

§ 47510. Tradeoff allowance

Notwithstanding another law or a regulation prescribed or order issued under that law, the tradeoff provisions contained in appendix C of part 36 of title 14, Code of Federal Regulations, apply in deciding whether an aircraft complies with subpart I of part 91 of title 14.

(Added Pub. L. 103-429, §6(72)(A), Oct. 31, 1994, 108 Stat. 4387.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 47510, 49 App.:2125, Feb. 18, 1980, Pub. L. 96-193, § 305, 94 Stat. 57.

The word "prescribed" is added for consistency in the revised title and with other titles of the United States Code. The words "subpart I of part 91" are substituted for "subpart E of part 91" because of the restatement of part 91. See 54 Fed. Reg. 34321 (Aug. 18, 1989).

SUBCHAPTER II—NATIONAL AVIATION NOISE POLICY

§ 47521. Findings

Congress finds that—

- (1) aviation noise management is crucial to the continued increase in airport capacity;
(2) community noise concerns have led to uncoordinated and inconsistent restrictions on aviation that could impede the national air transportation system;
(3) a noise policy must be carried out at the national level;
(4) local interest in aviation noise management shall be considered in determining the national interest;
(5) community concerns can be alleviated through the use of new technology aircraft and the use of revenues, including those available from passenger facility charges, for noise management;
(6) revenues controlled by the United States Government can help resolve noise problems and carry with them a responsibility to the national airport system;
(7) revenues derived from a passenger facility charge may be applied to noise management and increased airport capacity; and
(8) a precondition to the establishment and collection of a passenger facility charge is the prescribing by the Secretary of Transportation of a regulation establishing procedures for reviewing airport noise and access restrictions on operations of stage 2 and stage 3 aircraft.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1287; Pub. L. 112-95, title I, §111(c)(2)(A)(vi), (B), Feb. 14, 2012, 126 Stat. 18.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 47521, 49 App.:2151, Nov. 5, 1990, Pub. L. 101-508, §9302, 104 Stat. 1388-378.

AMENDMENTS

2012—Par. (5). Pub. L. 112-95, §111(c)(2)(B), substituted "charges" for "fees".

Pars. (7), (8). Pub. L. 112-95, §111(c)(2)(A)(vi), substituted "charge" for "fee".

§ 47522. Definitions

In this subchapter—

- (1) "air carrier", "air transportation", and "United States" have the same meanings given those terms in section 40102(a) of this title.
(2) "stage 3 noise levels" means the stage 3 noise levels in part 36 of title 14, Code of Federal Regulations, in effect on November 5, 1990.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1288.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 47522, 49 App.:2157(h), Nov. 5, 1990, Pub. L. 101-508, §9308(h), 104 Stat. 1388-384.

The definitions are made applicable to all of subchapter II, rather than only to those provisions based on 49 App.:2157 as in the source provisions, because the defined terms appear in several sections of subchapter II and it is assumed they are intended to have the same meaning in each of those sections.

§ 47523. National aviation noise policy

(a) GENERAL REQUIREMENTS.—Not later than July 1, 1991, the Secretary of Transportation shall establish by regulation a national aviation noise policy that considers this subchapter, including the phaseout and nonaddition of stage 2 aircraft as provided in this subchapter and dates for carrying out that policy and reporting requirements consistent with this subchapter and law existing as of November 5, 1990.

(b) DETAILED ECONOMIC ANALYSIS.—The policy shall be based on a detailed economic analysis of the impact of the phaseout date for stage 2 aircraft on competition in the airline industry, including—

- (1) the ability of air carriers to achieve capacity growth consistent with the projected rate of growth for the airline industry;
(2) the impact of competition in the airline and air cargo industries;
(3) the impact on nonhub and small community air service; and
(4) the impact on new entry into the airline industry.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1288.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 47523, 49 App.:2152, Nov. 5, 1990, Pub. L. 101-508, §9303, 104 Stat. 1388-378.

In this section, the text of 49 App.:2152(c) is omitted as executed.

In subsection (a), the words "(hereinafter in this chapter referred to as the 'Secretary')" are omitted because of the restatement. The words "this subchapter" (the first time they appear) are substituted for "the findings, determinations, and provisions of this chapter" to eliminate unnecessary words.

Subsection (b) is tabulated for clarity.