March 1, 2022

Federal Aviation Administration

Bipartisan Infrastructure Law
Frequently Asked Questions

This document answers frequently asked questions (FAQs) stakeholders may have related to the grant funds available for airports under the Public Law 117-58-Infrastructure Investment and Jobs Act referred to as the Bipartisan Infrastructure Law (BIL).

The BIL includes approximately $25 billion for the National Airspace System.

Approximately $5 billion is for improvements to FAA owned facilities and equipment. FAA's Air Traffic Organization (ATO) will administer these funds.

These FAQs pertain to the approximately $20 billion for airport infrastructure improvements that will be administered by FAA's Office of Airports. The Federal Aviation Administration (FAA) has additional information for airport sponsors at www.faa.gov/bil.

The guidance here is not legally binding in its own right and FAA will not rely on it as a separate basis for affirmative enforcement action or other administrative penalty. Conformity with this guidance, as distinct from existing statutes, regulations, and grant assurances, is voluntary only, and nonconformity will not affect existing rights and obligations.

For questions related to BIL, please email: 9-ARP-BILAirports@faa.gov.

These FAQs will be updated periodically.

Subjects Addressed Below

General Questions

Q-1: How does the Bipartisan Infrastructure Law (BIL) benefit airports?

A: Title VIII of Division J of the Infrastructure Investment and Jobs Act (Public Law 117-58) of 2021 (BIL) provides $25 Billion for the National Aerospace System (NAS). Five billion dollars of the BIL funds will be administered by FAA's Air Traffic Organization (ATO) will fund much needed FAA facilities upgrades. FAA's Office of Airports (ARP) will administer the remaining approximately $20 billion in grant funds for airport infrastructure, terminal development, including multimodal terminal development and on-airport rail access projects, and airport owned towers.

Q-2: Where is this funding coming from?

A: The $25 billion comes directly from the U.S. Treasury's General Fund.

Q-3: Are the BIL funds split into different funding buckets?

A: Yes. Five billion dollars is being administered by ATO for improvements to FAA-owned facilities. ARP will administer approximately $20 billion of BIL funds to airport sponsors. The $20 billion is allocated over 5 years ($4 billion annually). Of the $20 billion, FAA will receive up to $118 million annually for administration of BIL funds and the Office of Inspector General (OIG) receives $2 million annually to audit the program.

(1) Airport Infrastructure Grants (AIG) include formula allocations (AIG Allocated) and competitive (AIG Competitive) funds of up to $14.55 billion.

   a) Primary Airports share not more than $2.39 billion annually based enplanement and cargo volume.

   b) Non-Primary Airports share not more than $500 million annually, based on airport classification in the National Plan of Integrated Airport System (NPIAS) and the aggregated NPIAS eligible development cost for each classification.

   c) AIG provides $20 million annually in competitive grants (AIG Competitive) for sponsor owned contract towers participating in the Federal contract tower program and the contract tower cost share program (FCT). These funds are available to: construct, repair, improve, rehabilitate, modernize, replace, or relocate an airport control tower; acquire and install air traffic control, communications, and related equipment in an airport control tower; and construct a remote tower certified by the FAA including acquisition and installation of air traffic control, communications, or related equipment. (**To date there is no FAA-certified remote tower technology.)**

(2) Approximately $4.85 billion ($970 million annually) for competitive Airport Terminal Program (ATP) grants including multi-modal terminal development and on-airport rail access projects. These funds can also be used for projects for relocating, reconstructing, repairing, or improving an

airport-owned air traffic control tower (ATCT), whether staffed by FAA or in the FCT program.

Q-4: Who is eligible to receive AIG and ATP funding under BIL?

A: **AIG Formula Infrastructure Allocations (AIG Allocated):** Funds are available to sponsors of airports as defined in 47102 of title 49, United States Code (U.S.C.); that is, airport sponsors meeting statutory and policy requirements under this section and identified in the FAA's published National Plan of Integrated Airport Systems (NPIAS), updated with current year data, and are eligible to receive discretionary funds per 49 U.S.C. 47115.

AIG Competitive Infrastructure Funds (AIG Competitive): Funds are available to sponsors of airports eligible to receive discretionary funds per 49 U.S.C. 47115 and participating in the FCT program under 49 U.S.C. 47124.

ATP: Funds are available to sponsors of airports eligible to receive discretionary funds per 49 U.S.C. 47115.

