

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---------------------|---|
| 47503(a) | 49 App.:2103(a)(1). | Feb. 18, 1980, Pub. L. 96-193, § 103(a), 94 Stat. 50. |
| 47503(b) | 49 App.:2103(a)(2). | |

In subsection (a), before clause (1), the words “After the effective date of the regulations promulgated in accordance with section 2102 of this Appendix” are omitted as executed. The words “of an airport” and “at such airport” are omitted as surplus. The word “how” is substituted for “the ways, if any, in which” to eliminate unnecessary words. In clause (1), the words “planning authorities” are substituted for “planning agencies” for consistency.

In subsection (b), the words “to the Secretary” are added for clarity. The words “after the submission to the Secretary of a noise exposure map under paragraph (1)” are omitted as surplus.

Editorial Notes

AMENDMENTS

2018—Subsec. (b). Pub. L. 115-254 amended subsec. (b) generally. Prior to amendment, text read as follows: “If, in an area surrounding an airport, a change in the operation of the airport would establish a substantial new noncompatible use, or would significantly reduce noise over existing noncompatible uses, that is not reflected in either the existing conditions map or forecast map currently on file with the Federal Aviation Administration, the airport operator shall submit a revised noise exposure map to the Secretary showing the new noncompatible use or noise reduction.”

2003—Subsec. (a). Pub. L. 108-176, § 324(1), substituted “a forecast period that is at least 5 years in the future” for “1985,” in introductory provisions.

Subsec. (b). Pub. L. 108-176, § 324(2), added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows: “If a change in the operation of an airport will establish a substantial new noncompatible use in an area surrounding the airport, the airport operator shall submit a revised noise exposure map to the Secretary showing the new noncompatible use.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108-176, set out as a note under section 106 of this title.

NOISE DISCLOSURE

Pub. L. 108-176, title III, § 322, Dec. 12, 2003, 117 Stat. 2540, provided that:

“(a) **NOISE DISCLOSURE SYSTEM IMPLEMENTATION STUDY.**—The Administrator of the Federal Aviation Administration shall conduct a study to determine the feasibility of developing a program under which prospective home buyers of property located in the vicinity of an airport could be notified of information derived from noise exposure maps that may affect the use and enjoyment of the property. The study shall assess the scope, administration, usefulness, and burdensomeness of any such program, the costs and benefits of such a program, and whether participation in such a program should be voluntary or mandatory.

“(b) **PUBLIC AVAILABILITY OF NOISE EXPOSURE MAPS.**—The Administrator shall make noise exposure and land use information from noise exposure maps available to the public via the Internet on its website in an appropriate format.

“(c) **NOISE EXPOSURE MAP.**—In this section, the term ‘noise exposure map’ means a noise exposure map prepared under section 47503 of title 49, United States Code.”

§ 47504. Noise compatibility programs

(a) **SUBMISSIONS.**—(1) An airport operator that submitted a noise exposure map and related information under section 47503(a) of this title may submit a noise compatibility program to the Secretary of Transportation after—

(A) consulting with public agencies and planning authorities in the area surrounding the airport, United States Government officials having local responsibility for the airport, and air carriers using the airport; and

(B) notice and an opportunity for a public hearing.

(2) A program submitted under paragraph (1) of this subsection shall state the measures the operator has taken or proposes to take to reduce existing noncompatible uses and prevent introducing additional noncompatible uses in the area covered by the map. The measures may include—

(A) establishing a preferential runway system;

(B) restricting the use of the airport by a type or class of aircraft because of the noise characteristics of the aircraft;

(C) constructing barriers and acoustical shielding and soundproofing public buildings;

(D) using flight procedures to control the operation of aircraft to reduce exposure of individuals to noise in the area surrounding the airport; and

(E) acquiring land, air rights, easements, development rights, and other interests to ensure that the property will be used in ways compatible with airport operations.

