

FEDERAL LEGISLATIVE / REGULATORY UPDATE

July 9, 1999

The FAA proposed implementing Special Federal Aviation Regulation (SFAR) Number 50, which was issued in 1987. SFAR Number 50 requires the “substantial restoration of the natural quiet” in Grand Canyon National Park. The proposal is to limit flights by helicopters and airplanes so the park is quiet most of the time.

August 4, 1999

A proposal to resurrect a dormant noise office within the Environmental Protection Agency was introduced in the House of Representatives August 4 by Congresswoman Nita Lowey (D-NY). The Quiet Communities Act of 1999 (HR 2702) would authorize \$21 million a year for the noise office beginning next fiscal year through fiscal year 2004.

September 3, 1999

Several aircraft operators have requested the FAA approve waivers regarding the December 31, 1999 deadline, for full *Stage 3* compliance. These waivers, if granted, would allow the continued operation of *Stage 2* aircraft in commercial service, as well as in non-revenue operations under certain conditions as hushkitting, scraping, and exporting.

September 15, 1999

The House of Representatives passes the *Civil Aviation Research and Development Authorization Act of 1999* (HR 1551). The legislation authorizes \$208 million for research and development in fiscal year 2000, as well as \$223 million in fiscal 2001. Several FAA research and development programs seeking improved air traffic control systems are also authorized in the bill.

September 24, 1999

The Senate passed an AIP extension bill (S. 1637) that would allow nearly \$300 million in grant money to be utilized by airports. With the absence of a long-term FAA reauthorization bill, Senator Trent Lott (R-Miss) pushed legislation through the Senate to give access to remaining grant money in FY-99 to prevent airports from losing funds.

October 4, 1999

The Senate passed the Transportation Appropriations Act for 2000 (S. 1143), just days after passage in the House. In the Conference Report the issue of low frequency noise was recognized as an increasing concern in residential areas surrounding airports. Representative Martin Sabo (D-MN) included text urging the FAA to expedite efforts to research and define the problem of low frequency noise.

October 7, 1999

The Senate passed the *Air Transportation Improvement Act* (S. 82), a four year extension of the Airport Improvement Program at an annual \$2.4 billion. Senator Robert Torricelli (D-NJ) offered amendments specifically dealing with noise issues, one of which mandates that within 18 months of Enactment the Administrator of the EPA shall submit a study on airport noise to congress, the Secretary of Transportation, and the Administrator for the FAA.

November 22, 1999

The US House of Representatives finished its business for the year without acting on a Senate passed six month extension for the Federal Aviation Administration and Airport Improvement Program. However, regular operation for the FAA continued under the Transportation Appropriations bill that was passed on November 10, 1999. Without the six month extension, airport construction projects around the country will not receive additional funds until Congress enacts some type of re-authorization.

November 29, 1999

The President signed into law certain changes to the Airport Noise and Capacity Act (ANCA) that effect operators of Stage 2 airplanes. The original version of the law, which prohibits the operation of Stage 2 airplanes over 75,000 pounds in the U.S. after December 31, 1999, did not distinguish airplanes by type of certification or operation. The President's changes seek to address this issue, and include an exemption for airplanes over 75,000 pounds that operate under an experimental airworthiness certificate. Additional changes include allowing non-revenue operations of Stage 2 aircraft weighing over 75,000 pounds for such purposes as scrapping the airplane, to park or store the airplane and to obtain scheduled maintenance or modifications. As well, the changes permit certain operators of Stage 2 airplanes in Hawaii to bring their Stage 2 airplanes to the contiguous United States for maintenance or major alterations.

December 20, 1999

On June 24, 1997, the FAA issued an interim policy notice requiring airport sponsors to submit Benefit Cost Analyses (BCAs) when requesting AIP grants. The policy for requesting these AIP grants was that for all capacity projects for which an airport sponsor seeks \$5 million or more in AIP discretionary funds, commencing in Fiscal Year 1998, a completed BCA must accompany the grant application. The FAA has now modified the previous policy to (1) Exempt certain reconstruction projects, (2) Provide supporting guidance that will assist sponsors in identifying exempt projects, and (3) Clarify the applicability of the BCA guidance to general aviation airports. Capacity projects include airside projects such as runways, taxiways, and aprons, but may also include terminal buildings, ground transportation and other landslide projects.

January 26, 2000

Conference members debating FAA reauthorization bridged differences between the House and Senate versions (S. 82) of the legislation, including how funds from the Airport Improvement Program should be distributed. In any fiscal year in which at least \$3.2 billion is available for the program, primary airports would receive a minimum of \$1 million. All other entitlements from the fund for primary airports would be doubled, and the primary airport entitlement cap would be raised to \$26 million. In years that the airport improvement program is less than \$3.2 billion, the minimum entitlement would be \$650,000. Cargo airport entitlements would be increased from 2.5 percent of the fund money reserved for cargo airports, unless the fund holds at least \$3.2 billion.

April 5, 2000

The President signed the \$40 billion funding plan for the Federal Aviation Administration, known as the *Wendall H. Ford Aviation Investment and Reform Act* (FAIR – 21), into law on April 5, 2000. Enactment of the bill addresses an expanded array of aviation noise related issues, many of which will go to examining the adverse effects of aviation noise on local communities. This bill includes:

- A significant increase in the Airport Improvement Funds from the \$1.95 billion appropriated in FY2000 to \$3.2 billion in FY2001. Provisions in the bill also increase the maximum Passenger Facility Charge (PFC) airports can collect from \$3 to \$4.50. Larger airports that wish to take advantage of this PFC increase are required under FAIR-21 to make a “significant contribution” to, among other things, reducing airport noise.

- Directs the FAA to try to negotiate a tighter ICAO aircraft noise standard that does not require the phase-out of hushkitted Stage 3 aircraft.

- Finally, the bill requires the GAO to conduct a study that must examine aviation noise problems, along with various methodologies employed by the FAA to correct them.

The most immediate impact of this bill is that the FAA will be able to release to the states some \$1.8 billion in FY2000 airport construction money that had been on hold while Congress finalized this legislation. In all, the bill will provide about \$10 billion more over current levels, with most of that increase going to the AIP and FAA’s Facilities and Equipment account that funds air traffic control modernization efforts.

April 13, 2000

The Conference Report on the House-Senate FY2001 budget resolution, which passed both the House and Senate April 13, 2000, called for large increases for programs in the Transportation Department, including funding for AIR-21. The report calls for some \$59.3 billion in budget authority and \$50.5 billion in outlays for transportation programs, which are large increases over current levels.

May 19, 2000

On May 19, 2000 the House of Representatives overwhelmingly approved the \$55 billion Transportation Appropriations bill (HR 4475). Included in the bill was an amendment from Rep. David Vitter (R-LA) to prohibit the use of funds for engineering work on a new runway at New Orleans International Airport due to the city's refusal to address growing complaints about, among other things, aviation noise and increased air traffic. Also included in the Transportation appropriations bill was the three-year, \$40 billion funding plan for the FAA, known formally as the *Wendall H. Ford Aviation Investment and Reform Act* (HR 1000). Included in the measure was a \$1.25 billion increase in Airport Improvement Funds (AIP) for FY2001, with part of the AIP funding going to noise reduction and abatement programs for communities surrounding airports. The Senate Transportation Appropriations bill (S. 2720) was passed on June 15, 2000, and is awaiting conference with the House's counterpart.