

AIRPORT COOPERATIVE RESEARCH PROGRAM

Sponsored by the Federal Aviation Administration

Subject Areas: IA Planning and Administration; IB Energy and Environment; IC Transportation Law; V Aviation

Responsible Senior Program Officer: Gwen Chisholm Smith

Legal Research Digest 1

COMPILATION OF AIRPORT LAW RESOURCES

This report was prepared under ACRP Project 11-01, "Legal Aspects of Airport Programs," for which the Transportation Research Board (TRB) is the agency coordinating the research. The report was prepared by Daniel Reimer, Kaplan Kirsch & Rockwell LLP, Denver, Colorado. James B. McDaniel, TRB Counsel for Legal Research Projects, was the principal investigator and content editor.

The Problem and Its Solution

There are over 4,000 airports in the country and most of these airports are owned by governments. A 2003 survey conducted by Airports Council International–North America concluded that city ownership accounts for 38%, followed by regional airports at 25%, single county at 17%, and multi-jurisdictional at 9%. Primary legal services to these airports are, in most cases, provided by municipal, county, and state attorneys.

Reports and summaries produced by the Airport Continuing Legal Studies Project and published as ACRP Legal Research Digests are developed to assist these attorneys seeking to deal with the myriad of legal problems encountered during airport development and operations. Such substantive areas as eminent domain, environmental concerns, leasing, contracting, security, insurance, civil rights, and tort liability present cutting-edge legal issues where research is useful and indeed needed. Airport legal research, when conducted through the TRB's legal studies process, either collects primary data that usually are not available elsewhere or performs analysis of existing literature.

Applications

The review, analysis, and commentary of airport-related legal issues appear in any number of journals, newsletters, databases, loose-leaf services,

and books. Westlaw and Lexis, for example, provide some of this information in searchable databases for legal and news sources. The Lexis and Westlaw databases do not allow users to browse current publications in order to survey new developments in airport-related legal issues. Neither database provides a complete bibliography identifying the sources for research into airport-related legal issues. As a result, airport lawyers do not have at their disposal a definitive list of sources they may consult when researching airport-related legal issues or keeping informed of airport-related legal scholarship and developments.

The object of this project is to develop a list or an index of legally related topics, substantive areas, and/or issues that airport attorneys encounter and to develop an index and a bibliography of sources that airport lawyers may consult for purposes of research or for purposes of keeping informed of developments in airport-related legal issues. These sources may be Web-based or in print; they may be published as part of a series (such as a newsletter or law review) or in single issues.

The digest should be usable by and useful to city, county, state, and regional airport administrators, attorneys, program development officials, and financial and operational officers.

CONTENTS

I. Introduction	1
II. Federal Resources for Conducting Research on Airport Law Topics and Monitoring Developments	2
Statutory Materials—United States Code, Title 49	2
Legislative Process	2
Regulations—Code of Federal Regulations (C.F.R.), Title 14 and Title 49	2
Rulemaking	4
Caselaw Reporters and Case Compilations	4
DOT/FAA Compilations	5
Secondary Sources	5
Nonlegal Periodicals	6
Government and Public Entities with Relevant Publications	6
State Transportation Agencies	7

CONTENTS (cont'd)

**III. Index of Airport
Law Topics and Federal
Sources**

	10
Access Restrictions	10
Air Quality	12
Airport Layout Plans	12
Airport Operating Certificates	13
Antitrust	13
Bankruptcy	14
Capital Projects	14
Closure	15
Competition	15
Development and Planning	16
Disadvantaged Business Enterprise	16
DOT Act Section 4(f)	17
Environmental Review	17
Exclusive Rights	20
Expansion	20
Finance	20
First Amendment	23
Grant Assurances	25
Ground Access	27
Height Restrictions	29
Land Acquisition	30
Liability	30
Local Land Use Regulation	31
Minimum Standards	32
NEPA	33
Noise	33
Noise Rules	34
Obstructions	34
Passenger Facility Charge	35
Preemption	35
Rates and Charges	35
Revenue Use and Diversion	35
Security	36
Sponsor Assurances	36
Zoning	36

Notice to Readers

The PDF version of *ACRP Legal Research Digest I* will include links to the Internet resources contained in this digest. The Web addresses provided were correct as of report submission in December 2007. The PDF version can be accessed at http://trb.org/news/blurb_detail.asp?id=8518.

I. INTRODUCTION

Airport law is a recognizable legal discipline. The statutes, regulations, and federal policies governing the operation of airports are distinct from rules governing other land uses and modes of transit. Partly as a result, the application of Constitutional principles and generally-applicable statutory requirements to airports has developed into its own body of law.

Although practitioners may recognize the unique nature of airport law, its sources are widely dispersed. There are no case-comprehensive reporters, digests, treatises, or similar documents dedicated to airport law. Nor are there any comprehensive databases or compilations available online. While airport law sometimes is considered a subspecies of aviation law, its treatment in aviation law resources is incomplete.

One consequence of this dispersion of knowledge is that a lawyer conducting research on airport law typically must consult multiple sources to gather information. Researchers may never be sure that the inquiry was comprehensive.

This digest is one attempt to remedy this problem. This digest includes over 500 federal sources, indicating where those sources can be found online or in case reporters. Section I identifies the relevant statutes, regulations, case law databases, secondary sources, periodicals, and state aviation departments. Airport law practitioners might consult these sources to familiarize themselves with a particular subject or to stay abreast of developments. Section II is a topical index containing the statutes, regulations, federal policies, reports, articles, and cases relevant to a particular subject. Airport law practitioners might consult these sources when initiating research on a particular topic and to ensure that their research conducted through other methods is comprehensive.

The limits of this digest are equally important. The digest does not include state materials, many U.S. Department of Transportation (DOT) and Federal Aviation Administration (FAA) administrative decisions (some of which are intended to be included in a separate legal research digest), or generally-applicable sources that may be consulted in the practice of airport law (e.g., government contracting, environmental management). This digest is current only through the date of publication. Moreover, although this report is intended to provide a list of resources, the report may not include every case or document relevant to a particular subtopic.

II. FEDERAL RESOURCES FOR CONDUCTING RESEARCH ON AIRPORT LAW TOPICS AND MONITORING DEVELOPMENTS

Statutory Materials—United States Code, Title 49

Title 49, Chap. 401 (General Provisions)	All statutory materials available through the following Web sites: Government Printing Office (http://www.gpo.gov), U.S. House of Representatives (http://uscode.house.gov/), Cornell University Law School Legal Information Institute (http://www.law.cornell.edu/uscode/), Findlaw (http://www.findlaw.com)
Title 49, Chap. 417 (Operations of Carriers)	
Title 49, Chap. 449 (Security)	
Title 49, Chap. 461 (Investigations and Proceedings)	
Title 49, Chap. 463 (Penalties)	
Title 49, Chap. 471 (Airport Development)	
Title 49, Chap. 475 (Noise)	
Title 49, Chap. 481 (Airport and Airway Trust Fund Authorizations)	

Legislative Process

The Library of Congress (THOMAS)	http://thomas.loc.gov/
U.S. House of Representatives, Transportation and Infrastructure Committee; Subcommittee on Aviation	http://transportation.house.gov/
U.S. Senate, Committee on Commerce, Science, and Transportation; Subcommittee on Aviation Operations, Safety, and Security	http://commerce.senate.gov/public/

Regulations—Code of Federal Regulations (C.F.R.), Title 14 and Title 49

14 C.F.R. Part 1 (Definitions and abbreviations)	All regulatory materials available through the Government Printing Office: http://www.gpoaccess.gov/C.F.R./index.html ; http://eC.F.R..gpoaccess.gov
14 C.F.R. Part 13 (Investigative and enforcement procedures)	
14 C.F.R. Part 16 (Rules of practice for federally-assisted airport enforcement proceedings)	
14 C.F.R. Part 18 (Uniform Rules of Grant Administration)	
14 C.F.R. Part 21 (Certification procedures for products and parts)	

Regulations—Code of Federal Regulations (C.F.R.), Title 14 and Title 49

14 C.F.R. Part 36 (Noise standards: Aircraft type and airworthiness certification)

14 C.F.R. Part 71 (Designation of class A, B, C, D, and E airspace areas: air traffic service routes; and reporting points)

14 C.F.R. Part 77 (Objects affecting navigable airspace)

14 C.F.R. Part 91 (General operating and flight rules)

14 C.F.R. Part 139 (Certification of airports)

14 C.F.R. Part 150 (Airport noise compatibility planning)

14 C.F.R. Part 155 (Release of airport property from surplus property disposal restrictions)

14 C.F.R. Part 156 (State Block Grants)

14 C.F.R. Part 157 (Notice of construction, alteration, activation, and deactivation of airports)

14 C.F.R. Part 158 (Passenger facility charges (PFC's))

14 C.F.R. Part 161 (Notice and approval of airport noise and access restrictions)

14 C.F.R. Part 300 (Rules of conduct in DOT proceedings under this chapter)

14 C.F.R. Part 302 (Rules of practice in proceedings)

49 C.F.R. Part 18 (Uniform Administrative Requirements for Grants and Cooperative Agreement to State and Local Governments)

49 C.F.R. Part 23 (Participation of disadvantaged business enterprise in airport concessions)

49 C.F.R. Part 26 (Participation by disadvantaged business enterprises in DOT financial assistance programs)

Regulations—Code of Federal Regulations (C.F.R.), Title 14 and Title 49

49 C.F.R. Part 1520 (Protection of sensitive security information)

49 C.F.R. Part 1540 (Civil aviation security: general rules)

49 C.F.R. Part 1542 (Airport security)

Rulemaking

<i>Federal Register</i>	http://www.gpoaccess.gov/fr/index.html
DOT Docket Management System	http://dms.dot.gov
FAA	http://www.faa.gov/regulations_policies/rulemaking/recently_published/
Transportation Security Administration (TSA)	http://www.tsa.gov/research/index.shtm

Caselaw Reporters and Case Compilations

West Digest	Key Number 48Bk211-k252 (Airports and Services)
Westlaw Directory— DOT Decisions	FTRAN-DOT
Westlaw Directory— FAA Decisions	FTRAN-FAA
Westlaw Directory— FAA Chief Counsel Interpretations	FTRAN-CCI
LexisNexis Directory— DOT Aviation Decisions	DOTAV
LexisNexis Directory— FAA decisions	FAA
FAA Decisions Pursuant to 14 C.F.R. Part 16 ¹	http://part16.airports.faa.gov/
<i>CCH Aviation Law Reporter</i>	Available to order at http://onlinestore.cch.com/default.asp?ProductID=107&gpalooknfeel=bfg
Nicholas Sullivan, <i>Aviation Litigation Reporter</i> (Andrews Litigation Reporter), Andrews Publications, 2003	Available to order at http://west.thomson.com/store/product.aspx?product_id=40211095

¹ Citations to individual FAA decisions pursuant to 14 C.F.R. Part 16 are not included herein.

