Lake Elmo Airport is one of six reliever airports run by the Metropolitan Airports Commission (MAC). In operation since 1951, its two runways accommodate more than 32,000 annual landings and takeoffs. The airport recently undertook an ambitious runway relocation project—completed in June 2022—as a key part of its long-term comprehensive plan to ensure the airport's infrastructure could accommodate anticipated traffic growth safely and efficiently.

Philip Tiedman, the Lake Elmo airport manager, says several previous planning studies conducted for the airport recommended relocating and extending the primary runway (Runway 14-32) and extending the crosswind runway (Runway 4-22). "This comprehensive project, valued at $23.9 million, has been funded by more than $17.5 million in federal and state grants," Tiedman says.

The project started with an extensive planning phase, culminating in a four-year, four-phase construction process led by Lindsay Reidt of Short Elliot Hendrickson (SEH). The project shifted the existing runway, extended it, and constructed a new runway; the former runway became a taxiway. "The purpose was getting the RPZs—the runway protection zones—all on airport property, which is an improvement for safer use and operations of the runway," Reidt says.

Community feedback highlighted concerns regarding the re-routing of a local street near the airport, which required adding a curve so the street would go around the airport. Although the adjustment was necessary to create safe distances between roadways and the relocated runway, it faced initial community resistance.

"There were some concerns about lengthening travel time and making a curved road versus a straight road. That was accommodated by adding shoulders and getting a safer operational roadway in the end," Reidt says.

Reidt notes that expanding the airport's infrastructure also required careful stormwater management to handle the increase in impervious surfaces. To meet local and state requirements, the project incorporated a stormwater management system with retention basins, infiltration ponds, and mechanical evaporators. This complex system not only treats the water before it leaves the airport property but also controls its release rate to minimize environmental impact.

Beyond addressing physical and environmental concerns, the Lake Elmo runway project included operational upgrades. New LED lighting systems were installed across the runway, taxiways, and signage, which significantly enhance nighttime visibility and energy efficiency. Additionally, navaids were added to both ends of the runway, making the airport accessible to a broader range of pilots and aircraft in varied weather conditions.

For SEH's airport design team, the project represented a rare opportunity to design and build an entirely new runway—making it a landmark project both for SEH and the MAC. "Typically, we're extending or widening existing runways, but this project allowed us to start fresh and build from the ground up," Reidt says.

*—Emma McIntyre is the CTS Communications intern.*

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# FAA updates

## Seasonal reminders

- Minnesota has a large number of open grants (489 as of Oct. 15) and the largest number of inactive grants (no payments within 12 months) that we have ever seen. Some of this is driven by the larger grant workload over the last four years. The focus over the coming months will be to reduce the no-activity list and close out old grants. Please work with your consultant, MnDOT, and FAA program manager to get action on these old grants.
- Winter is the time to prepare for 2025 airport grant projects. FAA staff are hard at work reviewing preapplication requests. Airports without a plan to use their 2022 AIG-BIL funds will be notified, and communications were sent the first week of December if the FAA needs to review additional items to carry your FY25 project forward.
- This is also a good time of year to notify the FAA of any spring/early summer special event that requires some type of air operations area (AOA) access or closure for the public to access the facility. If the event is housed within a building and patrons will not be on the AOA, then notification is not necessary. However, any closure or access to the airside requires steps to ensure operational safety—and we can assist with that.
- Plowing reminder as winter is here: The Airport Winter Safety and Operations AC (150/5200-30) requires the airport operator to close a surface if NIL braking action is discovered. NIL braking action means braking action is minimal or nonexistent. This requirement applies to aprons and hangar areas if snow is not cleared in time to prevent ice from accumulating. Once priority-one areas are clear, remember to follow up in the hangar areas, which allows the tenants access to the airfield without closures.

## Mark your calendar

- Winter CIP meetings are coming up January through April! ADO staff will be reaching out to airports identified as high priority. The plan is similar to last year—we sit down in person with several airports in one location near a group of airports. The focus is on FY26 projects as the current year is already well underway.
- The FAA Consultant Workshop is February 12-13 in Bloomington. Learn more at airtap.umn.edu/faa-workshop.