(b) **APPROVALS.**—(1) The Secretary shall approve or disapprove a program submitted under subsection (a) of this section (except as the program is related to flight procedures referred to in subsection (a)(2)(D) of this section) not later than 180 days after receiving it. The Secretary shall approve the program (except as the program is related to flight procedures referred to in subsection (a)(2)(D)) if the program—

(A) does not place an unreasonable burden on interstate or foreign commerce;

(B) is reasonably consistent with achieving the goal of reducing noncompatible uses and preventing the introduction of additional non-compatible uses; and

(C) provides for necessary revisions because of a revised map submitted under section 47503(b) of this title.

(2) A program (except as the program is related to flight procedures referred to in subsection (a)(2)(D) of this section) is deemed to be approved if the Secretary does not act within the 180-day period.

(3) The Secretary shall submit any part of a program related to flight procedures referred to in subsection (a)(2)(D) of this section to the Administrator of the Federal Aviation Administration. The Administrator shall approve or disapprove that part of the program.

(4) The Secretary shall not approve in fiscal years 2004 through 2007 a program submitted under subsection (a) if the program requires the expenditure of funds made available under section 48103 for mitigation of aircraft noise less than 65 DNL.

(c) GRANTS.—(1) The Secretary may incur obligations to make grants from amounts available under section 48103 of this title to carry out a project under a part of a noise compatibility program approved under subsection (b) of this section. A grant may be made to—

(A) an airport operator submitting the program; and

(B) a unit of local government in the area surrounding the airport, if the Secretary decides the unit is able to carry out the project.

(2) SOUNDPROOFING AND ACQUISITION OF CERTAIN RESIDENTIAL BUILDINGS AND PROPERTIES.—The Secretary may incur obligations to make grants from amounts made available under section 48103 of this title—

(A) for projects to soundproof residential buildings—

(i) if the airport operator received approval for a grant for a project to soundproof residential buildings pursuant to section 301(d)(4)(B) of the Airport and Airway Safety and Capacity Expansion Act of 1987;

(ii) if the airport operator submits updated noise exposure contours, as required by the Secretary; and

(iii) if the Secretary determines that the proposed projects are compatible with the purposes of this chapter;

(B) to an airport operator and unit of local government referred to in paragraph (1)(A) or (1)(B) of this subsection to soundproof residential buildings located on residential properties, and to acquire residential properties, at which noise levels are not compatible with normal operations of an airport—

(i) if the airport operator amended an existing local aircraft noise regulation during calendar year 1993 to increase the maximum permitted noise levels for scheduled air carrier aircraft as a direct result of implementation of revised aircraft noise departure procedures mandated for aircraft safety purposes by the Administrator of the Federal Aviation Administration for standardized application at airports served by scheduled air carriers;

(ii) if the airport operator submits updated noise exposure contours, as required by the Secretary; and

(iii) if the Secretary determines that the proposed projects are compatible with the purposes of this chapter;

(C) to an airport operator and unit of local government referred to in paragraph (1)(A) or (1)(B) of this subsection to carry out any part of a program developed before February 18, 1980, or before implementing regulations were prescribed, if the Secretary decides the program is substantially consistent with reducing existing noncompatible uses and preventing the introduction of additional noncompatible uses and the purposes of this chapter will be furthered by promptly carrying out the program;

(D) to an airport operator and unit of local government referred to in paragraph (1)(A) or (1)(B) of this subsection to soundproof a building in the noise impact area surrounding the airport that is used primarily for educational

or medical purposes and that the Secretary decides is adversely affected by airport noise;

(E) to an airport operator of a congested airport (as defined in section 47175) and a unit of local government referred to in paragraph (1)(B) of this subsection to carry out a project to mitigate noise in the area surrounding the airport if the project is included as a commitment in a record of decision of the Federal Aviation Administration for an airport capacity enhancement project (as defined in section 47175) even if that airport has not met the requirements of part 150 of title 14, Code of Federal Regulations; and

(F) to an airport operator of a congested airport (as defined in section 47175) and a unit of local government referred to in paragraph (1)(B) to carry out a project to mitigate noise, if the project—

(i) consists of—

(I) replacement windows, doors, and the installation of through-the-wall air conditioning units; or

(II) a contribution of the equivalent costs to be used for reconstruction if reconstruction is the preferred local solution;

(ii) is located at a school near the airport; and

(iii) is included in a memorandum of agreement entered into before September 30, 2002, even if the airport has not met the requirements of part 150 of title 14, Code of Federal Regulations, and only if the financial limitations of the memorandum are applied.