Caselaw Reporters and Case Compilations

Robert M. Jarvis, James T. Crouse, James R. Fox, & Gregory S. Walden, *Aviation Law: Cases and Materials*, Carolina Academic Press (2006)

Available to order at <http://www.cap-press.com/books/1546>

Fundamentals of Aviation Law

Available to order at <http://doi.contentdirections.com/mr/mgh.jsp?doi=10.1036/0071458670>

Aviation Law: Cases, Laws and Related Sources

Available to order at <http://www.transnationalpubs.com/showbook.cfm?bookid=10285>

DOT/FAA Compilations

DOT Online Publications

<http://isddc.dot.gov/OLPWeb.ASP?WCI=Homepage>

FAA Orders and Notices

http://www.faa.gov/regulations_policies/orders_notices/

FAA Advisory Circulars

http://www.airweb.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/MainFrame?OpenFrameSet&CFID=56957&CFTOKEN=71066012&CFID=1409204&CFTOKEN=89169026

FAA Policy and Guidance

http://www.faa.gov/regulations_policies/policy_guidance/

FAA Environmental Records of Decision

http://www.faa.gov/airports_airtraffic/airports/environmental/records_decision/

FAA Airport Noise and Land Use Information

http://www.faa.gov/airports_airtraffic/airports/environmental/airport_noise/noise_exposure_maps/

Secondary Sources

American Jurisprudence

8A Am. Jur. 2d Aviation §§ 83-107 (Airways, Airports, and Related Facilities)

Corpus Juris Secundum

2A C.J.S. Aeronautics & Aerospace V (Airports, Hangars, and Landing Fields)

Federal Procedure (Lawyer's Edition)

4 Fed. Proc., L. Ed. Ch. 7 (Aviation and Space)

CCH Issues in Aviation Law and Policy

Available to order at <http://onlinestore.cch.com/default.asp?ProductID=1221&gpalooknfeel=bf>

Secondary Sources

<i>Annals of Air and Space Law</i>	Available to order at http://www.mcgill.ca/iasl/annals/
<i>Journal of Air Law and Commerce</i>	http://www.smu.edu/lra/Journals/JALC/Current.asp
<i>Transportation Law Journal</i>	http://www.law.du.edu/tlj/
<i>ABA Air and Space Lawyer</i>	http://www.abanet.org/forums/airspace/home.html

Nonlegal Periodicals

<i>Airport Magazine</i>	http://www.aaae.org/news/100_Airport_Magazine/
<i>Centerlines</i>	http://www.aci-na.org/
<i>Journal of Airport Management</i>	http://www.henrystewart.com/airport_management/index.html
<i>Aviation Daily</i>	http://www.aviationweek.com/aw/generic/channel.jsp?channel=aviationdaily
<i>Airport Business Magazine</i>	http://www.airportbusiness.com/
<i>Airport Noise Report</i>	http://www.airportnoisereport.com/
<i>Journal of Transport Economics and Policy</i>	http://www.bath.ac.uk/e-journals/jtep/

Government and Public Entities with Relevant Publications

Government Accountability Office—Reports and Testimony	http://www.gao.gov/docsearch/repanctest.html
DOT Office of Inspector General—Aviation and Special Programs Reading Room	http://www.oig.dot.gov/Room?subject=2
Joint Planning and Development Office—Library	http://www.jpdo.gov/library.asp
Federal Interagency Committee on Aviation Noise	http://www.fican.org/
Transportation Research Board—Airport Cooperative Research Program	http://www.trb.org/CRP/ACRP/ACRP.asp
McGill University Institute of Air and Space Law	http://www.mcgill.ca/iasl/

Government and Public Entities with Relevant Publications

Airport Noise Regulations (maintained by Boeing) <http://www.boeing.com/commercial/noise/index.html>

State Transportation Agencies

Alabama <http://www.dot.state.al.us/Docs/Bureaus/Aeronautics/Aeronautics+Index.htm>

Alaska <http://www.dot.state.ak.us/stwdav/index.shtml>

Arizona <http://www.azdot.gov/Aviation/index.asp>

Arkansas <http://www.ahtd.state.ar.us/>

California <http://www.dot.ca.gov/hq/planning/aeronaut/htmlfile/index.php>

Colorado <http://www.colorado-aeronautics.org/>

Connecticut <http://www.ct.gov/dot/cwp/view.asp?a=1390&Q=292426&dotPNavCtr=|40038|#40038>

Delaware <http://www.drbaairports.com/>

Florida <http://www.dot.state.fl.us/aviation/>

Georgia <http://tomcat2.dot.state.ga.us/Aviation/Home/index.cfm>

Hawaii <http://state.hi.us/dot/airports/index.htm>

Kansas <http://www.ksdot.org/divaviation/default.asp>

Kentucky <http://transportation.ky.gov/Aviation/>

Idaho <http://www.itd.idaho.gov/aero/>

Illinois <http://www.dot.state.il.us/aero/index.html>

Indiana <http://www.in.gov/indot>

Iowa <http://www.iawings.com/>

Louisiana http://www.dotd.louisiana.gov/section_home.asp?SEC=88

Maine <http://www.maine.gov/mdot/aviation/aviation-home.php>

Maryland <http://www.marylandaviation.com/>

State Transportation Agencies

Massachusetts	http://www.massport.com/airports/
Michigan	http://www.michigan.gov/aero/
Minnesota	http://www.dot.state.mn.us/aero/
Mississippi	http://www.mississippi.gov/frameset.jsp?URL=http%3A%2F%2Fwww.gomdot.com
Missouri	http://www.modot.org/othertransportation/
Montana	http://www.mdt.mt.gov/aviation/
Nebraska	http://www.aero.state.ne.us/
Nevada	http://www.nevadadot.com/traveler/aviation/
New Hampshire	http://www.nh.gov/dot/bureaus/aeronautics/index.htm
New Jersey	http://www.state.nj.us/transportation/commuter/aviation/
New Mexico	http://nmshtd.state.nm.us/main.asp?secid=10871
New York	https://www.nysdot.gov/portal/page/portal/modal/aviation
North Carolina	http://www.ncdot.org/transit/aviation/
North Dakota	http://www.nd.gov/ndaero/
Ohio	http://www.dot.state.oh.us/Aviation/
Oklahoma	http://www.ok.gov/agencies.php - Transportation (key in if link will not open)
Oregon	http://www.oregon.gov/Aviation/index.shtml
Pennsylvania	http://www.dot.state.pa.us/Internet/Bureaus/pdBOA.nsf/AviationHomepage?openframeset
Rhode Island	http://www.pvdairport.com/main.aspx?sec_id=72
South Carolina	http://www.scaeronautics.com/default.asp
South Dakota	http://www.sddot.com/fpa/Aeronautics/index.htm

State Transportation Agencies

Tennessee	http://www.tdot.state.tn.us/aeronautics/
Texas	http://www.dot.state.tx.us/services/aviation/default.htm
Utah	http://www.udot.utah.gov/main/f?p=100:pg:11056221475850990000:::V,T:,190
Vermont	http://www.vermontairports.com/
Virginia	http://www.doav.virginia.gov/
Washington	http://www.wsdot.wa.gov/Aviation/
West Virginia	http://www.wvdot.com/1_airports/1_airports.htm
Wisconsin	http://www.dot.wisconsin.gov/modes/air.htm
Wyoming	http://www.dot.state.wy.us/Default.jsp?sCode=air

III. INDEX OF AIRPORT LAW TOPICS AND FEDERAL SOURCES

Access Restrictions (See also Noise, Preemption)

49 U.S.C. §§ 47521–47533

14 C.F.R. Part 161 (Notice and approval of airport noise and access restrictions)

FAA Order 5190.6A, Airport Compliance Requirements (1989)

http://www.faa.gov/airports_airtraffic/airports/resources/publications/orders/media/Obligations_5190_6a.pdf

FAA Draft Aviation Noise Policy 2000

65 Fed. Reg. 43802 (July 14, 2000)

Tom Devine, *The Naples Decision: Sound Public Policy?*

20 Air and Space Lawyer 4 (Summer 2005)

Aimee Kratovil, *The Airport Noise and Capacity Act of 1990: Superfluous Hurdle for Airport Proprietors Who Have Assured Federal Grants*

12 Penn St. Envtl. L. Rev. 499 (2004)

Paul Stephen Dempsey, *Local Airport Regulation: The Constitutional Tension Between Police Power, Preemption & Takings*

11 Penn St. Envtl. L. Rev. 1 (2002)

Peter J. Kirsch & Daniel S. Reimer, *The Airport Noise Act: Safe Harbor or Procedural Hurdle*

16 Air and Space Lawyer 14 (Spring 2002)

Peter D. Irvine, *The Future of Stage 2 Noise Restrictions: A Matter of Substantive Versus Procedural Review by the Federal Aviation Administration*

11 Geo. Mason L. Rev. 179 (2002)

John J. Jenkins, *The Airport Noise and Capacity Act of 1990: Has Congress Finally Solved the Aircraft Noise Problem*

59 J. Air L. & Com. 1023 (1994)

Kaplan Kirsch & Rockwell and Harris Miller Miller & Hanson, Inc., *Guide to Airport Noise Rules and Use Restrictions*

Available to order at
<http://www.airportattorneys.com>

Air Transport Ass'n v. Crotti

389 F. Supp. 58 (N.D. Cal. 1975)

American Airlines v. DOT

202 F.3d 788 (5th Cir. 2000)

American Airlines v. Town of Hempstead

398 F.2d 369 (2d Cir. 1968)

Arapahoe County Pub. Airport Auth. v. FAA (on review of FAA decision in *Arapahoe County Pub. Airport Auth. v. Centennial Express Airlines, Inc.* 956, P.2d 587 (Colo. 1998))

242 F.3d 1213 (10th Cir. 2001)

Access Restrictions (See also Noise, Preemption)

