



## MEMORANDUM

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**To:** Miles Weaver  
**From:** Matt Solak  
**Date:** January 2022  
**Re:** MAAE Monthly Legislative Report

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### Airport Issues

#### PFAS—PFAS Action Act

The MAAE is meeting with key lawmakers and Administration officials on challenges surround PFAS and Michigan’s airports. The below language is from the PFAS Action Act. The AAAE is spearheading the exemption language on behalf of airports.

#### (c) AIRPORT SPONSORS.—

(1) IN GENERAL.—No sponsor, including a sponsor of the civilian portion of a joint-use airport or a shared-use airport (as such terms are defined in section 139.5 of title 14, Code of Federal Regulations (or a successor regulation)), shall be liable under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) for the costs of responding to, or damages resulting from, a release to the environment of a perfluoroalkyl or polyfluoroalkyl substance designated as a hazardous substance under section 102(a) of such Act that resulted from the use of aqueous film forming foam agent, if such use was—

(A) required by the Federal Aviation Administration for compliance with part 139 of title 14, Code of Federal Regulations; and

(B) carried out in accordance with Federal Aviation Administration standards and guidance on the use of such substance.

(2) SPONSOR DEFINED.—In this subsection, the term “sponsor” has the meaning given such term in section 47102 of title 49, United States Code.

The MAAE has just begun the process of looking at similar exemption language at the state level. The federal language does not provide liability protection for non-Part 139 certificated airports. The MAAE is looking at routes to protect all member airports.

### PFAS—Equipment Cost Sharing

The MAAE is also actively engaging with Senator Gary Peter’s office on legislation to assist airports via cost sharing with PFAS/input-based testing equipment. The draft language changes are highlighted in yellow below.

Title: To temporarily increase the cost share authority for aqueous film forming foam input-based testing equipment, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. SHORT TITLE.

This Act may be cited as the **“Preventing PFAS Runoff at Airports Act”**.

#### SEC. 2. TEMPORARY INCREASED COST SHARE AUTHORITY FOR AQUEOUS FILM FORMING FOAM INPUT-BASED TESTING EQUIPMENT.

(a) In General.—Section 47109 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(g) Special Rule for Covered Equipment.—

“(1) IN GENERAL.—The Government’s share of allowable project costs for covered equipment **and its installation** shall be 100 percent.

“(2) DEFINITION OF COVERED EQUIPMENT.—For purposes of this subsection, the term ‘covered equipment’ means aqueous film forming foam input-based testing equipment that **is is—**

**“(A) referenced in CertAlert 21-01, Aqueous Film Forming Foam (AFFF) Testing at Certificated Part 139 Airports, dated June 1, 2021; and**

**“(B) eligible for Airport Improvement Program funding based on PGL 21-01, titled ‘Extension of Eligibility for stand-alone acquisition of input-based testing equipment and truck modification’, dated October 5, 2021 (or any other successor program guidance letter).**

“(3) SUNSET.—The higher cost share authority established in this subsection shall terminate 180 days after the date on which the eligibility of covered equipment for Airport Improvement Program funding under the authority described in paragraph (2)(B) terminates or is discontinued by the Administrator, whichever is earlier.”.

(b) Outreach Efforts.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct an outreach effort to make airports aware of the higher cost share authority established in section 47109(g) of title 49, United States Code, as added by subsection (a).

**(c) Forward-looking Airports.—Not later than 18 months after the date of enactment of**

**this Act, the Administrator of the Federal Aviation Administration shall provide a briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that reviews—**

**(1) potential options for Congress to reimburse airports that—**

**(A) are certificated under part 139 of title 14, Code of Federal Regulations; and**

**(B) acquired covered equipment (as defined in section 47109(g) of title 49, United States Code) as added by subsection (a), without Federal funding;**

**(2) information relevant to estimating the potential cost of providing such reimbursement;**

**(3) the status of the Federal Aviation Administration’s outreach efforts as required under subsection (b); and**

**(4) any additional information the Administrator of the Federal Aviation Administration considers appropriate.**

#### ARPA Funding Released as Part of Supplemental Budget

Last month, the House-Senate Conference Committee officially approved a \$725 million supplemental budget appropriation which included the \$169 million in ARPA grant funds for airports. The supplemental budget received overwhelming bipartisan support, passing the House 94-9 and the Senate 35-1, and has now been signed into law by the Governor. In the budget, airports will receive the following ARPA grants:

Airport Coronavirus Response Grant Program - General Aviation: Includes \$2.8 million in federal American Rescue Plan Act funds to provide economic relief to General Aviation airports in Michigan.

Airport Coronavirus Response Grant Program - Primary Airports: Includes \$168.9 million in federal American Rescue Plan Act funds to provide economic relief to Commercial service – Primary airports in Michigan.

Full summary: <https://www.legislature.mi.gov/documents/2021-2022/billanalysis/House/pdf/2021-HLA-4398-13444789.pdf>

We appreciate the help and support from all MAAE members who contacted their legislators encouraging them to include these funds in this supplemental budget.

#### Additional Supplemental Requests

Between COVID relief dollars and higher than expected tax revenue there is currently \$15 billion in unappropriated state funds. MAAE is coordinating with MDOT on supplemental budget requests. Requests include:

- Automated Weather Observation Station Upgrade - \$4 million to upgrade the 41 station Michigan AWOS Network that is beyond its useful life. General fund request.
- Air Service Program Revitalization - increase funding made available for air carrier recruitment and retention - \$1.5 million general fund
- State / Local Airport Development Program - Michigan has not been able to provide non-federally eligible airports with grant assistance for many years. This request would provide vital support to these airports. \$2 million general fund.
- Unmanned Aircraft System Program Funding - \$350,000 for education and outreach activities +1 FTE, \$500,000 for initial analysis of state operated airspace management system - 850,000 general fund

#### Peer-to-peer Carsharing Legislation (HB 4915-HB 4917) Introduced

On May 25, bipartisan legislation was introduced to regulate peer-to-peer carsharing service companies. These companies include Turo, Getaround and Maven. Peer-to-peer carsharing (also known as person-to-person carsharing and peer-to-peer car rental) is the process whereby existing car owners make their vehicles available for others to rent for short periods of time.

These companies may be operating without a service agreement at some airports in likely violation of those airport's ground transportation regulations. The MAAE Board has taken a position of support on this legislation as the bills require these companies to enter into operational agreements with airports.

MAAE worked previously on a similar issue when Lyft and Uber wanted to operate on airport property without complying with any type of ground transportation agreement with airports or any payment to the airport like other ground transportation companies.