(3) An airport operator may agree to make a grant made under paragraph (1)(A) of this subsection available to a public agency in the area surrounding the airport if the Secretary decides the agency is able to carry out the project.

(4) The Government's share of a project for which a grant is made under this subsection is the greater of—

(A) 80 percent of the cost of the project; or

(B) the Government's share that would apply if the amounts available for the project were made available under subchapter I of chapter 471 of this title for a project at the airport.

(5) The provisions of subchapter I of chapter 471 of this title related to grants apply to a grant made under this chapter, except—

(A) section 47109(a) and (b) of this title; and

(B) any provision that the Secretary decides is inconsistent with, or unnecessary to carry out, this chapter.

(6) AIRCRAFT NOISE PRIMARILY CAUSED BY MILITARY AIRCRAFT.—The Secretary may make a grant under this subsection for a project even if the purpose of the project is to mitigate the effect of noise primarily caused by military aircraft at an airport.

(d) GOVERNMENT RELIEF FROM LIABILITY.—The Government is not liable for damages from aviation noise because of action taken under this section.

(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.—

(1) IN GENERAL.—In accordance with subsection (c)(1), the Secretary may make a grant

to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

(2) **ADDITIONAL STAFF.**—The Administrator may accept funds from an airport operator, including funds provided to the operator under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

(3) **RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.**—Notwithstanding section 3302 of title 31, any funds accepted under this section—

(A) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

(B) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

(C) shall remain available until expended.

(f) **DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES.**—In approving a project to acquire residential real property using financial assistance made available under this section or chapter 471, the Secretary shall ensure that the appraisal of the property to be acquired disregards any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1285; Pub. L. 103–305, title I, §119, Aug. 23, 1994, 108 Stat. 1580; Pub. L. 103–429, §6(71), Oct. 31, 1994, 108 Stat. 4387; Pub. L. 106–181, title I, §154, Apr. 5, 2000, 114 Stat. 88; Pub. L. 108–176, title I, §189, title III, §306, Dec. 12, 2003, 117 Stat. 2519, 2539; Pub. L. 112–95, title V, §§504, 505, Feb. 14, 2012, 126 Stat. 104; Pub. L. 115–232, div. A, title X, §1044, Aug. 13, 2018, 132 Stat. 1958.)

HISTORICAL AND REVISION NOTES

PUB. L. 103–272

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|--|
| 47504(a) | 49 App.:2104(a). | Feb. 18, 1980, Pub. L. 96–193, §104(a), 94 Stat. 51; Dec. 30, 1987, Pub. L. 100–223, §301(a), 101 Stat. 1523. |
| 47504(b) | 49 App.:2104(b). | Feb. 18, 1980, Pub. L. 96–193, §104(b), (d), 94 Stat. 52, 53. |
| 47504(c) | 49 App.:2104(c). | Feb. 18, 1980, Pub. L. 96–193, §104(c), 94 Stat. 52; Sept. 3, 1982, Pub. L. 97–248, §524(b)(4), 96 Stat. 696; Dec. 30, 1987, Pub. L. 100–223, §301(b), (c), 101 Stat. 1523; Oct. 28, 1991, Pub. L. 102–143, §336, 105 Stat. 947. |
| 47504(d) | 49 App.:2104(d). | |

In subsection (a)(1)(A), the words “the officials of” are omitted as surplus. The words “planning authori-

ties” are substituted for “planning agencies” for consistency.