<i>Arrow Air, Inc. v. Port Auth. of New York and New Jersey</i>	602 F. Supp. 314 (S.D.N.Y. 1985)
<i>British Airways Board v. Port Auth. of New York and New Jersey</i>	558 F.2d 75 <i>modified by</i> 564 F.2d 1002 (2d Cir. 1977)
<i>City and County of San Francisco v. FAA</i>	942 F.2d 1391 (9th Cir. 1991)
<i>City of Burbank v. Lockheed Air Terminal</i>	411 U.S. 624, 93 S. Ct. 1854, 36 L. Ed. 2d 547 (1973)
<i>City of Naples Airport Auth. v. FAA</i> (on review of FAA decision in <i>In the Matter of Compliance with Fed. Obligations by the Naples Airport Auth.</i>)	409 F.3d 431 (D.C. Cir. 2005)
<i>Command Helicopters, Inc. v. City of Chicago</i>	691 F. Supp. 1148 (N.D. Ill. 1988)
<i>Eastern Air Lines, Inc. v. FAA</i>	772 F.2d 1508 (11th Cir. 1985)
<i>Global Int'l Airways Corp. v. Port Auth. of New York and New Jersey</i>	727 F.2d 246 (2d Cir. 1984)
<i>Houston v. FAA</i>	679 F.2d 1184 (5th Cir. 1982)
<i>Midway Airlines, Inc. v. County of Westchester</i>	584 F. Supp. 436 (S.D.N.Y. 1984)
<i>Millard Refrigerated Services, Inc. v. FAA</i>	98 F.3d 1361 (D.C. Cir. 1996)
<i>Minnesota Public Lobby v. Metropolitan Airports Comm'n</i>	520 N.W.2d 388 (Minn. 1994)
<i>Montauk-Caribbean Airways, Inc. v. Hope</i>	784 F.2d 91 (2d Cir. 1986)
<i>National Aviation v. City of Hayward</i>	418 F. Supp. 417 (N.D. Cal. 1976)
<i>National Business Aviation Ass'n v. City of Naples Airport Auth.</i>	162 F. Supp. 2d 1343 (M.D. Fla. 2001)
<i>National Helicopter Corp. of America v. City of New York</i>	137 F.3d 81 (2d Cir. 1998)
<i>Pirolo v. City of Clearwater</i>	711 F.2d 1006 (11th Cir. 1983)
<i>San Diego Unified Port Dist. v. Gianturco</i>	651 F.2d 1306 (9th Cir. 1981)
<i>Santa Monica Airport Ass'n v. City of Santa Monica</i>	659 F.2d 100 (9th Cir. 1981)
<i>SeaAir NY, Inc. v. City of New York</i>	250 F.3d 183 (2d Cir. 2001)

Access Restrictions (See also Noise, Preemption)

- Tutor v. City of Hailey* Case No. CV-02-475-S-BLW, 2004 U.S. Dist. LEXIS (D. Idaho, April 6, 2004 (2004 WL 344437))
- United States v. City of Blue Ash* 487 F. Supp. 135 (S.D. Ohio 1978)
- United States v. County of Westchester* 571 F. Supp. 786 (S.D.N.Y. 1983) *questioned in part by National Helicopter*, 137 F.3d 81 (2d Cir. 1998)
- W. Airlines v. Port Auth. of New York and New Jersey* 817 F.2d 222 (2d Cir. 1987)

Air Quality (See also Environmental Review)

- Clean Air Act, 42 U.S.C. 7401, *et seq.*
- 40 C.F.R. Part 93 (Determining Conformity of Federal Actions to State or Federal Implementation Plans)
- U.S. Environmental Protection Agency (EPA), General Conformity Regulations Policy & Guidance <http://www.epa.gov/ttn/caaa/genconformity.html>
- FAA, *Air Quality Procedures for Civilian Airports and Air Force Bases* (1997) http://www.faa.gov/regulations_policies/policy_guidance/envir_policy/airquality_handbook/media/Handbook.PDF
- U.S. Government Accountability Office (GAO) Report, *Aviation and the Environment: Strategic Framework Needed to Address Challenges Posed by Aircraft Emissions* (2003) <http://www.gao.gov/new.items/d03252.pdf>
- American Association of Airport Executives (AAE) and Kaplan Kirsch & Rockwell, *An Introduction to Airport Air Quality Law* (2005) Available to order at <http://www.kaplankirsch.com>
- California ex. rel. State Air Resources Board v. Dep't of the Navy* 431 F. Supp. 1271 (N.D. Cal. 1977)
- Conservation Law Foundation v. Busey* 79 F.3d 1250 (1st Cir. 1996)

Airport Layout Plans (See also Environmental Review)

- 49 U.S.C. § 47107(a)(16)
- FAA Order 5100.38C, *Airport Improvement Program Handbook* (2005) http://www.faa.gov/airports_airtraffic/airports/aip/aip_handbook/

FAA Advisory Circular 150/5070-6B, *Airport Master Plans* (2007)

http://www.faa.gov/airports_airtraffic/airports/resources/advisory_circulars/media/150-5070-6B/150_5070_6b_chg1.pdf

Comm. to Stop Airport Expansion v. FAA

320 F.3d 285 (2d Cir. 2002)

Suburban O'Hare Comm'n v. Dole

787 F.2d 186 (7th Cir. 1986), *cert. denied* 479 U.S. 847

Sutton v. DOT

38 F.3d 621 (2d Cir. 1994)

Town of New Windsor v. Ronan

1973 U.S. Dist. LEXIS 14973 (S.D.N.Y. 1973)

Village of Bensenville v. FAA

457 F.3d 52 (D.C. Cir. 2006)

Airport Operating Certificates

49 U.S.C. § 44706

14 C.F.R. Part 139 (Certification of Airports)

Antitrust

Harvey A. Strickon, *Can Antitrust Violations in the Aircraft Industry Truly Exist?*

20 Air and Space Lawyer 14 (Winter 2006)

R. Bruce Wark, *A Review of Airline Predatory Pricing Cases*

20 Air and Space Lawyer 1 (Spring 2006)

Greg Buhler, *Airline Behavior and the Antitrust Laws: Competition and the Low-Cost Carrier*

12 Air and Space Lawyer 3 (Winter 1998)

Allright Colorado, Inc. v. City and County of Denver

937 F.2d 1502 (10th Cir. 1991)

Avis Rent A Car System, Inc. v. Monroe County

660 So. 2d 413 (Fla. Dist. Ct. App. 1995)

Cedarhurst Air Charter v. Waukesha County

110 F. Supp. 2d 891 (E.D. Wis. 2000)

Commuter Transp. Sys., Inc. v. Hillsborough County Aviation Auth.

801 F.2d 1286 (11th Cir. 1986)

Cont'l Airlines, Inc. v. United Airlines, Inc.

277 F.3d 499 (4th Cir. 2002)

Four T's, Inc. v. Little Rock Muni. Airport Comm'n

108 F.3d 909 (8th Cir. 1997)

General Rent-A-Car v. Roberts

1988 U.S. Dist. LEXIS 18653 (S.D. Fla. 1988)

Golta, Inc. v. Greater Orlando Aviation Auth.

761 F. Supp. 778 (M.D. Fla. 1991)

Antitrust

<i>Interface Group, Inc. v. Mass. Port Auth.</i>	816 F.2d 9 (1st Cir. 1987)
<i>Northeast Jet Center v. Lehigh-Northhampton Airport Auth.</i>	767 F. Supp. 672 (E.D. Penn. 1991)
<i>Pennsylvania v. Susquehanna Area Reg'l Airport Auth.</i>	423 F. Supp. 2d 472 (M.D. Pa. 2006)
<i>Zimomra v. Alamo Rent-A-Car</i>	111 F.3d 1495 (10th Cir. 1997)

Bankruptcy

GAO Report, <i>Commercial Aviation: Bankruptcy and Pension Problems Are Symptoms of Underlying Structural Issues</i> (2005)	http://www.gao.gov/new.items/d05945.pdf
<i>In the Matter of American Central Airlines, Inc.</i>	52 B.R. 567 (Bankr. N.D. Iowa 1985)
<i>In re Braniff Airways, Inc.</i>	700 F.2d 935 (5th Cir. 1983)
<i>In re Continental Air Lines</i>	61 B.R. 758 (S.D. Tex. 1986)
<i>Eastern Air Lines, Inc. v. FAA</i>	772 F.2d 1508 (11th Cir. 1985)
<i>In re Gull Air, Inc.</i>	890 F.2d 1255 (1st Cir. 1989)
<i>In re Horizon Air</i>	156 B.R. 369 (N.D.N.Y. 1993)
<i>In re Jet 1 Center, Inc.</i>	335 B.R. 771 (Bankr. M.D. Fla. 2005)
<i>In re Jet Express, Inc.</i>	158 B.R. 578 (S.D.N.Y. 1993)
<i>Matter of Midway Airlines, Inc.</i>	6 F.3d 492 (7th Cir. 1993)
<i>In re Menier</i>	59 B.R. 588 (Bankr. N.D. Ohio 1986)
<i>In re Trans World Airlines, Inc.</i>	261 B.R. 103 (Bankr. D. Del. 2001)
<i>In re United Airlines, Inc.</i>	453 F.3d 463 (7th Cir. 2006)
<i>In re United Airlines, Inc.</i>	447 F.3d 504 (7th Cir. 2006)
<i>United Airlines, Inc. v. HSBC Bank USA</i>	416 F.3d 609 (7th Cir. 2005)

Capital Projects (See Development and Planning)

Closure

14 C.F.R. Part 157 (Notice of construction, alteration, activation, and deactivation of airports)

FAA Order 5190.6A, Airport Compliance Requirements (1989)

http://www.faa.gov/airports_airtraffic/airports/resources/publications/orders/media/Obligations_5190_6a.pdf

Friends of Richards-Gebaur Airport v. FAA

251 F.3d 1178 (8th Cir. 2001)

Competition

49 U.S.C. §§ 40117(k), 47106(f), and 47107(s)

FAA/OST Task Force Study, *Airport Business Practices and Their Impact on Airline Competition* (1999)

<http://ostpxweb.dot.gov/aviation/domav/airports.pdf>

DOT, *Enforcement Policy Regarding Unfair Exclusionary Conduct in the Air Transportation Industry: Findings and Conclusions on the Economic, Policy, and Legal Issues*, Docket OST-98-3713 (2001)

http://dmses.dot.gov/docimages/pdf59/121521_web.pdf

DOT, *Enforcement Policy Regarding Unfair Exclusionary Conduct in the Air Transportation Industry*

63 Fed. Reg. 17919 (1998)

FAA, *Initial Competition Plan Requirement*, Program Guidance Letter 00-03 (May 8, 2000)

(Request copy from FAA)

FAA, *Revised for 18 Month Interval*, Program Guidance Letter 03-01 (Nov. 19, 2002)

http://www.faa.gov/airports_airtraffic/airports/aip/guidance_letters/media/PGL_03-01.pdf

FAA, *Revised for Lease Changes*, Program Guidance Letter 04-08 (Sept. 30, 2004)

http://www.faa.gov/airports_airtraffic/airports/aip/guidance_letters/media/PGL_04-08.pdf

FAA, *Airport Competition Plans: Highlights of Reported Actions to Reduce Barriers to Entry and Enhance Competitive Access* (Sept. 2004)

http://www.faa.gov/airports_airtraffic/airports/aip/guidance_letters/media/pgl_04_08b_competition_highlights_2006.pdf

Spirit Airlines, Inc. v. Northwest Airlines, Inc.

431 F.3d 917 (6th Cir. 2005)

United States v. AMR Corp.

