

TO: AIRPORT COMMISSION

FROM: Matthew Kazmierczak
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SUBJECT: Legislative Update

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Infrastructure Plan – The American Jobs Plan

The Biden Administration released a Bipartisan Infrastructure Law Guidebook that provides the latest guidance for state, local, Tribal, and territorial governments on more than 375 programs included in the Bipartisan Infrastructure Law (BIL), including the three major programs being administered by the Federal Aviation Administration (FAA) to upgrade and improve airport and air traffic infrastructure. While the guidance does not provide instructions for airports on how to access their share of grant funds, the document reinforces several high-level, key points regarding expected timelines and how airports can prepare in advance to ensure they can begin using BIL funds as soon as possible.

Aviation Section: https://www.whitehouse.gov/wp-content/uploads/2022/01/BUILDING-A-BETTER-AMERICA_FINAL.pdf#page=94

Overview of Airport/Aviation BIL Programs. The Guidebook provides a comprehensive overview of all three programs pertaining to airports and the aviation community: (1) the Airport Infrastructure Grant program, which provides \$15 billion (\$3 billion annually) via formula grants to commercial service and general aviation airports to support a broad array of airport development projects; (2) the Airport Terminal Program, which provides \$5 billion (\$1 billion annually) to airports via discretionary grants for eligible terminal projects; and (3) FAA Facilities and Equipment (F&E) funding, which provides FAA with \$5 billion (\$1 billion annually) to address the physical condition of FAA's air traffic control (ATC) facilities, including reducing the sustainment backlog and replacing these facilities.

Appropriations

Federal Government is currently operating on a continuing resolution until February 18, 2022. Appropriators are still negotiating top-line spending figures for defense and nondefense spending with the goal to pass an omnibus spending package for all the federal agencies for the remainder for the fiscal year, which ends September 30, 2022.

5G Deployment

On February 3, 2022, the House Aviation Subcommittee held a hearing titled, "Finding the Right Frequency: 5G Deployment & Aviation Safety," which focused both on the significant issues associated with C-band 5G deployment to date as well as how the United States can avoid these issues in the future

(Available at: <https://transportation.house.gov/committee-activity/hearings/finding-the-right-frequency-5g-deployment-and-aviation-safety>).

In his opening remarks Federal Aviation Administration (FAA) Administrator Steve Dickson said that the aviation industry will have to upgrade or retrofit avionics equipment to permanently withstand 5G interference, not to mention new technology that takes its place — a process that could take years. Dickson warned that Verizon and AT&T's wireless 5G rollout is just the beginning and predicted that the aviation community will have to contend with spectrum conflicts far into the future. Dickson said that we are going to be at this not only with 5G C-band, but also with other spectrum auctions in the future. For that reason, Dickson said he believes that at a minimum aircraft operators are going to see a significant retrofit to avionics, including possibly a filtering device, to help block out 5G interference that can cause the equipment to produce erroneous or misleading data. It is unknown what kind of costs that might mean for commercial and business aviation that operate within those 5G zones.

House Transportation Committee Chairman Peter DeFazio (D-OR) asked Dickson what happens at the end of the six-month voluntary period, how will this be solved long term, and how long do the temporary measures take place. Dickson said the telecom companies have agreed to refrain from activating towers close to runways according to the FAA's safety model and the telecoms are providing the FAA with more data to provide certainty and more predictability. He also said the telecoms are working with FAA on a flight test program to establish new standards for radio altimeters and to refine what FAA is doing right now. Dickson noted that the wireless companies have learned a lot about aviation safety.

Aviation Subcommittee Ranking Member Garret Graves (R-LA) asked Dickson about how we got into this situation. Dickson replied that over a period of years the FAA participated in testing and has worked with foreign authorities, including ICAO, and others while communicating concerns to the Federal Communications Commission (FCC) through the National Telecommunications and Information Administration (NTIA). When the FCC released the report and order on C-band in March 2020, the FAA asked for analysis that supported the conclusion that the limits sufficiently protect aeronautical services, and that what was put in place would protect radio altimeter services in particular. Dickson said it was not until the summer of 2021 that the FAA received the analysis they asked for which determined the values were in fact not sufficient to protect altimeters. Dickson further stated the FAA tried for over a year to ask the FCC for data, but the FCC did not have the data the FAA was after.