In subsection (a)(2)(A), the word “establishing” is substituted for “the implementation of” for consistency.

In subsection (a)(2)(B), the words “the implementation of” are omitted as surplus.

In subsection (b)(1), before clause (A), the words “to him” and “the measures to be undertaken in carrying out” are omitted as surplus. In clause (B), the word “achieving” is substituted for “obtaining” for clarity. The word “existing” is omitted as surplus.

Subsection (b)(2) is substituted for 49 App.:2104(b) (3d sentence) to eliminate unnecessary words.

In subsection (c)(1)(B) and (2), the words “for which grant applications are made in accordance with such noise compatibility programs” are omitted as surplus.

In subsection (c)(1), before clause (A), the words “incur obligations to” and “further . . . under this section” are omitted as surplus. In clause (C), the words “to carry out any part of a program” are substituted for “any project to carry out a noise compatibility program”, and the words “or before implementing regulations were prescribed” are substituted for “or the promulgation of its implementing regulations”, for clarity and consistency. The words “the purposes of” before “reducing” are omitted as surplus. The word “non-compatible” is added after “existing” for clarity and consistency. In clause (D), the words “for any project” and “determined to be” are omitted as surplus.

In subsection (c)(2), the words “in turn” are omitted as surplus.

In subsection (c)(4), before clause (A), the words “All of” and “made under section 505 of that Act” are omitted as surplus. The word “except” is substituted for “unless” for clarity. In clause (1), the words “relating to United States share of project costs” are omitted as surplus. In clause (2), the words “the purposes of” are omitted as surplus.

In subsection (d), the words “by the Secretary or the Administrator of the Federal Aviation Administration” are omitted as surplus.

PUB. L. 103–429

This redesignates 49:47504(c)(1)(C) and (D) as 49:47504(c)(2)(C) and (D) because the subject matter is similar to that of 49:47504(c)(2)(A) and (B) that was added by section 119(2) of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103–305, 108 Stat. 1580).

Editorial Notes

REFERENCES IN TEXT

Section 301(d)(4)(B) of the Airport and Airway Safety and Capacity Expansion Act of 1987, referred to in subsection (c)(2)(A)(i), is section 301(d)(4)(B) of Pub. L. 100–223, which was set out as a note under section 2104 of former Title 49, Transportation, prior to repeal by Pub. L. 103–272, §7(b), July 5, 1994, 108 Stat. 1379.

AMENDMENTS

2018—Subsec. (c)(2)(F). Pub. L. 115–232 added subpar. (F).

2012—Subsec. (e). Pub. L. 112–95, §504, added subsec. (e).

Subsec. (f). Pub. L. 112–95, §505, added subsec. (f).

2003—Subsec. (b)(4). Pub. L. 108–176, §189, added par. (4).

Subsec. (c)(2)(C)–(E). Pub. L. 108–176, §306, realigned margins of subpars. (C) and (D) and added subpar. (E).

2000—Subsec. (c)(6). Pub. L. 106–181 added par. (6).

1994—Subsec. (c)(1)(A). Pub. L. 103–429, §6(71)(A), inserted “and” after semicolon at end.

Subsec. (c)(1)(B). Pub. L. 103–429, §6(71)(B), substituted a period for semicolon at end.

Subsec. (c)(1)(C), (D). Pub. L. 103–429, §6(71)(C), redesignated par. (1)(C) as (2)(C) and (1)(D) as (2)(D).

Subsec. (c)(2). Pub. L. 103–305, §119(2), added par. (2). Former par. (2) redesignated (3).

Subsec. (c)(2)(A)(iii). Pub. L. 103-429, §6(71)(D), struck out "and" after semicolon at end.

Subsec. (c)(2)(B)(iii). Pub. L. 103-429, §6(71)(E), substituted a semicolon for period at end.