335 F.3d 1109 (10th Cir. 2003)

Virgin Atlantic Airways, Ltd. v. British Airways, PLC

257 F.3d 256 (2d Cir. 2001)

Development and Planning (See also Environmental Review)

FAA Order 5100.38C, <i>Airport Improvement Program Handbook</i> (2005)	http://www.faa.gov/airports_airtraffic/airports/aip/aip_handbook/
FAA Advisory Circular 150/5070-6B, <i>Airport Master Plans</i> (2007)	http://www.faa.gov/airports_airtraffic/airports/resources/advisory_circulars/media/150-5070-6B/150_5070_6b_chg1.pdf
FAA Advisory Circular 150/5070-7, <i>The Airport System Planning Process</i> (2004)	http://www.faa.gov/airports_airtraffic/airports/resources/advisory_circulars/media/150-5070-7/150_5070_7.pdf
FAA Advisory Circular 150/5100-14D, <i>Architectural, Engineering and Planning Consultant Services for Airport Grant Projects</i> (2005)	http://www.faa.gov/airports_airtraffic/airports/resources/advisory_circulars/media/150-5100-14D/150_5100_14d.pdf
FAA Advisory Circular 150/5200-33A, <i>Hazardous Wildlife Attractants On or Near Airports</i> (2004)	http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/51eb9ab12a224e8586256f160052c678/\$FILE/150-5200-33A.pdf
FAA Advisory Circular 150/5300-13, <i>Airport Design</i> (1989)	http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/c9f1039842ebce9986256c690074f3c4/\$FILE/150_5300_13_part1.pdf
FAA Advisory Circular 150/5360-14, <i>Access to Airports by Individuals with Disabilities</i> (1999)	http://www.faa.gov/airports_airtraffic/airports/resources/advisory_circulars/media/150-5360-14/150_5360_14.PDF
FAA Airport Series 150 Advisory Circular Library	http://www.faa.gov/airports_airtraffic/airports/resources/advisory_circulars/

Disadvantaged Business Enterprise

49 U.S.C. §§ 47107(e) and 47113

49 C.F.R. Part 23 (Participation of disadvantaged business enterprise in airport concessions)

49 C.F.R. Part 26 (Participation by disadvantaged business enterprises in DOT financial assistance programs)

Adarand Constructors, Inc. v. Pena 515 U.S. 200, 11 S. Ct. 2097, 132 L. Ed. 2d 158 (1995)

Baja Contractors, Inc. v. City of Chicago 830 F.2d 667 (7th Cir. 1987)

Disadvantaged Business Enterprise

<i>City of Richmond v. J.A. Croson Co.</i>	488 U.S. 469, 109 S. Ct. 706, 102 L. Ed. 2d 854 (1988)
<i>Cunningham v. Adams</i>	808 F.2d 815 (11th Cir. 1987)
<i>COMPACT v. Metro. Gov't of Nashville & Davidson County</i>	594 F. Supp. 1567 (M.D. Tenn. 1984)
<i>Concrete Works of Colorado, Inc. v. City and County of Denver</i>	321 F.3d 950 (10th Cir. 2003)
<i>Holland / Blue Streak v. Barthelemy</i>	849 F.2d 987 (5th Cir 1988)
<i>Klaver Constr. Co. v. Kan. DOT</i>	211 F. Supp. 2d 1296 (D. Kan. 2002)
<i>Lewis v. United Air Lines, Inc.</i>	117 F. Supp. 2d 434 (D. N.J. 2000)
<i>N. Contracting, Inc. v. Illinois</i>	473 F.3d 715 (7th Cir. 2007)
<i>Sherbrooke Turf, Inc. v. Minn. Dep't of Transp.</i>	345 F.3d 964 (8th Cir. 2003)
<i>S.J. Groves & Sons, Co. v. Fulton County</i>	920 F.2d 752 (11th Cir. 1991)
<i>Western States Paving Co. v. Wash. Dep't of Transp.</i>	407 F.3d 983 (9th Cir. 2005)

DOT Act Section 4(f) (See Environmental Review)**Environmental Review** (See also Development and Planning)

National Environmental Policy Act, 42 U.S.C. §§ 4321-43

49 U.S.C. §§ 47171– 47175

40 C.F.R. Parts 1500-1508 (Council on Environmental Quality)

Executive Order 13274, *Environmental Stewardship and Transportation Infrastructure Project Reviews* (2002)

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=02-24252-filed.pdf

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (1994)

http://www.epa.gov/region2/ej/exec_order_12898.pdf

DOT Order 5610.2, *Environmental Justice in Minority and Low-Income Populations* (1997)

http://www.fhwa.dot.gov/environment/ejustice/dot_ord.htm

Environmental Review (See also Development and Planning)

- FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Projects* (2006) http://www.faa.gov/airports_airtraffic/airports/resources/publications/orders/environmental_5050_4/
- FAA Order 1050.1E, *Environmental Impacts: Policies and Procedures* (2004) http://www.faa.gov/regulations_policies/orders_notices/media/10501ECHG.pdf
- FAA Environmental Records of Decision http://www.faa.gov/airports_airtraffic/airports/environmental/records_decision/
- FAA, *Environmental Management Systems and NEPA Adaptive Management* (2004) http://www.faa.gov/regulations_policies/policy_guidance/envir_policy/media/WebEMSAadaptive.pdf
- FAA, *Best Practices for Environmental Impact Statement Management* (2001) http://www.faa.gov/airports_airtraffic/airports/environmental/eis_best_practices/
- DOT Report to U.S. Congress, *Environmental Review of Airport Improvement Projects* (2001) http://www.faa.gov/airports_airtraffic/airports/resources/publications/reports/environmental/media/enviro_review_airport_improvement_projects_report.pdf
- GAO Report, *Aviation and the Environment: Airport Operations and Future Growth Present Environmental Challenges* (2000) <http://www.gao.gov/archive/2000/rc00153.pdf>
- Daniel R. Mandelker, *NEPA Law and Litigation* (2d. ed. 2006) Thomson West, Environmental Law Series
- The NEPA Litigation Guide* (Karin P. Sheldon & Mark Squillace eds., 1999)
- Andrew C. Mergen, *The Changing Nature of Airport Environmental Litigation* 18 Air and Space Lawyer 1 (Winter 2004)
- Jeffrey A. Berger, *False Promises: NEPA's Role in Airport Expansions and the Streamlining of the Environmental Review Process* 18 J. Env'tl. L. & Litig. 279 (2003)
- Barbara E. Lichman, *Streamlining Environmental Review: Myth or Reality? Changing Old Rules to Give Airport Neighbors a Chance* 15 Air and Space Lawyer 1 (Winter 2001)
- Airport Communities Coalition v. Graves* 280 F. Supp. 2d 1207 (W.D. Wash. 2003)
- Airport Neighbors Alliance v. United States* 90 F.3d 426 (10th Cir. 1996)
- Aircraft Owners & Pilots Ass'n v. Hinson* 102 F.3d 1421 (7th Cir. 1996)
- Alameda v. FAA* 285 F.3d 1143 (9th Cir. 2002)

Environmental Review (See also Development and Planning)

<i>Alliance for Legal Action v. FAA</i>	69 Fed. App'x 617 (4th Cir. 2003)
<i>Allison v. DOT</i>	908 F.2d 1024 (D.C. Cir. 1990)
<i>Berkeley Keep Jets Over the Bay Comm. v. DOT</i>	111 Cal. Rptr. 2d 598 (Cal. Ct. App. 2001)
<i>California v. DOT</i>	260 F. Supp. 2d 969 (N.D. Cal. 2003)
<i>Charter Township of Huron v. Richards</i>	997 F.2d 1168 (6th Cir. 1993)
<i>Citizens Against Burlington, Inc. v. Busey</i>	938 F.2d 190 (D.C. Cir. 1991)
<i>City of Alameda v. FAA</i>	285 F.3d 1143 (9th Cir. 2002)
<i>City of Bridgeton v. Slater</i>	212 F.3d 448 (8th Cir. 2000)
<i>City of Dania Beach v. FAA</i>	485 F.3d 1181 (D.C. Cir. 2007)
<i>City of Grapevine v. DOT</i>	17 F.3d 1502 (D.C. Cir. 1994)
<i>City of Los Angeles v. FAA</i>	138 F.3d 806 (9th Cir. 1998)
<i>City of Olmstead Falls v. FAA</i>	292 F.3d 261 (D.C. Cir. 2002)
<i>City of Oxford v. FAA</i>	428 F.3d 1346 (11th Cir. 2005)
<i>City of Richfield v. FAA</i>	152 F.3d 905 (8th Cir. 1998)
<i>City of Tempe v. FAA</i>	239 F. Supp. 2d 55 (D.D.C. 2003)
<i>Comm. to Stop Airport Expansion v. FAA</i>	320 F.3d 285 (2d Cir. 2003)
<i>Cmtys., Inc. v. Busey</i>	956 F.2d 619 (6th Cir. 1992)
<i>Cmtys. Against Runway Expansion, Inc. v. FAA</i>	355 F.3d 678 (D.C. Cir. 2004)
<i>Custer County Action Ass'n v. Garvey</i>	256 F.3d 1024 (10th Cir. 2001)
<i>Davis Mountains Trans-Pecos Heritage Ass'n v. FAA</i>	116 Fed. App'x 3 (5th Cir. 2004)
<i>Davison v. DOD</i>	560 F. Supp. 1019 (S.D. Ohio 1982)
<i>Friends of Richards-Gebaur Airport v. FAA</i>	251 F.3d 1178 (8th Cir. 2001)
<i>Grand Canyon Trust v. FAA</i>	290 F.3d 339 (D.C. Cir. 2002)
<i>Heide v. FAA</i>	110 Fed. App'x 724 (8th Cir. 2004)
<i>Morongo Band of Mission Indians v. FAA</i>	161 F.3d 569 (9th Cir. 1998)

Environmental Review (See also Development and Planning)

<i>National Parks and Conservation Ass'n v. FAA</i>	998 F.2d 1523 (10th Cir. 1993)
<i>National Parks and Conservation Ass'n v. DOT</i>	222 F.3d 677 (9th Cir. 2000)
<i>Save Our Heritage v. FAA</i>	269 F.3d 49 (1st Cir. 2001)
<i>Seattle Comty. Council Fed'n v. FAA</i>	961 F.2d 829 (9th Cir. 1992)
<i>Se. Queens Concerned Neighbors, Inc. v. FAA</i>	229 F.3d 387 (2d Cir. 2000)
<i>Suburban O'Hare Comm'n v. Dole</i>	787 F.2d 186 (7th Cir. 1986)
<i>Town of Cave Creek v. FAA</i>	325 F.3d 320 (D.C. Cir. 2003)
<i>Town of Fairview v. DOT</i>	201 F. Supp. 2d 64 (D.C. Cir. 2002)
<i>Town of Rye v. Skinner</i>	907 F.2d 23 (2d Cir. 1990)
<i>Town of Stratford v. FAA</i>	285 F.3d 84 (D.C. Cir. 2002)
<i>Town of Stratford v. FAA</i>	292 F.3d 251 (D.C. Cir. 2002)