Q-5: Are any airports not eligible to receive funding under BIL?

A: All airports in the NPIAS, except unclassified airports, are eligible. Unclassified airports are not eligible for discretionary funding under BIL.

Q-6: Are airport sponsors in the Republic of the Marshall Islands, Federated States of Micronesia, Republic of Palau, and Midway Island eligible for BIL Grants?

A: **AIG Allocated:** Yes, but they do not receive an allocation. Only sponsors of airports in categories defined in 49 U.S.C. 47102 receive allocations. Airports must be included in the NPIAS to receive an allocation of AIG funds. Airports in the Republic of the Marshall Islands, Federated States of Micronesia, Republic of Palau, and Midway Island are not included in the NPIAS. While these airport sponsors may be eligible for some AIP discretionary funding under 49 U.S.C. 47115, they are not eligible for AIG *Allocated* funds under BIL.

AIG Competitive: Yes. Funds are available to sponsors of airports eligible to receive discretionary funds per 49 U.S.C. 47115 and participating in the FCT program under 49 U.S.C. 47124. Airports in the Republic of the Marshall Islands, Federated States of Micronesia, Republic of Palau, and Midway Island are eligible for discretionary funds. These sponsors could compete for AIG Competitive funding if they are accepted into the FCT program.

ATP: Yes. Funds are available to sponsors of airports eligible to receive discretionary funds per 49 U.S.C. 47115. Airports in the Republic of the Marshall Islands, Federated States of Micronesia, Republic of Palau, and Midway Island are eligible for discretionary funds.

Q-7: **Are airports in U.S. territories eligible for BIL Grants?**

A: Yes. Funds are available to sponsors of airports in categories defined in 49 U.S.C. 47102 and identified in the FAA's published NPIAS, updated with current year data, and are eligible to receive discretionary funds per 49 U.S.C. 47115. Airports in U.S. territories (American Samoa, Northern Mariana Islands, Puerto Rico, the U.S. Virgin Islands, and Guam) meet these requirements. They receive AIG Allocation funds based on their information in the NPIAS, can compete for AIG Competitive funds if in the FTC program, and can compete for ATP funds.

Q-8: **Why do airports with a NPIAS category of Unclassified not receive AIG Allocated funds under BIL?**

A: Unclassified airports are not eligible for discretionary funds under BIL (see Q-5). Also, consistent with their role in the national airport system, unclassified airports have no development needs identified in the published NPIAS, updated with current year data.

Q-9: **What is the period of availability for FAA to obligate AIG funds?**

A: Approximately $2.91 billion (approximately $2.89 billion of AIG Allocated funds and $20 million AIG Competitive funds) is available annually starting fiscal year (FY) 2022 through FY 2026. Funds not obligated at the end of the fourth FY will be recovered and made available for competitive grants in the fifth year. See Q-F3.

FY funds are first made available:	Funds must be obligated (under grant) by:	Any unobligated funds must be obligated (under grant) as competitive grants in:
2022	September 30, 2025	FY 2026
2023	September 30, 2026	FY 2027
2024	September 30, 2027	FY 2028
2025	September 30, 2028	FY 2029
2026	September 30, 2029	FY 2030

Q-10: **What is the period of availability for FAA to obligate ATP funds?**

A: Approximately $970 million of ATP funds are available annually starting FY 2022 through FY 2026. Funds not obligated at the end of the fifth FY will expire. See Q-F4.

FY funds are first made available:	Funds must be obligated (under grant) by:	Funds recovered after the following FYs expire:
2022	September 30, 2026	FY 2026
2023	September 30, 2027	FY 2027
2024	September 30, 2028	FY 2028
2025	September 30, 2029	FY 2029
2026	September 30, 2030	FY 2030

Questions on Allocation of Funds

Q-F1: How will BIL AIG funds be allocated/awarded to airport sponsors?

A: BIL allocates the $14.55 billion into two programs over 5 years; AIG Allocated and AIG Competitive. AIG Allocated funds are specific, annual allocations to each eligible airport. These amounts are allocated separately for primary and non-primary airports. AIG Competitive funds are awarded annually through a competitive Notice of Funding Opportunity (NOFO) process specifically for FCT improvements.

