

115TH CONGRESS
2D SESSION

S. 3514

To amend title 49, United States Code, to encourage the use of zero-emission vehicles and technology at public-use airports, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26 2018

Ms. CORTEZ MASTO introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to encourage the use of zero-emission vehicles and technology at public-use airports, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Generating Revenue
5 for Electric and Emission-Negligible Vehicles at Airports
6 Act” or the “GREEN Vehicles at Airports Act”.

7 **SEC. 2. ZERO-EMISSION VEHICLES AND TECHNOLOGY.**

8 (a) ZERO-EMISSION PROGRAM.—

9 (1) IN GENERAL.—Chapter 471 of title 49,
10 United States Code, is amended—

1 (A) by striking section 47136;

2 (B) by redesignating section 47136a as
3 section 47136; and

4 (C) in section 47136, as so redesignated—

5 (i) by striking subsections (a) and (b)

6 and inserting the following:

7 “(a) IN GENERAL.—The Secretary of Transportation
8 may establish a pilot program under which the sponsors
9 of public-use airports may use funds made available under
10 this chapter or section 48103 for use at such airports to
11 carry out—

12 “(1) activities associated with the acquisition,
13 by purchase or lease, and operation of eligible zero-
14 emission vehicles and equipment, including remov-
15 able power sources for such vehicles; and

16 “(2) the construction or modification of infra-
17 structure to facilitate the delivery of fuel, power or
18 services necessary for the use of such vehicles.

19 “(b) ELIGIBILITY.—A public-use airport is eligible
20 for participation in the program if the eligible vehicles or
21 equipment are—

22 “(1) used exclusively on airport property; or

23 “(2) used exclusively to transport passengers
24 and employees between the airport and—

1 “(A) nearby facilities which are owned or
 2 controlled by the airport or which otherwise di-
 3 rectly support the functions or services provided
 4 by the airport; or

5 “(B) an intermodal surface transportation
 6 facility adjacent to the airport.”; and

7 (ii) by striking subsections (d)
 8 through (f) and inserting the following:

9 “(d) FEDERAL SHARE.—The Federal share of the
 10 cost of a project carried out under the program shall be
 11 the Federal share specified in section 47109.

12 “(e) TECHNICAL ASSISTANCE.—

13 “(1) IN GENERAL.—The sponsor of a public-use
 14 airport may use not more than 10 percent of the
 15 amounts made available to the sponsor under the
 16 program in any fiscal year for—

17 “(A) technical assistance; and

18 “(B) project management support to assist
 19 the airport with the solicitation, acquisition,
 20 and deployment of zero-emission vehicles, re-
 21 lated equipment, and supporting infrastructure.

22 “(2) PROVIDERS OF TECHNICAL ASSISTANCE.—
 23 To receive the technical assistance or project man-
 24 agement support described in paragraph (1), partici-
 25 pants in the program may use—

1 “(A) a nonprofit organization selected by
2 the Secretary; or

3 “(B) a university transportation center re-
4 ceiving grants under section 5505 in the region
5 of the airport.

6 “(f) MATERIALS IDENTIFYING BEST PRACTICES.—
7 The Secretary may create and make available materials
8 identifying best practices for carrying out activities funded
9 under the program based on previous related projects and
10 other sources.

11 “(g) ALLOWABLE PROJECT COST.—The allowable
12 project cost for the acquisition of a zero-emission vehicle
13 shall be the total cost of purchasing or leasing the vehicle,
14 including the cost of technical assistance or project man-
15 agement support described in subsection (e).

16 “(h) FLEXIBLE PROCUREMENT.—A sponsor of a
17 public-use airport may use funds made available under the
18 program to acquire, by purchase or lease, a zero-emission
19 vehicle and a removable power source in separate trans-
20 actions, including transactions by which the airport pur-
21 chases the vehicle and leases the removable power source.

22 “(i) TESTING REQUIRED.—

23 “(1) IN GENERAL.—A sponsor of a public-use
24 airport may not use funds made available under the
25 program to acquire a zero-emission vehicle unless

1 that make, model, or type of vehicle has been tested
2 by a Federal vehicle testing facility acceptable to the
3 Secretary.

4 “(2) PENALTIES FOR FALSE STATEMENTS.—A
5 certification of compliance under paragraph (1) shall
6 be considered a certification required under this sub-
7 chapter for purposes of section 47126.

8 “(j) DEFINITIONS.—In this section, the term—

9 “(1) ‘eligible zero-emission vehicle and equip-
10 ment’ means a zero-emission vehicle, equipment re-
11 lated to such a vehicle, or ground support equipment
12 that includes zero-emission technology that is—

13 “(A) used exclusively on airport property;

14 or

15 “(B) used exclusively to transport pas-
16 sengers and employees between the airport
17 and—

18 “(i) nearby facilities which are owned
19 or controlled by the airport or which other-
20 wise directly support the functions or serv-
21 ices provided by the airport; or

22 “(ii) an intermodal surface transpor-
23 tation facility adjacent to the airport;

24 “(2) ‘removable power source’ means a power
25 source that is separately installed in, and removable

1 from, a zero-emission vehicle and may include a bat-
 2 tery, a fuel cell, an ultra-capacitor, or other power
 3 source used in a zero-emission vehicle; and

4 “(3) ‘zero-emission vehicle’ means—

5 “(A) a zero-emission vehicle as defined in
 6 section 88.102–94 of title 40, Code of Federal
 7 Regulations; or

8 “(B) a vehicle that produces zero exhaust
 9 emissions of any criteria pollutant (or precursor
 10 pollutant) under any possible operational modes
 11 and conditions.”.