Exclusive Rights (See Grant Assurances)**Expansion** (See Development and Planning, Local Land Use Regulation)**Finance**

49 U.S.C. §§ 40117, 47107, & 47133

14 C.F.R. Part 158 (Passenger facility charges)

FAA Policy Regarding Airport Rates and Charges (1996), overruled in part by *Air Transport Ass'n of America v. DOT* http://www.faa.gov/airports_airtraffic/airports/resources/publications/federal_register_notices/media/obligation_rates96.pdf

FAA Policy and Procedures Concerning the Use of Airport Revenue (1999) 64 Fed. Reg. 7696 (1999)

FAA Order 5500.1, *Passenger Facility Charges* (2001) http://www.faa.gov/airports_airtraffic/airports/resources/publications/orders/media/PFC_55001.pdf

FAA Advisory Circular 150/5100-19C, *Guide for Airport Financial Reports Filed by Airport Sponsors* (2004) http://www.faa.gov/airports_airtraffic/airports/resources/advisory_circulars/media/150-5100-19C/150_5100_19C.pdf

Finance

- J. Trock, *Recent Developments in Airport Rates and Charges* 20 Air and Space Lawyer 1 (Fall 2005)
- Daniel R. Polsby, *Airport Pricing of Aircraft Takeoff and Landing Slots: An Economic Critique of Federal Regulatory Policy* 89 Cal. L. Rev. 779 (2001)
- Christopher R. Rowley, *Financing Airport Capital Development: The Aviation Industry's Greatest Challenge* 63 J. Air L. & Com. 605 (1998)
- Suzanne Imes, Comment: *Airline Passenger Facility Charges: What Do They Mean for an Ailing Industry* 60 J. Air L. & Com. 1039 (1995)
- Air Canada v. DOT* (on review of DOT decision in *Miami Int'l Airport Rates Proceeding*) 148 F.3d 1142 (D.C. Cir. 1998)
- Aircraft Owners and Pilots Ass'n v. Port Authority of New York* 305 F. Supp. 93 (E.D.N.Y. 1969)
- Air Transport Ass'n of America v. DOT* 119 F.3d 38, amended by 129 F.3d 625 (D.C. Cir. 1997)
- Air Transport Ass'n of America v. FAA* 169 F.3d 1 (D.C. Cir. 1999)
- Air Transport Ass'n of America v. City of Los Angeles* 844 F. Supp. 550 (C.D. Cal. 1994)
- Aloha Airlines, Inc. v. Director of Taxation of Hawaii* 464 U.S. 7, 104 S. Ct. 291, 78 L. Ed. 2d 10 (1983)
- Arrow Airways, Inc. v. Dade County* 749 F.2d 1489 (11th Cir. 1985)
- Branson v. Port of Seattle* 152 Wash. 2d 862, 101 P. 3d 67 (2004)
- City and County of Denver v. Continental Air Lines, Inc.* 712 F. Supp. 834 (D. Colo. 1989)
- City of Los Angeles v. FAA* 239 F.3d 1033 (9th Cir. 2001)
- City of Los Angeles v. DOT* (on review of DOT decision in *Los Angeles Int'l Airport Rates Proceeding*; *Second Los Angeles Int'l Airport Rates Proceeding*) 103 F.3d 1027 (D.C. Cir. 1997)

Finance

<i>Evansville-Vanderburgh Airport Auth. Dist. v. Delta Airlines</i>	405 U.S. 707, 92 S. Ct. 1349, 31 L. Ed. 2d 620 (1972), <i>superseded by statute</i> , Airport Development Acceleration Act of 1973, 49 U.S.C. § 1513, <i>as recognized in Aloha Airlines v. Dir. of Taxation</i> , 464 U.S. 7, 9 (1983)
<i>Illinois Department of Transportation v. Hinson</i>	122 F.3d 370 (7th Cir. 1997)
<i>Indianapolis Airport Authority v. American Airlines, Inc.</i>	733 F.2d 1262 (7th Cir. 1984). (Overruled by <i>Northwest Airlines v. County of Kent</i> 510 U.S. 355, 114 S. Ct. 855, 127 L. Ed. 2d 183 (1994))
<i>Interface Group v. Mass. Port Auth.</i>	816 F.2d 9 (1st Cir. 1987)
<i>In re Menier</i>	59 B.R. 588 (Bankr. N.D. Ohio 1986)
<i>Miller Aviation v. Milwaukee County Bd. of Supervisors</i>	273 F.3d 722 (7th Cir. 2001)
<i>New England Legal Foundation v. Massachusetts Port Authority</i>	883 F.2d 157 (1st Cir. 1989)
<i>Niagara Frontier Transp. Auth. v. Eastern Airlines, Inc.</i>	658 F. Supp. 247 (W.D.N.Y. 1987)
<i>Northwest Airlines, Inc. v. County of Kent</i>	510 U.S. 355, 114 S. Ct. 855, 127 L. Ed. 2d 183 (1994)
<i>Northwest Airlines, Inc. v. FAA</i>	14 F.3d 64 (D.C. Cir. 1994)
<i>Northwest Airlines, Inc. v. Minnesota</i>	322 U.S. 292, 64 S. Ct. 950, 88 L. Ed. 1283 (1944)
<i>Office of Hawaiian Affairs v. State</i>	133 P.3d 767 (Haw. 2006)
<i>Port Auth. of N.Y. & N.J. v. DOT</i> (on review of DOT decision in <i>Brendan Airways, LLC v. Port Auth. of N.Y. & N.J.</i>)	479 F.3d 21 (D.C. Cir. 2007)
<i>Raleigh-Durham Airport Auth. v. Delta Air Lines, Inc.</i>	429 F. Supp. 1069 (E.D.N.C. 1976)
<i>Richland-Lexington Airport Dist. v. American Airlines, Inc.</i>	306 F. Supp. 2d 548 (D.S.C. 2002)
<i>Rocky Mtn. Airways, Inc. v. County of Pitkin</i>	674 F. Supp. 312 (D. Colo. 1987)
<i>Salem Transp. Co. of New Jersey v. Port Authority of N.Y. & N.J.</i>	611 F. Supp. 254 (S.D.N.Y. 1985)

Finance

<i>Sea Air Shuttle Corp. v. Virgin Islands Port Auth.</i>	800 F. Supp. 293 (D. Virgin Is. 1992)
<i>Southeast Queens Concerned Neighbors, Inc. v. FAA</i>	229 F.3d 387 (2d Cir. 2000)
<i>Southern Airways v. City of Atlanta</i>	428 F. Supp. 1010 (N. D. Ga. 1977)
<i>Sw. Air Ambulance, Inc. v. City of Las Cruces</i>	268 F.3d 1162 (10th Cir. 2001)
<i>Transport Limousine of Long Island v. Port Auth. of N.Y. & N.J.</i>	571 F. Supp. 576 (E.D.N.Y. 1983)
<i>Village of Bensenville v. FAA</i>	376 F.3d 1114 (D.C. Cir. 2004)
<i>Alaska Airlines v. Los Angeles World Airport</i>	Order 2007-6-8, Docket No. OST-2007-27331, 2007, DOT Av LEXIS 437 (June 15, 2007) <i>on appeal</i>
Puerto Rico Ports Auth. Rates Proceeding	Order 95-5-13, Docket No. 50178, 1995 DOT Av LEXIS 313 (May 11, 1995)
<i>Transworld Airlines, Inc. v. City and County of Denver</i>	Order 95-7-27, Docket No. 50414, 1995 DOT Av LEXIS 456 (July 21, 1995)

First Amendment

<i>Air Line Pilots Ass'n, Int'l v. Dep't of Aviation of the City of Chicago</i>	45 F.3d 1144 (7th Cir. 1995)
<i>Atlanta Journal and Constitution v. City of Atlanta Dep't of Aviation</i>	107 F. Supp. 2d 1375 (N.D. Ga. 2000), <i>aff'd</i> , 277 F.3d 1322 (11th Cir. 2002), <i>vacated in part and aff'd in part on reh'g en banc</i> , 322 F.3d 1298 (2003), <i>aff'd by</i> 442 F.3d 1283 (11th Cir. 2006)
<i>Beauharnais v. People of State of Ill.</i>	343 U.S. 250, 72 S. Ct. 725, 96 L. Ed. 919 (1952)
<i>Brandenburg v. Ohio</i>	395 U.S. 444, 89 S. Ct. 1827, 23 L. Ed. 2d 430 (1969)
<i>Brashich v. Port Auth.</i>	484 F. Supp. 697 (S.D.N.Y. 1979)
<i>Capital Leasing of Ohio, Inc. v. Columbus Mun. Airport Auth.</i>	13 F. Supp. 2d 640 (S.D. Ohio 1999)
<i>Ctr. Bioethical Reform, Inc. v. City and County of Honolulu</i>	455 F.3d 910 (9th Cir. 2006)
<i>Chaplinsky v. State of New Hampshire</i>	315 U.S. 568, 62 S. Ct. 766, 86 L. Ed. 1031 (1942)

First Amendment

<i>Christian Sci. Reading Room Jointly Maintained v. Airports Comm'n</i>	792 F.2d 124 (9th Cir. 1986)
<i>County of Allegheny v. Am. Civil Liberties Union</i>	492 U.S. 573, 109 S. Ct. 3086, 106 L. Ed. 2d 472 (1989)
<i>Cox v. State of La.</i>	379 U.S. 559, 85 S. Ct. 476, 13 L. Ed. 2d 487 (1965)
<i>Freedman v. Maryland</i>	380 U.S. 51, 85 S.Ct. 734, 13 L.Ed. 2d 649 (1965)
<i>Gannett Satellite Information Network, Inc. v. Berger</i>	894 F.2d 61 (3d Cir. 1990)
<i>Gaudiya Vaishnava Soc'y v. City and County of San Francisco</i>	952 F.2d 1059 (9th Cir. 1991)
<i>Good News Club v. Milford Cent. Sch.</i>	533 U.S. 98, 121 S. Ct. 2093, 150 L. Ed. 2d 151 (2001)
<i>Greer v. Spock</i>	424 U.S. 828, 96 S. Ct. 1211, 47 L. Ed. 2d 505 (1976)
<i>Grutzmacher v. County of Clark</i>	33 F. Supp. 2d 896 (D. Nev. 1999)
<i>Hawley v. City of Cleveland</i>	24 F.3d 814 (6th Cir. 1994)
<i>Int'l Soc'y for Krishna Consciousness, Inc. v. Lee</i>	505 U.S. 672, 112 S. Ct. 2701, 120 L. Ed. 2d 541 (1992)
<i>Int'l Soc'y for Krishna Consciousness, Inc. v. Los Angeles</i>	966 F. Supp. 956 (C.D. Cal. 1997)
<i>Int'l Soc'y for Krishna Consciousness of Missouri, Inc. v. City of St Louis</i>	890 S.W.2d 660 (Mo. Ct. App. E.D. 1994)
<i>ISKCON Miami, Inc. v. Metro. Dade County</i>	147 F.3d 1282 (11th Cir. 1998)
<i>Jews for Jesus, Inc. v. Port of Portland, Or.</i>	DC No. CV 04-00695 HU 2005 (D. Or. 2005), WL 1109698 <i>aff'd</i> by 172 Fed. App'x. 760 (9th Cir. 2006)
<i>Lee v. Int'l Soc'y for Krishna Consciousness, Inc.</i>	505 U.S. 830, 112 S. Ct. 2709, 120 L. Ed. 2d 669 (1992)
<i>Lemon v. Kurtzman</i>	403 U.S. 602, 91 S. Ct. 2105, 29 L. Ed. 2d 745 (1971)
<i>Multimedia Publ'g Co. of South Carolina v. Greenville-Spartanburg Airport</i>	991 F.2d 154 (4th Cir. 1993)

