

“(2) the operator of the stage 2 aircraft operates not more than 10 flights per month using that aircraft.
 “(b) TERMINATION.—The pilot program shall terminate on the earlier of—
 “(1) the date that is 10 years after the date of the enactment of this Act [Oct. 5, 2018]; or
 “(2) the date on which the Administrator determines that no stage 2 aircraft remain in service.
 “(c) DEFINITIONS.—In this section:
 “(1) MEDIUM HUB AIRPORT; NONHUB AIRPORT.—The terms ‘medium hub airport’ and ‘nonhub airport’ have the meanings given those terms in section 40102 of title 49, United States Code.
 “(2) STAGE 2 AIRCRAFT.—The term ‘stage 2 aircraft’ has the meaning given the term ‘stage 2 airplane’ in section 91.851 of title 14, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act [Oct. 5, 2018]).”

§ 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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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.

§ 47524. Airport noise and access restriction review program

(a) GENERAL REQUIREMENTS.—The national aviation noise policy established under section 47523 of this title shall provide for establishing by regulation a national program for reviewing airport noise and access restrictions on the operation of stage 2 and stage 3 aircraft. The program shall provide for adequate public notice and opportunity for comment on the restrictions.

(b) STAGE 2 AIRCRAFT.—Except as provided in subsection (d) of this section, an airport noise or access restriction may include a restriction on the operation of stage 2 aircraft proposed after October 1, 1990, only if the airport operator publishes the proposed restriction and prepares and makes available for public comment at least 180 days before the effective date of the proposed restriction—

- (1) an analysis of the anticipated or actual costs and benefits of the existing or proposed restriction;
- (2) a description of alternative restrictions;
- (3) a description of the alternative measures considered that do not involve aircraft restrictions; and
- (4) a comparison of the costs and benefits of the alternative measures to the costs and benefits of the proposed restriction.

(c) STAGE 3 AIRCRAFT.—(1) Except as provided in subsection (d) of this section, an airport noise or access restriction on the operation of stage 3 aircraft not in effect on October 1, 1990, may become effective only if the restriction has been agreed to by the airport proprietor and all aircraft operators or has been submitted to and approved by the Secretary of Transportation after an airport or aircraft operator’s request for approval as provided by the program established under this section. Restrictions to which this paragraph applies include—

- (A) a restriction on noise levels generated on either a single event or cumulative basis;
- (B) a restriction on the total number of stage 3 aircraft operations;
- (C) a noise budget or noise allocation program that would include stage 3 aircraft;
- (D) a restriction on hours of operations; and
- (E) any other restriction on stage 3 aircraft.

(2) Not later than 180 days after the Secretary receives an airport or aircraft operator’s request for approval of an airport noise or access restriction on the operation of a stage 3 aircraft, the Secretary shall approve or disapprove the re-