12 (2) CLERICAL AMENDMENT.—The analysis for
 13 chapter 471 of title 49, United States Code, is
 14 amended by striking the items relating to sections
 15 47136 and 47136a and inserting the following:

“47136. Zero-emission airport vehicles and infrastructure.”.

16 (b) SPECIAL APPORTIONMENT CATEGORIES.—

17 (1) IN GENERAL.—Section 47117(e)(1)(A) of
 18 title 49, United States Code, is amended by insert-
 19 ing “for airport development described in section
 20 47102(3)(P),” after “under section 47141,”.

21 (2) CONFORMING AMENDMENT.—Section
 22 47102(3) of title 49, United States Code, is amend-
 23 ed by adding at the end the following:

24 “(P) converting or retrofitting vehicles and
 25 ground support equipment into eligible zero-

1 emission vehicles and equipment or acquiring,
2 by purchase or lease, eligible zero-emission vehi-
3 cles and equipment.”.

4 (c) DEPLOYMENT OF ZERO-EMISSION VEHICLE
5 TECHNOLOGY.—

6 (1) ESTABLISHMENT.—The Secretary of Trans-
7 portation (in this subsection referred to as the “Sec-
8 retary”) may establish a zero-emission airport tech-
9 nology program—

10 (A) to facilitate the deployment of commer-
11 cially viable zero-emission airport vehicles, tech-
12 nology, and related infrastructure; and

13 (B) to minimize the risk of deploying such
14 vehicles, technology, and infrastructure.

15 (2) GENERAL AUTHORITY.—

16 (A) ASSISTANCE TO NONPROFIT ORGANI-
17 ZATIONS.—The Secretary may provide assist-
18 ance under the program to not more than 3
19 geographically diverse, eligible organizations to
20 conduct zero-emission airport technology and
21 infrastructure projects.

22 (B) FORMS OF ASSISTANCE.—The Sec-
23 retary may provide assistance under the pro-
24 gram in the form of grants, contracts, and co-
25 operative agreements.

1 (3) SELECTION OF PARTICIPANTS.—

2 (A) NATIONAL SOLICITATION.—In select-
3 ing participants, the Secretary shall—

4 (i) conduct a national solicitation for
5 applications for assistance under the pro-
6 gram; and

7 (ii) select the recipients of assistance
8 under the program on a competitive basis.

9 (B) CONSIDERATIONS.—In selecting from
10 among applicants for assistance under the pro-
11 gram, the Secretary shall consider—

12 (i) the ability of an applicant to con-
13 tribute significantly to deploying zero-emis-
14 sion technology as the technology relates to
15 airport operations;

16 (ii) the financing plan and cost-share
17 potential of the applicant; and

18 (iii) other factors, as the Secretary de-
19 termines appropriate.

20 (C) PRIORITY.—In selecting from among
21 applicants for assistance under the program,
22 the Secretary shall give priority consideration to
23 an applicant that has successfully managed ad-
24 vanced transportation technology projects, in-

1 including projects related to zero-emission trans-
2 portation operations.

3 (4) ELIGIBLE PROJECTS.—A recipient of assist-
4 ance under the program shall use the assistance—

5 (A) to review and conduct demonstrations
6 of zero-emission technologies and related infra-
7 structure at airports;

8 (B) to evaluate the credibility of new,
9 unproven vehicle and energy-efficient tech-
10 nologies in various aspects of airport operations
11 prior to widespread investment in the tech-
12 nologies by airports and the aviation industry;

13 (C) to collect data and make the recipient's
14 findings available to airports, so that airports
15 can evaluate the applicability of new tech-
16 nologies to their facilities; and

17 (D) to report the recipient's findings to the
18 Secretary.

19 (5) ADMINISTRATIVE PROVISIONS.—

20 (A) FEDERAL SHARE.—The Federal share
21 of the cost of a project carried out under the
22 program may not exceed 80 percent.

23 (B) TERMS AND CONDITIONS.—A grant,
24 contract, or cooperative agreement under this
25 subsection shall be subject to such terms and

1 conditions as the Secretary determines appro-
2 priate.

3 (6) DEFINITIONS.—In this subsection:

4 (A) ELIGIBLE ORGANIZATION.—The term
5 “eligible organization” means an organization
6 that has expertise in zero-emission technology.

7 (B) ORGANIZATION.—The term “organiza-
8 tion” includes—

9 (i) a nonprofit organization under sec-
10 tion 501(c)(3) of the Internal Revenue
11 Code of 1986;

12 (ii) a university transportation center
13 receiving grants under section 5505 of title
14 49, United States Code; and

15 (iii) other Federal or non-Federal en-
16 tities as the Secretary deems appropriate.

○