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T.J. Schulz

February 23, 2023

The Honorable Maria Cantwell
Chair
Committee on Commerce, Science, and
Transportation
U.S. Senate
Washington, DC 20510

The Honorable Ted Cruz
Ranking Member
Committee on Commerce, Science, and
Transportation
U.S. Senate
Washington, DC 20510

The Honorable Sam Graves
Chair
Committee on Transportation &
Infrastructure
U.S. House of Representatives
Washington, DC 20515

The Honorable Rick Larsen
Ranking Member
Committee on Transportation &
Infrastructure
U.S. House of Representatives
Washington, DC 20515

Dear Senators Cantwell and Cruz and Representatives Graves and Larsen:

On behalf of the 230 member companies of the Airport Consultants Council (ACC), we are pleased to provide you recommendations regarding the upcoming reauthorization of the Federal Aviation Administration (FAA). This legislation will play a critical role in ensuring that the United States remains the leader of the world in aviation safety and innovation while safeguarding the long-term economic health of the country.

ACC member companies play a vital role in the planning and development of airport infrastructure both here in the U.S. and around the globe. Our members work at airports of all sizes, from the largest international hubs to remote airfields, ensuring their communities have access to economic opportunity and emergency services. As such, we can provide a unique perspective on FAA programs and the reauthorization effort.

Below you will find the key recommendations offered by ACC members for the upcoming FAA reauthorization effort. First and foremost, we urge Congress to enact a robust FAA reauthorization bill by the September 30 deadline. Any lapse in funding for FAA will have tremendous negative impacts on the aviation system and the U.S. economy in general.

Funding for Airports

Annual authorized funding for the Airport Improvement Program (AIP) has been stagnant at the current \$3.35 billion for nearly 20 years. In the meantime, the capital development needs of U.S. airports have continued to rise. ACC greatly appreciates the funding provided by Congress under the Infrastructure Investment and Jobs Act (IIJA), which has been immensely beneficial in helping airports meet critical facility needs. However, demand far exceeds the funding available. According to the FAA, airports across the country reported over \$12 billion per year in capital safety and improvement project needs. ***We recommend that Congress increases annual authorized AIP funding to at least \$4.0 billion per year in the next bill.***

Congress should also **increase the current \$4.50 cap on Passenger Facility Charges (PFCs)**, along with eliminating the loophole that prevents airports from collecting user fees from non-revenue passengers.

Airport Improvement Program Reforms

Congress has an opportunity to make critical reforms to the FAA's administration of AIP, and subsequently allow airports to utilize federal funds more efficiently.

Congress should **make permanent provisions under the IIAJ to expand the types of projects eligible for AIP funding** to align closer to PFC-eligible projects. This includes expanding AIP eligibility for repair work at terminals. Doing so will provide airports with the ability to address their unique safety and capacity needs.

The reauthorization bill also provides an opportunity to **identify a more sustainable and practical way to apply Buy American requirements**. The Buy American requirements are a challenge to implement in the current environment, with parts and components sourced from a vast global marketplace. Buy American provisions have proven to make the acquisition of safety critical equipment (such as snow removal equipment, airport rescue and firefighting equipment or fueling vehicles) extremely difficult, if not prohibitive for many general aviation airports. Congress can also use this opportunity to **address challenges in complying with Build America, Buy American (BABA) requirements** and the availability of domestically-available construction materials.

Congress should call for **full implementation of Section 163** included in the FAA Reauthorization Act of 2018, by directing FAA to follow the intent of the law to enable airports to accelerate land use development.

The FAA reauthorization bill should **address the timeliness of grants for airports**, particularly for airports in inclement climates and those with short construction seasons. Late appropriations and grant awards force many airports to stage construction over multiple seasons or even push projects to the following year, which increases costs, particularly in a tight construction and labor market.

Opportunities should be identified to **divest or minimize FAA review responsibilities for certain low-risk projects**, such as maintenance and preservation projects. This would reduce administrative work and review time for FAA to better focus on more critical projects. Congress should also validate FAA's ability to **provide flexibility for price escalation** for AIP projects, especially for asphalt, steel and concrete.

PFC and TIFIA Reforms and Clarifications

There is an opportunity for Congress to reduce the burden on both airport and FAA staff (both of which are in short supply) by ***imposing a report-and-review process for PFC approval*** in lieu of the existing cumbersome one. The FAA's implementation of ***the PFC streamlining provisions*** (Sec. 121) in the FAA Reauthorization Act of 2018, did not add achieve its objective. Innumerable hours are spent to get approval from the FAA now to use non-Federal, locally generated PFCs for airport projects, which can take well over a year from start to finish.

There is also an opportunity for Congress to ***clarify that the procedural requirements and qualifications to apply for TIFIA loans should follow PFC, not AIP, requirements*** as implied under BIL. There is a reason why no airports have applied for TIFIA loans under the expanded eligibility provided by BIL. In addition, we request that Congress ***eliminate the sunset for the new BIL TIFIA qualifications for airports.***

Environmental Issues

Congress should ***authorize additional funding*** for projects and programs that will help airports achieve net-zero emissions by 2050, increase the resiliency of airports to respond to immediate and long-term changing weather patterns and events, and meet future energy needs.

ACC recommends that ***eligibility for the Voluntary Airport Low Emission Program (VALE) be expanded*** to include all airports. Additionally, the program should be broadened to include greenhouse gas emissions. Airports should be allowed to purchase carbon offsets, renewable energy certificates (RECs), and/or other off-site emission reduction credits. Funding should also be provided to support planning and development of electric capability and resiliency projects at airports.

ACC supports ***funding for the research and development of sustainable aviation fuel (SAF)*** and the installation of SAF infrastructure at airports. Congress should also ***assist airports in the cleanup and remediation of Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS)***, and provide appropriate liability protections to airports and their designers/contractors. We urge Congress to provide funding necessary to transition to a new type of foam, a disposal program for old foam, and PFAS remediation at airports.

Airport Workforce

Similar to other sectors within U.S. aviation, airports are challenged by the lack of an existing and future workforce to foster continued growth within the aviation industry. We appreciate the recognition by Congress of this issue, and urge inclusion of provisions in the new authorization bill that will help address the problem.

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Specifically, Congress can *fund education, outreach, recruiting and internship programs* to attract students and underrepresented groups into airport careers. Congress can also make permanent the Women in Aviation Advisory Board and the Youth Access to American Jobs in Aviation Task Force (YIATF), which were created under the 2018 bill.

Thank you for consideration of these requests as you work to develop a robust and timely FAA reauthorization bill. We look forward to working with you in the coming months and stand ready to provide any assistance you may need.

Sincerely,

A handwritten signature in black ink, appearing to read "T.J. Schulz". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

T.J. Schulz
President