## Policies and resources

- The FAA Dakota-Minnesota Airports District Office (ADO) released its annual *National Plan of Integrated Airport Systems (NPIAS) 2025-2029* report on September 30, 2024. The publication is available at www.faa.gov/airports/planning_capacity/npias/current.
- The FAA's frequently asked questions on the AIG-BIL program have been updated and are online at www.faa.gov/general/bipartisan-infrastructure-law-faqs. The FAQs clarify certain provisions, including a major update that applies to 95 percent of federal funding in 2025 and 2026.

## New staff

New staff have been hired recently and airport assignments have been updated for each discipline (program manager, planner, and environmental protection specialist). Tom Probert, Jess Tillman, Dan Kvasnicka, Tina Robinson, Andrew Zielike, Lauren Whetstone, and Catherine Stella have all joined the ADO and are working with their new airports for the next grant cycle.

# MnDOT updates

## Mark your calendar

- The Equipment Grant Solicitation is open now through December 31, with awards to be announced at the end of January. For detailed information about funding options, visit dot.state.mn.us/aero/airportdevelopment/fundingandgrants.html.
- The 2024–2025 Advanced Air Mobility (AAM) Webinar Series is now at its halfway point. Don't miss the chance to hear from those actively implementing AAM and gain perspectives that Minnesota airports may find especially relevant! There's no cost to participate, but individual registration is required for each webinar: airtap.umn.edu/aam-series.

# New resources on PFAS, rates and charges

### PFAS white paper now available

The purpose of the *Minnesota Airports PFAS Transition White Paper* is to record the information collected by the Minnesota Airports PFAS Transition Team and document the challenges facing airports transitioning to PFAS-free firefighting foam. To download the paper visit airtap.umn.edu/publications/other.

### Rates & charges survey update

The Wyoming Department of Transportation Aeronautics Division (WYDOT) published an updated airport rates and charges study in July of 2024. Included is information on various fees, hangar rentals, leases, and more.

WYDOT's goal is to allow airports to update their information on a more regular basis as needed, allowing each state to maintain the most accurate information possible while limiting the labor needed to update a full survey every few years.

The information in this study, collected over two months in late 2023 and early 2024, is available at airtap.umn.edu/publications/other.

## Meet the new AirTAP editor: Jacqueline Bass

In September, Jacqueline Bass joined the Center for Transportation Studies, which houses AirTAP, as a program editor. In this role, she'll be the new *Briefings* editor as well, taking the helm from Amy Friebe.

Jacqueline is no stranger to the University of Minnesota or transportation, having previously served as communications manager with the U's Parking & Transportation Services. Her degree from St. Cloud State University is in mass communications with an emphasis in public relations and a minor in creative writing.

"One of my favorite classes there was an elective—the History of Aviation," she says. "I'm excited to help develop communications around our AirTAP program."

# First-time attendee shares why you should attend Airports Conference

What's in it for a first-time attendee of the Minnesota Airports Conference? Joel Schmidt from Le Sueur Municipal Airport gives his thoughts on this annual event coming in April 2025.

**Tell us a little about yourself and the job you do.**

I was born and raised in southern Minnesota. My title is public works & facilities manager–airport manager. I oversee the maintenance and construction of the city's streets, parks, stormwater infrastructure, city facilities, and the Le Sueur Municipal Airport.

**How did you first hear about the Minnesota Airports Conference?**

My boss forwarded an email and wanted me to attend since I was brand new to the aviation world.

**What made you decide to attend?**

I was interested in learning about airports and making new connections to help me be successful moving forward.

**What did you find most valuable about the conference?**

The people—I met so many knowledgeable and helpful people from other cities and agencies.

**Did you take anything back and use it at your airport?**

Absolutely! From fuel inspections to runway lighting, I learned so much from numerous people to ensure I was performing my duty as airport manager properly.

**What topics are you most interested in learning more about at this type of event?**

Last year, I was interested in learning everything since I had no experience. Moving forward, I look forward to firsthand information on updates and changes to existing guidelines and regulations.

**Did you make new connections at the conference? Were those just for the day of the event or have you kept in touch?**

I made dozens of connections. I kept in touch with many connections I made at the conference.

**What would you say to airport managers or other staff who are on the fence about attending?**

Jump off the fence and attend. I can't recommend it highly enough!

Learn more about the 2025 Minnesota Airports Conference, to be held April 23–25 in Mankato, on the AirTAP website: **airtap.umn.edu/airportsconference**.

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