First Amendment

<i>Park Shuttle N Fly, Inc. v. Norfolk Airport Auth.</i>	352 F. Supp. 2d 688 (E.D. Va. 2004)
<i>Perry Educ. Assn. v. Perry Local Educators' Assn.</i>	460 U.S. 37, 103 S. Ct. 948, 74 L. Ed. 2d 794 (1983)
<i>Phoenix Newspapers, Inc. v. Tucson Airport Auth.</i>	842 F. Supp. 381 (D. Ariz. 1993)
<i>Schenck v. Pro-Choice Network of Western New York</i>	519 U.S. 357, 117 S. Ct. 855, 137 L. Ed. 2d 1 (1997)
<i>Springfield v. San Diego Unified Port Dist.</i>	950 F. Supp. 1482 (S.D. Cal. 1996)
<i>Storti v. Se. Transp. Auth.</i>	1999 U.S. Dist. LEXIS 14515 (E.D. Pa. 1999)
<i>Times Film Corp. v. City of Chicago</i>	365 U.S. 43, 81 S. Ct. 391, 5 L. Ed. 2d 403 (1961)
<i>United States v. Kokinda</i>	497 U.S. 720, 110 S. Ct. 3115, 11 L. Ed. 2d 571 (1990)
<i>Vill. of Schaumburg v. Citizens for a Better Env't</i>	444 U.S. 620, 100 S. Ct. 826, 63 L. Ed. 2d 73 (1980)
<i>Wickersham v. City of Columbia, Mo.</i>	371 F. Supp. 2d 1061 (W.D. Mo. 2005)

Grant Assurances

49 U.S.C. § 47107

14 C.F.R. Part 16 (Rules of practice for federally-assisted airport enforcement proceedings)

Sponsor Assurances

<http://www.faa.gov>
http://www.faa.gov/airports_airtraffic/airports/regional_guidance/northwest_mountain/airports_resources/forms/media/applications/2005assurances.doc

FAA Order 5190.6A, *Airport Compliance Requirements* (1989)

http://www.faa.gov/airports_airtraffic/airports/resources/publications/orders/media/Obligations_5190_6a.pdf

FAA Advisory Circular 150/5190-6, *Exclusive Rights at Federally Obligated Airports* (2007)

http://www.faa.gov/airports_airtraffic/airports/resources/advisory_circulars/media/150-5190-6/150_5190_6.pdf

Grant Assurances

M.O. Regensteiner, Annotated, <i>Validity, Construction and Operation of Airport Operator's Grant of Exclusive or Discriminatory Privilege or Concession</i>	40 A.L.R. 2d 1060
<i>Aircraft Owners & Pilots Ass'n v. Hinson</i>	102 F.3d 1421 (7th Cir. 1996)
<i>Arapahoe County Pub. Airport Auth. v. FAA</i> (on review of FAA decision in <i>Centennial Express Airlines v. Arapahoe County Pub. Airport Auth.</i>)	242 F.3d 1213 (10th Cir. 2001)
<i>Boca Airport, Inc. v. FAA</i> (on review of FAA decision in <i>Boca Airport, Inc. v. Boca Raton Airport Auth.</i>)	389 F.3d 185 (D.C. Cir. 2004)
<i>City of Naples Airport Auth. v. FAA</i> (on review of FAA decision in <i>In the Matter of Compliance with Federal Obligations by Naples Airport Authority</i>)	409 F.3d 431 (D.C. Cir. 2005)
<i>City of Pompano Beach v. FAA</i>	774 F.2d 1529 (11th Cir. 1985)
<i>E. Hampton Airport Property Owners Ass'n v. Town Bd. of the Town of E. Hampton</i>	72 F. Supp. 2d 139 (E.D.N.Y. 1999)
<i>Four T's, Inc. v. Little Rock Mun. Airport Comm'n</i>	108 F.3d 909 (8th Cir. 1997)
<i>Kemmons Wilson, Inc. v. FAA</i>	882 F.2d 1041 (6th Cir. 1989)
<i>Lange v. FAA</i>	208 F.3d 389 (2d Cir. 2000)
<i>Mineta v. County of Delaware</i>	Case No. 05-CV-0297-CVE-PJC, 2006 LEXIS 67566 (N.D. Okla. September 19, 2006), 2006 WL 2711559
<i>New England Legal Foundation v. Massachusetts Port Auth.</i>	883 F.2d 157 (1st Cir. 1989)
<i>Niswonger v. American Aviation, Inc.</i>	411 F. Supp. 763 (E.D. Tenn. 1974)
<i>Penobscot Air Services v. FAA</i> (on review of FAA decision in <i>Penobscot Air Services v. County of Knox Bd. of Commissioners</i>)	164 F.3d 713 (1st Cir. 1999)
<i>Pollnow v. Hinson</i>	1999 U.S. App. LEXIS 1233 (7th Cir. 1999)
<i>Scott Aviation, Inc. v. DuPage Airport Auth.</i> (on review of FAA decision in <i>Scott Aviation v. DuPage Airport Auth.</i>)	393 F. Supp. 2d 638 (N.D. Ill. 2005)

Grant Assurances

Wilson Air Center v. FAA (on review of FAA decision in *Wilson Air Center v. Memphis and Shelby County Airport Authority*)

372 F.3d 807 (6th Cir. 2004)

FAA Administrative Decisions

<http://part16.airports.faa.gov/>

Ground Access

Ace Rent-A-Car, Inc. v. Indianapolis Airport Auth.

612 N.E.2d 1104 (Ind. Ct. App. 1993)

Airline Car Rental, Inc. v. Shreveport Airport Auth.

667 F. Supp. 303 (W.D. La. 1987)

Airport Taxi Cab Advisory Comm. v. City of Atlanta

584 F. Supp. 961 (N.D. Ga. 1983)

Airporter of Colo., Inc. v. Interstate Commerce Comm'n

866 F.2d 1238 (10th Cir. 1989)

Alamo Rent-A-Car, Inc. v. Bd. of Supervisors of Orange County

272 Cal. Rptr. 19 (Cal. Ct. App. 1990)

Alamo Rent-A-Car, Inc. v. City of Palm Springs

955 F.2d 30 (9th Cir. 1992), *as amended on denial of reh'g*

Alamo Rent-A-Car, Inc. v. Sarasota – Manatee Airport Auth.

906 F.2d 516 (11th Cir. 1990)

Alamo Rent-A-Car, Inc. v. Sarasota – Manatee Airport Auth.

825 F.2d 367 (11th Cir. 1987)

Allegro Serv., Ltd. v. Metro. Pier & Exposition Auth.

172 Ill. 2d 243, 665 N.E.2d 1246 (1996)

Allright Colorado, Inc. v. Denver

937 F.2d 1502 (10th Cir. 1991)

Am. Airlines, Inc. v. Mass. Port Auth.

560 F.2d 1036 (1st Cir. 1977)

Am. Trucking Ass'ns, Inc. v. Mich. Pub. Serv. Comm'n

545 U.S. 429, 125 S. Ct. 2419, 162 L. Ed. 2d 407 (2005)

Am. V.I.P. Limousines, Inc. v. Dade County Comm'rs

757 F. Supp. 1382 (S.D. Fla. 1991)

Astro Limousine Serv. v. Hillsborough County Aviation Auth.

678 F. Supp. 1561 (M.D. Fla. 1988)

Branson v. Port of Seattle

152 Wash. 2d 862, 101 P. 3d 67 (2004)

Ground Access

- Budget Rent-A-Car Sys., Inc. v. County of Wayne* 742 F. Supp. 947 (E.D. Mich. 1990)
- Burbank-Glendale-Pasadena Airport Auth. v. City of Burbank* 76 Cal. Rptr. 2d 297 (Cal. Ct. App. 1998)
- Charter Limousine v. Dade County Bd. of County Comm'rs* 678 F.2d 586 (5th Cir. 1982)
- City of Kenner v. New Orleans Aviation Bd.* 603 So. 2d 220 (La. Ct. App. 1992)
- City of Lubbock v. Currey Enters., Inc.,* Case No. 07-93-0162-CV (Tex. App. – Amarillo [7th Dist.] 1994)
- Club Car Rentals, Inc. v. City of Gainesville* 1988 WL 294298 (N.D. Fla. 1998)
- Commuter Transp. Sys. v. Hillsborough County Aviation Auth.* 801 F.2d 1286 (11th Cir. 1986)
- East West Resort Trans. v. Sopkin* 371 F. Supp. 2d 1253 (D. Colo. 2005)
- Enter. Leasing Co. of Detroit v. County of Wayne* 191 F.3d 451 (6th Cir. 1999), *decision without published opinion*
- Enter. Leasing Co. v. Metro. Airports Comm'n* 250 F.3d 1215 (8th Cir. 2001)
- Enter. Mgmt., Inc. v. Huntsville-Madison County Airport Auth.* 601 So. 2d 897 (Ala. 1992)
- Ethio Express Shuttle v. City of Houston* 164 S.W.3d 751 (Tex. Ct. App. 2005)
- Executive Town & Country Servs. v. Atlanta* 789 F.2d 1523 (11th Cir. 1986)
- Flamingo Motel & Rest. Inc. v. City of Portland* 9 Ore. App. 599, 497 P.2d 673 (1972)
- Four T's, Inc. v. Little Rock Mun. Airport Comm'n* 108 F.3d 909 (8th Cir. 1997)
- Funbus Sys., Inc. v. Lounge Car Tours Charter Co.* 801 F.2d 1120 (9th Cir. 1986)
- Gen. Rent-a-Car, Inc. v. Roberts* 1988 U.S. Dist. LEXIS 18653 (S.D. Fla. 1988)
- GOLTA, Inc. v. Greater Orlando Aviation Auth.* 761 F. Supp. 778 (M.D. Fla. 1991)
- Hefflefinger, Inc. v. City of Portland* 1999 Me. 153, 739 A.2d 844 (1999)
- Helmerick Drive-it-Yourself v. Erie Mun. Airport Auth.* 149 Pa. Comm. 1, 612 A.2d 562 (1992)
- Hyland v. Metro. Airports Comm'n* 538 N.W.2d 717 (Minn. Ct. App. 1995)