(1) AIG Allocated.

a) Primary Commercial Service Airports and eligible Cargo Airports share not more than $2.39 billion annually based first on the statutory Airport Improvement Program (AIP) primary and cargo entitlement formulas. The FY 2022 allocation for primary airports is based on best of calendar year (CY) 2018, CY 2019, or CY 2020 enplanements. The FY 2023 allocation for primary airports will be based on best of CY 2018, CY 2019, or CY 2021 enplanements. Starting in FY 2024, the amount formulated for each airport is based upon the most recent CY enplanements. Cargo allocations are required by the legislation to be based on the most recent CY per 49 U.S.C. 47114(c)(2). FY 2022 cargo allocations were based on CY 2020.

After allocating based on the statutory AIP entitlement formulas, the remainder is then allocated based on the number of enplanements the airport had in CY 2019 as a percentage of total 2019 enplanements for all primary airports for FY 2022 and FY 2023. Starting FY 2024, the amount formulated for each airport is based upon the most recent CY enplanements.

b) Non-Primary Airports share not more than $500 million annually. The apportioned funds for each non-primary airport are based on the categories published in the NPIAS, updated with current year data, reflecting the percentage of the aggregate published eligible development costs for each such category, and then dividing the allocated funds evenly among the eligible airports in each category, rounding up to the nearest thousand dollars. For example, all airports classified as Local receive the same allocation.

(2) AIG Competitive.

a) Sponsors of airports participating in the FCT program under 49 U.S.C. 47124, are eligible to share not more than $20 million annually. Instructions for applying for these funds will be outlined in a NOFO, which will be issued annually until the program expires. Projects will be selected by FAA based on sponsor’s information submitted in response to the criteria as outlined in the NOFO.

Q-F2: How will BIL ATP funds be awarded to airport sponsors?

A: Sponsors of primary and non-primary airports eligible for discretionary funding under 49 U.S.C. 47115(a) are eligible to share approximately $970 million annually. Not more than 55% of these funds go to large hub airports, not more than 15% go to medium hub airports, not more than 20% go to small hub airports, and not less than 10% go to non-hub and non-primary airports. Instructions for applying for these funds will be outlined in a NOFO, which will be issued annually until the program expires. Projects will be selected by FAA based on sponsor's information submitted in response to the criteria as outlined in the NOFO.

Q-F3: What happens to unobligated BIL AIG funds?

A: Funds not obligated at the end of the fourth fiscal year will be recovered and made available for competitive grants in the fifth year. Up to $100 million of these recovered funds will first be provided for competitive grants for FCTs. Any remaining funds will be available for competitive grants for eligible work that reduces airport emissions, reduces noise impact to the surrounding community, reduces dependence on the electrical grid, or provides general benefits to the surrounding community. Instructions for applying for these recovered funds will be outlined in a NOFO, which will be issued annually so the recovered funds are assigned to the competitive projects beginning in FY 2026 (October 1, 2025) through FY 2030 (September 30, 2030). Projects will be selected by FAA, based on sponsor's information submitted as outlined in the NOFO. Funds recovered after the fifth year will return to the General Fund.

Q-F4: What happens to unobligated BIL ATP funds?

A: Funds not obligated at the end of the fifth fiscal year will expire. ATP funds recovered prior to the end of the fifth fiscal year can be used to amend open ATP grants or made available for new ATP grants based on a competitive process. At the end of the fifth fiscal year, any unobligated or recovered funds will return to the General Fund.

Q-F5: What is the Federal share under BIL?

A: **AIG Allocated:** The Federal share is the same as for AIP grants, ranging from 50% to 95%, as outlined in 49 U.S.C. 47109. (For further explanation of the statutory provision see Section 4-9 of FAA Order 5100.38D, Change 1 (AIP Handbook)). This includes grants made using unobligated AIG funds for projects not related to FCTs. See Q-F3.

AIG Competitive: The Federal share for FCT improvements is 100%. This includes grants made using unobligated AIG funds for FCT projects. See Q-F3.

ATP: The Federal share for terminal and sponsor owned ATCT improvements is 80% for large and medium hub airports and 95% for small hub, non-hub, and non-primary airports.

Q-F6: Do airport sponsors have to contribute a local match for AIG and ATP grants under the BIL?

A: **AIG Allocated:** Yes. The sponsor's match is the same as for sponsor's AIP grants, ranging from 5% to 50%. This includes grants made using unobligated AIG funds for projects not related to FCT. See Q-F3.

AIG Competitive: No. The Federal share for FCT improvements is 100%. This includes grants made using unobligated AIG funds for FCT projects. See Q-F3.

