

S.1451

FAA Air Transportation Modernization and Safety Improvement Act (Introduced in Senate)

SEC. 710. PHASEOUT OF STAGE 1 AND 2 AIRCRAFT.

(a) In General- Subchapter II of chapter 475 is amended by adding at the end the following:

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

(a) Prohibition- Except as provided in subsection (b), (c), or (d), a person may not operate a civil subsonic turbojet with a maximum weight of 75,000 pounds or less 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) Exception- Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

(c) Opt-Out- Subsection (a) shall not apply at an airport where the airport operator has notified the Secretary that it wants to continue to permit the operation of civil subsonic turbojets with a maximum weight of 75,000 pounds or less that do not comply with stage 3 noise levels. The Secretary shall post the notices received under this subsection on its website or in another place easily accessible to the public.

(d) Limitation- The Secretary shall permit a person to operate Stage 1 and Stage 2 aircraft with a maximum weight of 75,000 pounds or less to or from an airport in the contiguous 48 States in order--

- (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 or park or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5); or
- (7) 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 (6).

(e) Statutory Construction- Nothing in the 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 the Aircraft Noise Reduction Act of 2006.'.

(b) Conforming Amendments-

(1) Section 47531 is amended by striking `47529, or 47530' and inserting `47529, 47530, or 47534'.

(2) Section 47532 is amended by striking `47528-47531' and inserting `47528 through 47531 or 47534'.

(3) The table of contents for chapter 475 is amended by inserting after the item relating to section 47533 the following:

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

(c) Effective Date- The amendments made by this section shall take effect 5 years after the date of enactment of this Act.