

§ 47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels

(a) PROHIBITION.—Except as otherwise provided by this section, after December 31, 2015, a person may not operate a civil subsonic jet airplane with a maximum weight of 75,000 pounds or less, and for which an airworthiness certificate (other than an experimental certificate) has been issued, to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

(b) AIRCRAFT OPERATIONS OUTSIDE 48 CONTIGUOUS STATES.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

(c) TEMPORARY OPERATIONS.—The Secretary may allow temporary operation of an aircraft otherwise prohibited from operation under subsection (a) to or from an airport in the contiguous United States by granting a special flight authorization for one or more of the following circumstances:

- (1) To sell, lease, or use the aircraft outside the 48 contiguous States.
- (2) To scrap the aircraft.
- (3) To obtain modifications to the aircraft to meet stage 3 noise levels.
- (4) To perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States.
- (5) To deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor.
- (6) To prepare, park, or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5).
- (7) To provide transport of persons and goods in the relief of an emergency situation.
- (8) To divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (7).

(d) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as may be necessary for the implementation of this section.

(e) STATUTORY CONSTRUCTION.—

(1) AIP GRANT ASSURANCES.—Noncompliance with subsection (a) shall not be construed as a violation of section 47107 or any regulations prescribed thereunder.

(2) PENDING APPLICATIONS.—Nothing in this section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of this section.

(Added Pub. L. 112-95, title V, §506(a), Feb. 14, 2012, 126 Stat. 105.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (e)(2), is the date of enactment of Pub. L. 112-95, which was approved Feb. 14, 2012.

PART C—FINANCING

CHAPTER 481—AIRPORT AND AIRWAY TRUST FUND AUTHORIZATIONS

Sec.	
48101.	Air navigation facilities and equipment.
48102.	Research and development.
48103.	Airport planning and development and noise compatibility planning and programs.
48104.	Operations and maintenance.
48105.	Weather reporting services.
48106.	Airway science curriculum grants.
48107.	Civil aviation security research and development.
48108.	Availability and uses of amounts.
48109.	Submission of budget information and legislative recommendations and comments.
48110.	Facilities for advanced training of maintenance technicians for air carrier aircraft.
48111.	Funding proposals.
48112.	Adjustment to AIP program funding.
48113.	Reprogramming notification requirement.
48114.	Funding for aviation programs.

AMENDMENTS

2003—Pub. L. 108-176, title I, §104(b), Dec. 12, 2003, 117 Stat. 2497, added item 48114.

2000—Pub. L. 106-181, title I, §§107(b), 108(b), Apr. 5, 2000, 114 Stat. 73, 74, added items 48112 and 48113.

1996—Pub. L. 104-264, title I, §§102(b)(2), 103(d)(2), title II, §275(b), Oct. 9, 1996, 110 Stat. 3216, 3217, 3247, inserted “and equipment” after “facilities” in item 48101, substituted “Operations and maintenance” for “Certain direct costs and joint air navigation services” in item 48104, and added item 48111.

§ 48101. Air navigation facilities and equipment

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—Not more than a total of the following amounts may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to acquire, establish, and improve air navigation facilities under section 44502(a)(1)(A) of this title:

- (1) \$2,731,000,000 for fiscal year 2012.
- (2) \$2,715,000,000 for fiscal year 2013.
- (3) \$2,730,000,000 for fiscal year 2014.
- (4) \$2,730,000,000 for fiscal year 2015.

(b) AVAILABILITY OF AMOUNTS.—Amounts appropriated under this section remain available until expended.

(c) AUTOMATED SURFACE OBSERVATION SYSTEM/AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.—Of the amounts appropriated under subsection (a), such sums as may be necessary may be used for the implementation and use of upgrades to the current automated surface observation system/automated weather observing system, if the upgrade is successfully demonstrated.

(d) LIFE-CYCLE COST ESTIMATES.—The Administrator of the Federal Aviation Administration shall establish life-cycle cost estimates for any air traffic control modernization project the total life-cycle costs of which equal or exceed \$50,000,000.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1294; Pub. L. 103-305, title I, §102(a), Aug. 23, 1994, 108 Stat. 1571; Pub. L. 104-264, title I, §102(a), (b)(1), Oct. 9, 1996, 110 Stat. 3216; Pub. L. 106-6, §3, Mar. 31, 1999, 113 Stat. 10; Pub. L. 106-181, title I, §102,