ATP: Yes. The sponsor's match is 20% for large and medium hub airports and 5% for small hub, non-hub, and non-primary airports.

Q-F7: Is the BIL funding tied to the annual appropriation process?

A: No. BIL does not require an annual appropriation. The funding is appropriated and will be available at the beginning of each FY.

Q-F8: How is the NPIAS airport categorization used to determine BIL AIG Allocated funds for non-primary airport sponsors?

A: Under BIL, not more than $500 million is allocated annually to non-primary airports based on the categories published in the NPIAS, updated with current year data. FAA Order 5090.5, Formulation of the NPIAS and ACIP, defines the criteria for each category or role.

Q-F9: Will FY 2023-FY 2026 AIG Allocated funds for primary and cargo eligible airports vary from FY 2022 allocations?

A: Yes. The AIG allocations will be determined each year based on the enplanement and cargo landed weight. The FY 2023 allocation for primary airports will be based on best of CY 2018, CY 2019, or CY 2021 enplanements, and CY 2021 cargo landed weight. After FY 2023, enplanement and cargo allocations will be based on the most recent CY data. We expect there will be changes each year in the allocation. The extent of the changes will be impacted on changes in enplanements, cargo data, or if the airport changes between the primary and non-primary categories after FY 2023.

Q-F10: How are airports that change from primary to non-primary status handled in AIG allocation formulas?

A: FY 2022 and FY 2023 primary airport allocations are based on highest enplanements for CY 2018, CY 2019 and next full CY (CY 2020 or CY 2021 respectively). An airport that was classified as a primary airport in any of those years is considered a primary airport for FY 2022 and FY 2023. The most recent CY enplanements are used to determine an airport's classification for FY 2024-FY 2026 allocations. An airport classified as non-primary after FY 2023 will receive a non-primary allocation.

Q-F11: Will FY 2023-FY 2026 AIG Allocated funds for non-primary airports vary from FY 2022 allocations?

A: Airports changing from primary to non-primary, or visa-versa, or changes to the number of unclassified airports could impact the overall non-primary allocations.

Airports changing classification (National, Regional, Local, Basic) in updated versions of the NPIAS could also impact the overall non-primary allocations. Allocations for non-primary airports that do not change NPIAS classification should not vary significantly from year to year.

Q-F12: Will non-primary airports that change from unclassified to classified as the NPIAS is updated with current year data qualify for AIG Allocated funds?

A: Yes. If the airport's classification changes from unclassified to classified, that airport would be eligible for an allocation the following FY based on the airport's new classification. Similarly, if an airport drops to unclassified it would lose allocations the following FY.

Q-F13: Does a non-primary airport that has unobligated AIG allocations and changes from classified to unclassified lose those funds?

A: No. Unobligated AIG allocations are available until they expire (see Q-9).

Q-F14: Will unobligated AIG Allocated funds be converted to discretionary funding annually?

A: No. The funds are available for obligation until the end of the fourth FY. In the fifth FY, unobligated funds are recovered and used for competitive grants. See Q-9 and Q-F3.

Q-F15: Is there a cap limiting the maximum amount of AIG Allocated funds?

A: No. The legislation specifically states that there shall be no maximum apportionment limit under 49 U.S.C. 47114(c)(1)(C)(iii).

Q-F16: Is there a reduction in AIG Allocated funds for medium and large hub airports collecting a Passenger Facility Charge (PFC)?

A: No. The legislation specifically states that these funds are not subject to the reduced apportionments of 49 U.S.C. 47114(f).

Q-F17: Does the "best of" calculation apply to cargo?

A: No. The legislation references section 49 U.S.C. 47114(2), requiring cargo apportionments to be based on prior CY landed weight. There was no "best of" provision for cargo.

Questions on Use of Grant Funding

Q-U1: How can an airport sponsor use BIL AIG funds?

A: AIG funds under BIL include AIG Allocated and AIG Competitive funds. Allowable use of AIG funds are as follows:

(1) AIG Allocated. An airport sponsor may use these funds for airport-related projects defined under 49 U.S.C. 40117(a)(3). AIG Allocated funds cannot be used to pay for debt service. The FAA has used the guidance in the AIP Handbook as a component of PFC eligibility determination under section 40117.