Subsec. (c)(2)(C), (D). Pub. L. 103-429, §6(71)(F), substituted "to an airport operator and unit of local government referred to in paragraph (1)(A) or (1)(B) of this subsection" for "an airport operator or unit of local government referred to in clause (A) or (B) of this paragraph".

Pub. L. 103-429, §6(71)(C), redesignated par. (1)(C) as (2)(C) and (1)(D) as (2)(D).

Subsec. (c)(3). Pub. L. 103-305, §119(1), redesignated par. (2) as (3). Former par. (3) redesignated (4).

Subsec. (c)(4). Pub. L. 103-305, §119(3), struck out "paragraph (1) of" before "this subsection" in introductory provisions.

Pub. L. 103-305, §119(1), redesignated par. (3) as (4). Former par. (4) redesignated (5).

Subsec. (c)(5). Pub. L. 103-305, §119(1), redesignated par. (4) as (5).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108-176, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of this title.

§ 47505. Airport noise compatibility planning grants

(a) GENERAL AUTHORITY.—The Secretary of Transportation may make a grant to a sponsor of an airport to develop, for planning purposes, information necessary to prepare and submit—

- (1) a noise exposure map and related information under section 47503 of this title, including the cost of obtaining the information; or

- (2) a noise compatibility program under section 47504 of this title.

(b) AVAILABILITY OF AMOUNTS AND GOVERNMENT'S SHARE OF COSTS.—A grant under subsection (a) of this section may be made from amounts available under section 48103 of this title. The United States Government's share of the grant is the percent for which a project for airport development at an airport would be eligible under section 47109(a) and (b) of this title.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1286.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 47505, 49 App.:2103(b), Feb. 18, 1980, Pub. L. 96-193, §103(b), 94 Stat. 51; re-stated Sept. 3, 1982, Pub. L. 97-248, §524(b)(3), 96 Stat. 696.

In subsection (a), before clause (1), the words "incur obligations to" are omitted as surplus.

§ 47506. Limitations on recovering damages for noise

(a) GENERAL LIMITATIONS.—A person acquiring an interest in property after February 18, 1980,

in an area surrounding an airport for which a noise exposure map has been submitted under section 47503 of this title and having actual or constructive knowledge of the existence of the map may recover damages for noise attributable to the airport only if, in addition to any other elements for recovery of damages, the person shows that—

(1) after acquiring the interest, there was a significant—

- (A) change in the type or frequency of aircraft operations at the airport;
- (B) change in the airport layout;
- (C) change in flight patterns; or
- (D) increase in nighttime operations; and

(2) the damages resulted from the change or increase.

(b) CONSTRUCTIVE KNOWLEDGE.—Constructive knowledge of the existence of a map under subsection (a) of this section shall be imputed, at a minimum, to a person if—

(1) before the person acquired the interest, notice of the existence of the map was published at least 3 times in a newspaper of general circulation in the county in which the property is located; or

(2) the person is given a copy of the map when acquiring the interest.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1286.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 47506, 49 App.:2107, Feb. 18, 1980, Pub. L. 96-193, §107, 94 Stat. 53.

In subsection (a)(2), the words "for which recovery is sought have" are omitted as surplus.

§ 47507. Nonadmissibility of noise exposure map and related information as evidence

No part of a noise exposure map or related information described in section 47503 of this title that is submitted to, or prepared by, the Secretary of Transportation and no part of a list of land uses the Secretary identifies as normally compatible with various exposures of individuals to noise may be admitted into evidence or used for any other purpose in a civil action asking for relief for noise resulting from the operation of an airport.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1287.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 47507, 49 App.:2106, Feb. 18, 1980, Pub. L. 96-193, §106, 94 Stat. 53.

The words "land uses which are" are omitted as surplus. The words "civil action" are substituted for "suit or action" for consistency in the revised title and with other titles of the United States Code. The words "damages or other" are omitted as surplus.

§ 47508. Noise standards for air carriers and foreign air carriers providing foreign air transportation

(a) GENERAL REQUIREMENTS.—The Secretary of Transportation shall require each air carrier