Ground Access

<i>Hyland v. Metro. Airports Comm'n</i>	884 F. Supp. 334 (D. Minn. 1995)
<i>Jacksonville Port Auth. v. Alamo Rent-A-Car, Inc.</i>	600 So. 2d 1159 (Fla. Dist. Ct. App. 1992)
<i>Jalbert Leasing, Inc. v. Mass. Port Auth.</i>	449 F.3d 1 (1st Cir. 2006)
<i>Leebron & Robinson Rent A Car v. City of Monroe</i>	907 So. 2d 875 (La. Ct. App. 2005)
<i>Lorrie's Travel & Tours v. SFO Airporter, Inc.</i>	753 F.2d 790 (9th Cir. 1985), <i>superseded by statute, see Sakamoto v. Duty Free Shoppers, Ltd.</i> , 764 F.2d 1285 (9th Cir. 1985)
<i>Miljack, Inc. v. City of Tulsa</i>	1992 Ok. Civ. App. 9, 839 P.2d 197 (1992)
<i>Park 'N Fly v. City of Houston</i>	327 F. Supp. 910 (S.D. Tex. 1971)
<i>Park Shuttle N Fly, Inc. v. Norfolk Airport Auth.</i>	352 F. Supp. 2d 688 (E.D. Va. 2004)
<i>Pontarelli Limousine, Inc. v. City of Chicago</i>	929 F.2d 339 (7th Cir. 1991)
<i>Raleigh-Durham Airport Auth. v. Stewart</i>	278 N.C. 227, 179 S.E.2d 424 (1971)
<i>Salem Transp. Co. of New Jersey, Inc. v. Port Auth. of New York and New Jersey</i>	611 F. Supp. 254 (S.D.N.Y. 1985)
<i>Southerland v. St. Croix Taxicab Ass'n</i>	315 F.2d 364 (3d Cir. 1963)
<i>Thrifty Rent-A-Car Sys., Inc. v. Denver</i>	833 P.2d 852 (Colo. Ct. App. 1992)
<i>Toye Bros. Yellow Cab Co. v. Irby</i>	437 F.2d 806 (5th Cir. 1971)
<i>Trans Shuttle, Inc. v. Pub. Utils. Comm'n</i>	89 P.3d 398 (Colo. 2004)
<i>Transport Limousine of Long Island, Inc. v. Port Auth. of New York and New Jersey</i>	571 F. Supp. 576 (E.D.N.Y. 1983)
<i>Tri-State Coach Lines, Inc. v. Metro. Pier & Exposition Auth.</i>	315 Ill. App. 3d 179, 732 N.E.2d 1137 (2000)
<i>Westrac, Inc. v. Walker Field</i>	812 P.2d 714 (Colo. Ct. App. 1991)
<i>Zimomra v. Alamo-Rent-A-Car, Inc.</i>	111 F.3d 1495 (10th Cir. 1997)

Height Restrictions (See Obstructions)

Land Acquisition

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. § 4601 *et seq.*

49 C.F.R. Part 24 (Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs)

FAA Order 5100.37B, *Land Acquisition and Relocation for Airport Projects* (2005)

http://www.faa.gov/airports_airtraffic/airports/resources/publications/orders/media/environmental_5100_37b.pdf

FAA Advisory Circular 150/5100-17, *Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects* (1996)

http://www.faa.gov/airports_airtraffic/airports/resources/advisory_circulars/media/150-5100-17/150_5100_17_chg6.pdf

Exercise of Eminent Domain for Purposes of Airport Projects

135 A.L.R. 755 (2007)

Liability

Jay M. Zitter, Annotated, *Air Carrier's Liability for Injury from Condition of Airport Premises*

14 A.L.R. 5th 662 (2006)

Jay M. Zitter, Annotation, *Airport Operations or Flight of Aircraft as Constituting Taking or Damaging of Property*

22 A.L.R. 4th 863 (2007)

Zoning Regulations Limiting Use of Property Near Airport as Taking of Property

18 A.L.R. 4th 863 (2007)

Robert A. Brazenor, Annotated, *Airport Operations Liability Insurance*

92 A.L.R. 3d 1267 (2007)

Jack L. Litwin, Annotated, *Airport Operations or Flight of Aircraft as Nuisance*

79 A.L.R. 3d 253 (2007)

Thomas J. Goger, Annotation, *Liability of Owner or Operator of Airport in Connection With Furnishing Rescue Equipment of Services*

34 A.L.R. 3d 1449 (2007)

J. P. Ludington, Annotation, *Liability of Municipality for Torts in Connection with Airport*

66 A.L.R. 2d 634 (2007)

Aaron v. Anderson

311 F.2d 798 (Ct. Cl. 1963)

Argent v. United States

124 F.3d 1277 (Fed. Cir. 1997)

Batten v. United States

306 F.2d 580 (10th Cir. 1962)

Liability

<i>Biddle v. BAA Indianapolis</i>	860 N.E.2d 570 (Ind. 2007)
<i>Bieneman v. City of Chicago</i>	864 F.2d 463 (7th Cir. 1988)
<i>Branning v. United States</i>	654 F.2d 88 (Ct. Cl. 1981)
<i>City of Tipp City v. City of Dayton</i>	204 F.R.D. 388 (S.D. Ohio 2001)
<i>Denzik v. Reg'l Airport Auth. of Louisville & Jefferson County</i>	361 F. Supp. 2d 659 (W.D. Ky. 2005)
<i>Griggs v. Allegheny County</i>	369 U.S. 84, 82 S. Ct. 531, 7 L. Ed. 2d 585 (1962)
<i>Japan Airlines Co. v. Port Auth. of N.Y. & N. J.</i>	178 F.3d 103 (2d Cir. 1999)
<i>McCarran Int'l Airport v. Sisolak</i>	137 P.3d 1110 (Nev. 2006)
<i>Pan Am. World Airways v. Port Auth. of N.Y. & N.J.</i>	995 F.2d 5 (2d Cir. 1993)
<i>Safeco Insurance Co. of Am. v. City of Watertown</i>	529 F. Supp. 1220 (S.D.N.D. 1981)
<i>Smithdeal v. American Airlines</i>	80 F. Supp. 233 (N.D. Tex. 1948)
<i>Swetland v. Curtiss Airports Corp.</i>	55 F.2d 201 (6th Cir. 1932)
<i>Thornburg v. Port of Portland</i>	233 Or. 178, 376 P.2d 100 (1962)
<i>Town of East Haven v. E. Airlines, Inc.,</i>	331 F. Supp. 16 (D. Conn. 1971), <i>supplemented</i> , 333 F. Supp. 338 (D. Conn. 1971)
<i>United States v. Causby</i>	328 U.S. 256 (1946)
<i>Vacation Village, Inc. v. Clark County</i>	--F.3d--, 2007 WL 2080288 (9th Cir. 2007)
<i>Virginians for Dulles v. Volpe</i>	344 F. Supp. 573 (E.D. Va. 1972)

Local Land Use Regulation

FAA, <i>Land Use Compatibility and Airports: A Guide for Effective Land Use Planning</i>	http://www.faa.gov/about/office_org/headquarters_offices/aep/planning_toolkit/media/III.B.pdf
<i>Zoning Regulations as Affecting Airports and Airport Sites</i>	161 A.L.R. 1232 (2007)
<i>Blue Sky Entm't, Inc. v. Town of Gardiner</i>	711 F. Supp. 678 (N.D.N.Y. 1989)
<i>Burbank-Glendale-Pasadena Airport Auth. v. City of L.A.</i>	979 F.2d 1338 (9th Cir. 1992)

Local Land Use Regulation

<i>City of Burbank v. Burbank-Glendale-Pasadena Airport Auth.</i>	72 Cal. App. 4th 366 (1999)
<i>City of Burbank v. Lockheed Air Terminal</i>	411 U.S. 624, 93 S. Ct. 1854, 36 L. Ed. 2d 547 (1973)
<i>City of Cleveland v. City of Brook Park</i>	893 F. Supp. 742 (N.D. Ohio 1995)
<i>Condor Corp. v. City of St. Paul</i>	912 F.2d 215 (8th Cir. 1990)
<i>Dallas/Ft. Worth Int'l Airport Bd. v. City of Irving</i>	854 S.W.2d 161 (Tex. Ct. App. 1993), <i>judgment vacated without reference to the merits</i> , 868 S.W.2d 750 (Tex. 1993)
<i>Faux-Burhans v. County Comm'rs</i>	674 F. Supp. 1172 (D. Md. 1987)
<i>Garden State Farms, Inc. v. Bay</i>	77 N.J. 439, 390 A.2d 1177 (1978)
<i>Gulliot v. Brooks</i>	651 So. 2d 345 (La. Ct. App. 1995)
<i>Gustafson v. City of Lake Angelus</i>	76 F.3d 778 (6th Cir. 1996)
<i>Harrison v. Schwartz</i>	319 Md. 360, 572 A.2d 528 (1990)
<i>Hoagland v. Town of Clear Lake</i>	415 F.3d 693 (7th Cir. 2005)
<i>People ex rel. Birkett v. City of Chicago</i>	202 Ill. 2d 36, 779 N.E.2d 875 (2002)
<i>Price v. Charter Township of Fenton</i>	909 F. Supp. 498 (E.D. Mich. 1995)
<i>Smith v. Zoning Hearing Bd. of Conewago Township</i>	713 A.2d 1210 (Commw. Ct. Penn. 1998)
<i>Tanis v. Township of Hampton</i>	306 N.J. Sup. 588, 704 A.2d 62 (1997)
<i>United States v. City of Berkeley</i>	735 F. Supp. 937 (E.D. Mo. 1990)
<i>United States v. City of Blue Ash</i>	487 F. Supp. 135 (S.D. Ohio 1978)
<i>Woods v. City of Huntsville</i>	384 So. 2d 1081 (Ala. 1980)
<i>Wright v. Winnebago County</i>	73 Ill. App. 3d 337, 391 N.E.2d 772 (1979)

Minimum Standards (See also Grant Assurances)