(2) AIG Competitive. An airport sponsor may use these funds to sustain, construct, repair, improve, rehabilitate, modernize, replace, or relocate a non-approach FCT ATCT, and to acquire and install air traffic control, communications, and related equipment to be used in those ATCT. (For further information on ATCT construction see Table O-3 *Other Building Project Requirement (Other than Terminal)*, Item h, in the AIP Handbook. For further information on FCT minimum equipment and facilities list and FAA FCT new start and replacement tower process, see FAA Order JO 7210.78 FAA Contract Tower (FCT) New Start and Replacement Tower Process). AIG Competitive funds can also be used to construct a remote tower certified by the FAA including acquisition and installation of air traffic control, communications, or related equipment. To date there is no FAA certified remote tower technology. AIG Competitive funds cannot be used to pay for debt service.

Q-U2: What are the eligible uses of ATP funds?

A: ATP grants under BIL are awarded competitively and can be used for justified terminal development projects as defined under 49 U.S.C. 47102(28), including multi-modal projects. On-airport rail access projects, as outlined in 86 FR 48793 (PFC Update 75-21), are also eligible. Finally, projects for relocating, reconstructing, repairing, or improving an airport-owned ATCT, either staffed by FAA or in the FCT program, are also eligible.

Q-U3: Can BIL funds be used at an airport that cannot meet FAA design standards?

A: Standard Airport Sponsor Assurances, which require airports to meet standards and specifications approved by the FAA, will apply to BIL grants, unless a Modification to Standards has been approved by FAA.

Q-U4: What grant obligations will an airport be required to meet by accepting a BIL grant?

A: Standard Airport Sponsor Assurances, will apply to BIL grants. The grant assurances apply for the useful life of the facilities developed or equipment acquired under the grant, except for exclusive rights, airport revenue, and civil rights, which are perpetual. There is no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with BIL funds

Q-U5: Are projects constructed with BIL funds expected to meet a minimum useful life?
A: Yes. See section 3-12 of the AIP Handbook on minimum useful life.

Q-U6: Can BIL funds be used to pay the matching share for AIP grants?
A: No. 49 U.S.C. 40117(a)(3) is referenced in the legislation with respect to project eligibility. BIL funds are Federal funds from the General Treasury, which require a sponsor match. They are not PFC funds, which are considered local funds.

Q-U7: Can BIL matching share be paid using pay as you go PFC funds?
A: Yes. Projects must be included in an approved PFC application. The review and approval of a new application, if one is needed due to an amendment of an approved application, takes a significant amount of time from notification to carriers/public to start of PFC collection.

Q-U8: Will requests to use BIL funds for projects included in an approved PFC application be considered?
A: Yes. Sponsors must submit an amendment to an approved PFC, which decreases the total collection authority or deletes an approved project, before submitting for payment under a BIL grant. Sponsors should consult with their local ADO/RO if considering changes to an approved PFC application.

Q-U9: Can BIL funds be used to pay debt service?
A: No. The legislation does not allow funds to be used for debt service, including the financing cost of bonding.

Q-U10: Do any BIL funded projects require a Benefit-Cost Analysis (BCA)?
A: No. Title 49 U.S.C. 47115(d) identifies the requirements for a BCA for certain AIP discretionary projects. Section 47115(d) is not referenced in the BIL, therefore BCAs are not required. Other controls are in place to ensure projects are justified and reasonable.

Q-U11: Can multi-year (MY) grants be issued using BIL funds?
A: No. BIL grants cannot include future year allocations. Allocations may change annually. See U-32 and U-33.

Q-U12: Can AIP/BIL funds be included in a single grant?
A: No. AIP and BIL funds come from different sources and cannot be mingled into a single grant.

Q-U13: Will AIG and ATP grants include a period of performance (POP)?
A: Yes, they will include the standard four (4) years POP.

Q-U14: Are BIL funds tied to the AIP funding schedule?
A: No. BIL funds are administered separately throughout the FY.

Q-U15: Can AIG Allocated funds be transferred between airport sponsors?
A: No. AIG Allocated funds are airport sponsor specific funds.

Q-U16: Can an airport sponsor with multiple airports receiving AIG Allocated funds transfer funds between its airports?
A: Yes. BIL formula allocation funds are airport sponsor specific funds, which can be moved between airports within their system.

Q-U17: The BIL indicates that AIG funds are available for four years and ATP funds are available for five years. How far along must a project be at the end of these obligation periods to not lose BIL funds?
A: Funds need to be obligated as outlined under Q-F3 and Q-F4. Funds not obligated as outlined will expire and return to the General Fund.

