§ 41743. Airports not receiving sufficient service

(a) **Small Community Air Service Development Program.**— The Secretary of Transportation shall establish a program that meets the requirements of this section for improving air carrier service to airports not receiving sufficient air carrier service.

(b) **Application Required.**— In order to participate in the program established under subsection (a), a community or consortium of communities shall submit an application to the Secretary in such form, at such time, and containing such information as the Secretary may require, including—

(1) an assessment of the need of the community or consortium for access, or improved access, to the national air transportation system; and

(2) an analysis of the application of the criteria in subsection (c) to that community or consortium.

(c) **Criteria for Participation.**— In selecting communities, or consortia of communities, for participation in the program established under subsection (a), the Secretary shall apply the following criteria:

(1) **Size.**— For calendar year 1997, the airport serving the community or consortium was not larger than a small hub airport, and—

   (A) had insufficient air carrier service; or
   (B) had unreasonably high air fares.

(2) **Characteristics.**— The airport presents characteristics, such as geographic diversity or unique circumstances, that will demonstrate the need for, and feasibility of, the program established under subsection (a).

(3) **State limit.**— Not more than 4 communities or consortia of communities, or a combination thereof, from the same State may be selected to participate in the program in any fiscal year.

(4) **Overall limit.**— No more than 40 communities or consortia of communities, or a combination thereof, may be selected to participate in the program in each year for which funds are appropriated for the program. No community, consortia of communities, nor combination thereof may participate in the program in support of the same project more than once, but any community, consortia of communities, or combination thereof may apply, subsequent to such participation, to participate in the program in support of a different project.

(5) **Priorities.**— The Secretary shall give priority to communities or consortia of communities where—

   (A) air fares are higher than the average air fares for all communities;
   (B) the community or consortium will provide a portion of the cost of the activity to be assisted under the program from local sources other than airport revenues;
   (C) the community or consortium has established, or will establish, a public-private partnership to facilitate air carrier service to the public;
   (D) the assistance will provide material benefits to a broad segment of the travelling public, including business, educational institutions, and other enterprises, whose access to the national air transportation system is limited; and
   (E) the assistance will be used in a timely fashion.

(d) **Types of Assistance.**— The Secretary may use amounts made available under this section—
(1) to provide assistance to an air carrier to subsidize service to and from an underserved airport for a period not to exceed 3 years;
(2) to provide assistance to an underserved airport to obtain service to and from the underserved airport; and
(3) to provide assistance to an underserved airport to implement such other measures as the Secretary, in consultation with such airport, considers appropriate to improve air service both in terms of the cost of such service to consumers and the availability of such service, including improving air service through marketing and promotion of air service and enhanced utilization of airport facilities.

e) Authority To Make Agreements.—
(1) In general.— The Secretary may make agreements to provide assistance under this section.
(2) Authorization of appropriations.— There is authorized to be appropriated to the Secretary $20,000,000 for fiscal year 2001, $27,500,000 for each of fiscal years 2002 and 2003, $35,000,000 for each of fiscal years 2004 through 2011, and $2,016,393 for the portion of fiscal year 2012 ending before February 1, 2012, to carry out this section. Such sums shall remain available until expended.

f) Additional Action.— Under the program established under subsection (a), the Secretary shall work with air carriers providing service to participating communities and major air carriers (as defined in section 41716(a)(2)) serving large hub airports to facilitate joint-fare arrangements consistent with normal industry practice.

g) Designation of Responsible Official.— The Secretary shall designate an employee of the Department of Transportation—
(1) to function as a facilitator between small communities and air carriers;
(2) to carry out this section;
(3) to ensure that the Bureau of Transportation Statistics collects data on passenger information to assess the service needs of small communities;
(4) to work with and coordinate efforts with other Federal, State, and local agencies to increase the viability of service to small communities and the creation of aviation development zones; and
(5) to provide policy recommendations to the Secretary and Congress that will ensure that small communities have access to quality, affordable air transportation services.

h) Air Service Development Zone.— The Secretary shall designate an airport in the program as an Air Service Development Zone and work with the community or consortium on means to attract business to the area surrounding the airport, to develop land use options for the area, and provide data, working with the Department of Commerce and other agencies.


Amendments
2011—Subsec. (e)(2). Pub. L. 112–30 substituted “$35,000,000 for each of fiscal years 2004 through 2011, and $2,016,393 for the portion of fiscal year 2012 ending before February 1, 2012,” for “and $35,000,000 for each of fiscal years 2004 through 2011”.

Subsec. (c)(1). Pub. L. 108–176, § 225(b)(3)(A), struck out “(as that term is defined in section 41731 (a)(5))” after “small hub airport” in introductory provisions.

Subsec. (c)(3). Pub. L. 108–176, § 412(3)(A), added par. (3) and struck out heading and text of former par. (3). Text read as follows: “No more than four communities or consortia of communities, or a combination thereof, may be located in the same State.”

Subsec. (c)(4). Pub. L. 108–176, § 412(3)(B), inserted at end “No community, consortia of communities, nor combination thereof may participate in the program in support of the same project more than once, but any community, consortia of communities, or combination thereof may apply, subsequent to such participation, to participate in the program in support of a different project.”

Pub. L. 108–11 inserted before period at end “in each year for which funds are appropriated for the program”.


**Effective Date of 2010 Amendment**


**Effective Date of 2008 Amendment**


**Effective Date of 2003 Amendment**

Amendment by Pub. L. 108–176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out as a note under section 106 of this title.

**Effective Date**

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.