FAA Advisory Circular 150/5190-7, *Minimum Standards for Commercial Aeronautical Activities* (2006)

http://www.faa.gov/airports_airtraffic/airports/resources/advisory_circulars/media/150-5190-7/150_5190_7.pdf

Minimum Standards (See also Grant Assurances)

American Association of Airport Executives and National Air Transportation Association, *Airport Sponsor's Guide to Preparing Minimum Standards for Airport Aeronautical Service Providers and Airport Operating Rules and Regulations* (2002) http://www.aaae.org/government/200_Regulatory_Affairs/300_General_Aviation_Office/300_Document_Library/MinimumStandards.pdf

Aircraft Owners and Pilots Association, *Minimum Standards for Commercial Aeronautical Activities* (1998) http://www.aopa.org/asn/minimum_standards.pdf

NEPA (See Environmental Review)**Noise** (See also Access Restrictions and Preemption)

49 U.S.C. §§ 47501–47533

14 C.F.R. Part 36 (Noise standards: Aircraft type and airworthiness certification)

14 C.F.R. Part 150 (Airport noise compatibility planning)

FAA Advisory Circular 150/5020-1, *Noise Control and Compatibility Planning for Airports* (1983) [http://www.airweb.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/f4fae43a49d9f2fe86256c720077ad35/\\$FILE/150-5020-1.pdf](http://www.airweb.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/f4fae43a49d9f2fe86256c720077ad35/$FILE/150-5020-1.pdf)

Draft Aviation Noise Policy 2000 65 Fed. Reg. 43802 (July 14, 2000)

FAA Airport Noise and Land Use Information http://www.faa.gov/airports_airtraffic/airports/environmental/airport_noise/noise_exposure_maps/

GAO Report, *Aviation and the Environment: Transition to Quieter Aircraft Occurred as Planned, but Concerns About Noise Persist* (2001) <http://www.gao.gov/new.items/d011053.pdf>

GAO Report, *Aviation and the Environment: Federally Authorized Funding for Noise-Related Projects* (2000) <http://www.gao.gov/archive/2000/rc00285r.pdf>

D. Anderson, *In Pursuit of "Natural Quiet": The Latest on Noise for Airports and Airlines* 18 Air and Space Lawyer 8 (Winter 2004)

Grand Canyon Air Tour Coalition v. FAA 154 F.3d 455 (D.C. Cir. 1998)

U.S. Air Tour Ass'n v. FAA 298 F.3d 997 (D.C. Cir. 2002)

Noise Rules (See Access Restrictions)**Obstructions**

49 U.S.C. § 44718

14 C.F.R. Part 77 (Objects affecting navigable airspace)

FAA Advisory Circular 70/7460-1K, *Obstruction Marking and Lighting* (2007)[http://www.airweb.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/b993dcdfc37fedc486257251005c4e21/\\$FILE/AC70_7460_1K.pdf](http://www.airweb.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/b993dcdfc37fedc486257251005c4e21/$FILE/AC70_7460_1K.pdf)FAA Advisory Circular 70/7460-2K, *Proposed Construction or Alteration of Objects That May Affect the Navigable Airspace* (2000)[http://www.airweb.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/22990146db0931f186256c2a00721867/\\$FILE/ac70-7460-2K.pdf](http://www.airweb.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/22990146db0931f186256c2a00721867/$FILE/ac70-7460-2K.pdf)FAA Advisory Circular 150/5190-4A, *A Model Zoning Ordinance to Limit Height of Objects Around Airports* (1987)http://www.faa.gov/airports_airtraffic/airports/resources/advisory_circulars/media/150-5190-4A/150_5190_4A.PDF

FAA Obstruction Evaluation/Airport Airspace Analysis

<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>W.E. Shipley, Annotation, *Airport Operator's Rights and Remedies as to Uses of Adjoining Land Interfering With Aircraft Operation*

25 A.L.R. 2d 1454 (2007)

Aircraft Owners and Pilots Ass'n v. FAA

600 F.2d 965 (D.C. Cir. 1979)

Air Line Pilots' Ass'n v. DOT

446 F.2d 236 (5th Cir. 1971)

BFI Waste Systems of North Am. v. FAA

293 F.3d 527 (D.C. Cir. 2002)

Big Stone Broadcasting, Inc. v. Lindbloom

161 F. Supp. 2d 1009 (D. S.D. 2001)

Catchings v. City of Glendale

154 Ariz. 420, 743 P.2d 400 (1987)

County of Westchester v. Town of Greenwich

756 F. Supp. 154 (S.D.N.Y. 1991)

D&F Afonso Realty Trust v. Garvey

216 F.3d 1191 (D.C. Cir. 2000)

Flowers Mill Associates v. United States

23 Cl. Ct. 182 (Cl. Ct. 1991)

Greater Orlando Aviation Auth. v. FAA

939 F.2d 954 (11th Cir. 1991)

Leppla v. Sprintcom, Inc.

156 Ohio App. 3d 498, 806 N.E.2d 1019 (2004)

<i>McCarran Int'l Airport v. Sisolak</i>	122 Nev. Adv. Rep. 58, 137 P.3d 1110 (2006)
<i>Reminga v. United States.</i>	631 F.2d 449 (6th Cir. 1980)
<i>Vacation Village, Inc. v. Clark County</i>	--F.3d--, 2007 WL 2080288 (9th Cir. 2007)
<i>Ventres v. Goodspeed Airport</i>	37 Conn. L. Rptr. 197, 2004 WL 1245908 (Conn. Super. May 21, 2004)
<i>White Industries, Inc. v. FAA</i>	692 F.2d 532 (8th Cir. 1982)

Passenger Facility Charge (See Finance)

Preemption (See also Access Restrictions, Local Land Use Regulation)

49 U.S.C. § 41713

<i>Jeffrey A. Berger, Phoenix Grounded: The Impact of the Supreme Court's Changing Preemption Doctrine on State and Local Impediments to Airport Expansion</i>	97 Nw. U. L. Rev. 941 (2003)
<i>Jonathan W. Cross, Airport Perimeter Rules: An Exception to Federal Preemption</i>	17 Transp. L. J. 101 (1988)
<i>American Airlines, Inc. v. Wolens</i>	513 U.S. 219, 115 S. Ct. 817, 130 L. Ed. 2d 715 (1995)
<i>City of Tipp City v. City of Dayton</i>	204 F.R.D. 388 (S.D. Ohio 2001)
<i>Gee v. Southwest Airlines</i>	1997 U.S. App. LEXIS 12266 (9th Cir. 1997) overruled by <i>Charas v. Transworld Airlines, Inc.</i> , 160 F.3d 1259 (9th Cir. 1998)
<i>Holliday v. Bell Helicopters Textron, Inc.</i>	747 F. Supp. 1396 (D. Haw. 1990)
<i>Huntleigh Corp. v. Louisiana State Bd. of Private Security Examiners</i>	906 F. Supp. 357 (M.D. La. 1995)
<i>Morales v. Trans World Airlines, Inc.</i>	504 U.S. 374, 112 S. Ct. 2031, 119 L. Ed. 2d 157 (1992)
<i>Skysign International, Inc. v. City and County of Honolulu</i>	276 F.3d 1109 (9th Cir. 2002)

Rates and Charges (See Finance)

Revenue Use and Diversion (See Finance)

Security

49 U.S.C. §§ 44901–44945

14 C.F.R. Parts 1520, 1540, 1542

Paul L. Verkuil, *Symposium: Terrorism, Globalization and the Rule of Law: The Publicization of Airport Security*

27 *Cardozo L. Rev.* 2243 (2006)

James L. Buchwalter, Annotation, *Validity of Airport Security Measures*

125 *A.L.R. 5th* 281 (2007)

TSA Information Publication A-001, *Security Guidelines for General Aviation Airports* (2004)

http://www.aopa.org/whatsnew/newsitems/2004/04-2-087x_guidelines.pdf

Complete Airport Security Program Guide for Category X-III Airports (2006)

Supporting Airport Security Program Guide for Category IV Airports (2006)

Recommended Security Guidelines for Airport Planning, Design and Construction (2006)

<http://www.aci-na.org/docs/Airport%20SDG-%20June%2015%202006%20WP.pdf>

Torbet v. United Airlines, Inc.

298 F.3d 1087 (9th Cir. 2002)

United States v. Aukai

440 F.3d 1168 (9th Cir. Mar. 17, 2006) *reh'g en banc granted by* 473 F.3d 1265 (9th Cir. Jan. 22, 2007)

United States v. Davis

482 F.2d 893 (9th Cir. 1973)

United States v. Hartwell

436 F.3d 174 (3rd Cir. 2006)

United States v. Herzbrun

723 F.2d 773 (11th Cir. 1984)

United States v. Pulido-Baquerizo

800 F.2d 899 (9th Cir. 1986)

Sponsor Assurances (See Grant Assurances)

Zoning (See Local Land Use Regulation)

ACKNOWLEDGMENTS

This study was performed under the overall guidance of the ACRP Project Committee 11-01. The Committee is chaired by ARTHUR P. BERG, Kaplan Kirsch & Rockwell LLP, New York, New York.* Members are EDUARDO A. ANGELES, Los Angeles World Airports, Los Angeles, California; TIMOTHY KARASKIEWICZ, General Mitchell International Airport, Milwaukee, Wisconsin; ROBERT S. MAERZ, San Francisco International Airport, San Francisco, California; CARLENE MCINTYRE, Port Authority of New York & New Jersey, New York, New York; DONALD MUETING, Minnesota DOT, St. Paul, Minnesota; and KATHLEEN YODICE, Yodice Associates, Aircraft Owners and Pilots Association, Washington, DC.

DAPHNE A. FULLER provides liaison with the Federal Aviation Administration, BARRY MOLAR provides liaison with the Federal Aviation Administration, PATRICIA A. HAHN provides liaison with the Airports Council International-North America, and GWEN CHISHOLM SMITH represents the ACRP staff.

*This report was prepared by Daniel Reimer, Kaplan Kirsch & Rockwell LLP, Denver, Colorado. Mr. Arthur P. Berg, ACRP Project 11-01 Panel Chair, and Counsel with Kaplan Kirsch & Rockwell LLP, New York, New York, recused himself from participation in this study to avoid any semblance of partiality or bias.

These digests are issued in order to increase awareness of research results emanating from projects in the Cooperative Research Programs (CRP). Persons wanting to pursue the project subject matter in greater depth should contact the CRP Staff, Transportation Research Board of the National Academies, 500 Fifth Street, NW, Washington, DC 20001.

THE NATIONAL ACADEMIES

Advisers to the Nation on Science, Engineering, and Medicine

The nation turns to the National Academies—National Academy of Sciences, National Academy of Engineering, Institute of Medicine, and National Research Council—for independent, objective advice on issues that affect people's lives worldwide.

www.national-academies.org

Transportation Research Board

**500 Fifth Street, NW
Washington, DC 20001**