Q-U18: Will design only grants be allowed using AIG Allocated funds?
A: Yes. AIG Allocated funds can be used to fund a design only grant. A design only grant will include a grant condition that the associated development will begin within two years after the design is completed.

Q-U19: Will design only grants be eligible using AIG Competitive or ATP funds?
A: Yes. Design only grants may not compete as well as those projects that are already designed or part of an alternative delivery method. Any design only grant will require a realistic funding plan to ensure completion of the project. A design only grant will include a grant condition that the associated development will begin within two years after the design is completed.

Q-U20: In order to qualify for a grant under the BIL, must projects be "shovel ready" or is a project still under design eligible?
A: No. As with PFC eligibility, a grant can be for design or environmental review, taking into consideration the normal AIP requirement. Construction grants will be issued based on bids. The annual NOFO for AIG Competitive and ATP funds will outline the application and screening process for these funds.

Q-U21: What happens to unused BIL funds if grants are closed with a recovery?
A: AIG Allocated funds recovered before the end of the fourth year remain available for the airport’s use. AIG Competitive and ATP funds recovered before they expire will be returned to a competitive process. See Q-F3 and Q-F4.

Q-U22: How can an airport sponsor use BIL recovered funds?
A: AIG Allocated funds that have not expired can be either used in a new, AIG-allocated grant or amended into an existing AIG-allocated grant for eligible projects as outlined in Q-U23. Recovered AIG Competitive and ATP funds that have not expired can be either used in a new competitive grant or amended into an existing grant as outlined in Q-U23.

Q-U23: Can BIL grants be amended to cover cost overruns?

A: Yes. BIL grants using AIG Allocated funds can be amended within their four-year period of availability, but only with sponsor's available AIG Allocated funds. Grants funded with AIG Competitive or ATP funds will be considered by FAA competitively at a national level.

Q-U24: Can BIL funds be used to reimburse costs previously incurred?

A: Yes. FAA will reimburse sponsors for eligible project related costs incurred on or after November 15, 2021, which is the date of enactment of BIL, as long as all Federal funding procurement requirements and FAA design and construction standards, are met (see the AIP Handbook). This applies to all BIL funds (AIG and ATP).

Q-U25: Can BIL funds be used to fund future phases of a project that is already under construction?

A: Yes. BIL funds can be used for eligible costs of future phases of projects incurred on or after November 15, 2021, as long Federal procurement requirements per 2 CFR 200 and FAA design and construction standards are met (see AIP Handbook).

Q-U26: Will requests to use competitive BIL funds for projects with planned AIP discretionary [on FAA's Airports Capital Improvement Plan (ACIP)] be considered?

A: Yes. Priority will not be given to such projects and selection for competitive BIL funds is not guaranteed. AIP discretionary funded projects that are removed from the FAA's ACIP and not selected for BIL funding will likely be delayed until funding (AIP, BIL, PFC, etc.) is available. Replacement AIP discretionary projects will not be considered.

Q-U27: Are AIG Allocated funds required to be used for higher priority projects if the airport is receiving AIP discretionary funds in the same FY?

A: No. AIG Allocated funds have expanded availability for projects considered lower priority under AIP. Airports are still required to meet basic planning guidelines for AIG funds such as project justification, project consistency with the master plans, appropriate project scope, and project documentation on an approved Airport Layout Plan (ALP). Additional guidelines with specific examples will be developed and included in future BIL guidance and AIP guidance. If an ADO has concerns about the types of projects being funded with AIG and an airport's requested discretionary project, then it should reach out to the BIL Team and APP for further discussions.

Q-U28: Can a Sponsor still request AIP discretionary funds while saving AIG Allocated funds?

A: Yes. AIG Allocated funds have expanded availability for projects considered lower priority under AIP. Airports are still required to meet basic planning guidelines for AIG funds such as project justification, project consistency with the master plans, appropriate project scope, and project documentation on an approved ALP. Additional guidelines with specific examples will be developed and included in future BIL guidance and AIP guidance. If an ADO has concerns about the types of projects being funded with AIG and an airport's requested discretionary project, then it should reach out to the BIL Team and APP for further discussions.

Q-U29: Will airports be expected to use AIG Allocated funds before receiving AIG Competitive or ATP funds?

A: No, sponsors can receive an AIG Competitive or ATP grant while saving AIG Allocated funds for a larger project**.** The use of AIG Allocated funding will be taken into consideration when making AIG Competitive and ATP funding decisions.

