

§ 47525. Decision about airport noise and access restrictions on certain stage 2 aircraft

The Secretary of Transportation shall conduct a study and decide on the application of section 47524(a)–(d) of this title to airport noise and access restrictions on the operation of stage 2 aircraft with a maximum weight of not more than 75,000 pounds. In making the decision, the Secretary shall consider—

- (1) noise levels produced by those aircraft relative to other aircraft;
(2) the benefits to general aviation and the need for efficiency in the national air transportation system;
(3) the differences in the nature of operations at airports and the areas immediately surrounding the airports;
(4) international standards and agreements on aircraft noise; and
(5) other factors the Secretary considers necessary.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1291.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 47525, 49 App.:2154, Nov. 5, 1990, Pub. L. 101–508, § 9305, 104 Stat. 1388–382.

In this section, before clause (1), the words “conduct a study and decide on” are substituted for “determine by a study” for clarity. The words “with a maximum weight of not more than” are substituted for “weighing less than” for consistency with sections 47528 and 47529 of the revised title.

§ 47526. Limitations for noncomplying airport noise and access restrictions

Unless the Secretary of Transportation is satisfied that an airport is not imposing an airport noise or access restriction not in compliance with this subchapter, the airport may not—

- (1) receive money under subchapter I of chapter 471 of this title; or
(2) impose a passenger facility charge under section 40117 of this title.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1291; Pub. L. 112–95, title I, §111(c)(2)(A)(viii), 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: 47526, 49 App.:2156, Nov. 5, 1990, Pub. L. 101–508, § 9307, 104 Stat. 1388–382.

In this section, before clause (1), the words “Under no conditions” are omitted as surplus. In clause (2), the words “or collect” are omitted as surplus.

AMENDMENTS

2012—Par. (2). Pub. L. 112–95 substituted “charge” for “fee”.

§ 47527. Liability of the United States Government for noise damages

When a proposed airport noise or access restriction is disapproved under this subchapter, the United States Government shall assume liability for noise damages only to the extent

that a taking has occurred as a direct result of the disapproval. The United States Court of Federal Claims has exclusive jurisdiction of a civil action under this section.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1291.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 47527, 49 App.:2155, Nov. 5, 1990, Pub. L. 101–508, § 9306, 104 Stat. 1388–382.

The words “under this subchapter” are added for clarity. The words “has exclusive jurisdiction of a civil action under this section” are substituted for “Action for the resolution of such a case shall be brought solely in” for clarity and consistency. The words “Court of Federal Claims” are substituted for “Claims Court” to reflect the change of name of the Court by section 902(b) of the Federal Courts Administration Act of 1992 (Public Law 102–572, 106 Stat. 4516).

§ 47528. Prohibition on operating certain aircraft not complying with stage 3 noise levels

(a) PROHIBITION.—Except as provided in subsection (b) or (f) of this section and section 47530 of this title, a person may operate after December 31, 1999, a civil subsonic turbojet (for which an airworthiness certificate other than an experimental certificate has been issued by the Administrator) with a maximum weight of more than 75,000 pounds to or from an airport in the United States only if the Secretary of Transportation finds that the aircraft complies with the stage 3 noise levels.

(b) WAIVERS.—(1) If, not later than July 1, 1999, at least 85 percent of the aircraft used by an air carrier or foreign air carrier to provide air transportation comply with the stage 3 noise levels, the carrier may apply for a waiver of subsection (a) of this section for the remaining aircraft used by the carrier to provide air transportation. The application must be filed with the Secretary not later than January 1, 1999, or, in the case of a foreign air carrier, the 15th day following the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century and must include a plan with firm orders for making all aircraft used by the carrier to provide air transportation comply with the noise levels not later than December 31, 2003.

(2) The Secretary may grant a waiver under this subsection if the Secretary finds it would be in the public interest. In making the finding, the Secretary shall consider the effect of granting the waiver on competition in the air carrier industry and on small community air service.

(3) A waiver granted under this subsection may not permit the operation of stage 2 aircraft in the United States after December 31, 2003.

(c) SCHEDULE FOR PHASED-IN COMPLIANCE.—The Secretary shall establish by regulation a schedule for phased-in compliance with subsection (a) of this section. The phase-in period shall begin on November 5, 1990, and end before December 31, 1999. The regulations shall establish interim compliance dates. The schedule for phased-in compliance shall be based on—

- (1) a detailed economic analysis of the impact of the phaseout date for stage 2 aircraft