Q-U30: Can alternative delivery methods be used for projects funded under BIL?

A: Yes. Use of Design-Build, and Construction Manager at Risk (CMAR), in addition to the traditional design, bid, build delivery are allowable. Please refer to Section 3-43 and Table U-9 of the AIP Handbook.

Q-U31: If using alternative delivery methods, does the sponsor need to have a maximum guaranteed price to be to be considered for an AIG Competitive or ATP grant?

A: No. Sponsors must provide the information outlined in the annual NOFO. Projects will be selected by FAA based on sponsor's information submitted in response to the criteria as outlined in the NOFO.

Q-U32: If a project costs more than an airport's annual AIG Allocated funds, can the airport proceed with the project in year one, or will it have to wait until enough funds have accumulated?

A: An airport has options in this scenario. In addition to waiting to accumulate AIG allocations; a sponsor can phase the project so that annual grants can be issued using available BIL funds; use AIP funds for a defined project phase; or construct the project and request reimbursement with future allocations, at the sponsor's risk.

Q-U33: Can an Airport borrow AIG Allocated funds from a future year?

A: No, funding will not be available ahead of the FY in which it is allocated. AIG allocations can be used for phased projects, saved for up to four years to use on a larger project, or construct a project and request reimbursement with future allocations, at the sponsor's risk.

Q-U34: Can AIG Allocated funds be transferred from an airport being replaced to its replacement airport?

A: Yes, provided the replacement airport has been approved by FAA and has an airport identification code assigned.

Q-U35: Can AIG Allocated funds be used to acquire vehicles or ground support equipment equipped with low-emission technology if the airport is located outside of an air quality nonattainment area or maintenance area?

A: No. Title 49 USC 40117(a)(3)(G) (incorporated into BIL-eligibility) requires airports to be located in a nonattainment area or maintenance area for this type of equipment.

Q-U36: Can AIG Competitive or ATP funds be used to replace a FAA owned ATCT with a sponsor owned FCT?

A: No. FAA owned ATCT are the responsibility of ATO, not ARP. Use of ARP BIL funding to replace a FAA owned ATCT would be supplementing ATO's appropriated funds, which is impermissible.

Q-U37: Is the construction, improvement, or expansion of Customs and Border Patrol (CBP) or United States Department of Agriculture (USDA) inspection facilities as part of a terminal project eligible for BIL grants?

A: For either AIG Allocated or ATP funds, the shell of the CBP facilities is eligible. The USDA inspection facilities are only eligible for AIG Allocated or ATP funds if they are required in the terminal for screening passengers or their baggage, for example in Hawaii where all passenger baggage (checked and carry-on) is screened by the USDA.

Q-U38: Are eligibility calculations required for terminal development grants using AIG Allocated or ATP funds?

A: Yes. Eligibility calculations similar to those done under PFC will be required for AIG Allocated and ATP terminal grants.

Q-U39: Are eligibility calculations required for on-airport rail access grants under ATP?

A: Yes. The process for making eligibility calculations is outlined in PFC Update 75-21 (86 FR 48793, August 31, 2021).

Q-U40: Can ATP funds be used to fund improvements for Terminals at non-primary airports?

A: Yes. Not less than 10% of the annual ATP funding is available for non-hub and non-primary airports. Instructions for applying for these funds will be outlined in a NOFO, which will be issued annually for FY 2022-2026. Projects will be selected by FAA based on sponsor's information submitted in response to the criteria as outlined in the NOFO.

Q-U41: Do ATP grants count toward the $20M discretionary cap?

A: No. The $20M cap under 49 U.S.C. 47119(f) applies to AIP funds and is not incorporated into BIL legislation.

Q-U42: Are ATP grants for terminal development for non-primary airports limited to the $200,000 cap?

A: No. The $200,000 cap under 49 U.S.C. 47119(b)(2) applies to AIP funds and is not incorporated into BIL legislation.

Q-U43: How will roadway projects that meet the definition of Terminal Development be prioritized for ATP funding?

A: Access roads servicing exclusively airport traffic that leads directly to or from an airport passenger terminal building and walkways that lead directly to or from an airport passenger terminal building are considered terminal development. These projects will be evaluated as terminal development projects as outlined in the annual NOFO. Sponsors should consider use of AIG Allocated funds for eligible, standalone access road improvements.