

105TH CONGRESS
1ST SESSION

S. 268

To regulate flights over national parks, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 1997

Mr. MCCAIN (for himself and Mr. FRIST) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To regulate flights over national parks, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Parks Over-
5 flights Act of 1997”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Federal
10 Aviation Administration.

1 (2) PLAN.—The term “plan” means the final
2 plan prepared under section 3(c)(1).

3 (3) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 **SEC. 3. NATIONAL PARKS OVERFLIGHTS.**

6 (a) FINDINGS.—Congress finds that—

7 (1) noise associated with aircraft overflights at
8 a national park can cause a significant adverse ef-
9 fect on the natural quiet and experience of the park;
10 and

11 (2) aircraft operations in a national park can
12 raise serious concerns regarding public safety, in-
13 cluding concerns regarding the safety of park users.

14 (b) RECOMMENDATIONS.—

15 (1) SUBMISSION.—Not later than 120 days
16 after the date of enactment of this Act, the Sec-
17 retary shall submit to the Administrator rec-
18 ommendations regarding actions necessary—

19 (A) to protect public health and safety
20 from adverse effects associated with aircraft
21 overflights at any national park;

22 (B) to protect the resources of any na-
23 tional park experiencing an adverse impact as-
24 sociated with noise from aircraft overflights;

1 (C) to preserve natural quiet at any na-
 2 tional park where natural quiet is a part of the
 3 park's natural resources and experience; and

4 (D) to prevent resource impairment from
 5 noise associated with overflights at any national
 6 park.

7 (2) RESTORATION OR PRESERVATION OF
 8 QUIET.—The recommendations shall provide for—

9 (A) protection of public health and safety
 10 from adverse affects associated with aircraft
 11 overflights; and

12 (B) substantial restoration of the natural
 13 quiet or substantial preservation of the natural
 14 quiet and experience of the park.

15 (3) FLIGHT-FREE ZONES, FLIGHT RESTRIC-
 16 TIONS, AND FLIGHT BANS.—

17 (A) IN GENERAL.—The recommendations
 18 shall include proposals for flight-free zones, for
 19 appropriate flight restrictions, or for banning
 20 flights within certain national parks as nec-
 21 essary to meet the goals of paragraph (2).

22 (B) ADMINISTRATION AND EMERGENCY
 23 OPERATIONS.—Flight-free zones and flight bans

1 shall provide for flight free areas over a na-
 2 tional park, except for purposes of administra-
 3 tion, emergency operations, and operations re-
 4 quired for transportation of persons and sup-
 5 plies to and from Indian reservations adjacent
 6 to any affected national park.

7 (C) MILITARY AND OTHER PUBLIC OPER-
 8 ATIONS.—The recommendations may exempt
 9 noncommercial general aviation, military, and
 10 other public operations from proposed flight-
 11 free zones, flight restrictions, or proposals ban-
 12 ning flights within a park.

13 (D) FLIGHT RESTRICTIONS.—Flight re-
 14 strictions, including curfews and limitations on
 15 the number of flights in a park may be con-
 16 tained in proposed regulations if necessary to
 17 preserve, protect, or restore the natural quiet
 18 and experience of the park.

19 (E) COMMERCIAL AIR TOURS.—Flight bans
 20 shall prevent commercial air tours in a park if
 21 necessary to preserve, protect, or restore the
 22 natural quiet and experience of the park.

23 (4) PRIORITIZATION OF PARKS FOR IMPLEMEN-
 24 TATION OF RECOMMENDATIONS.—The recommenda-
 25 tions shall include a proposal for prioritizing the

1 scheduled implementation of plans regulating over-
2 flights in the national parks based on the resource
3 impairment—

4 (A) caused by overflights in the national
5 parks; or

6 (B) threatened by the introduction or in-
7 crease of overflights in the national parks.

8 (5) FLIGHT ALTITUDES.—The Administrator,
9 after consultation with the Secretary, may—

10 (A) establish minimum flight altitudes to
11 include in the recommendations; and

12 (B) prohibit overflights below such mini-
13 mum altitudes in any national park as nec-
14 essary to meet the requirements of paragraph
15 (2).

16 (6) QUIET AIRCRAFT TECHNOLOGY.—The rec-
17 ommendations shall include a joint proposal by the
18 Secretary and the Administrator that—

19 (A) provides incentives for the use of quiet
20 aircraft technology within a national park;

21 (B) creates a schedule for any commercial
22 air tour operator operating within a national
23 park to convert the operator's fleet to quiet air-
24 craft;

1 (C) promotes other appropriate steps to
 2 encourage use of quiet aircraft within a na-
 3 tional park; or

4 (D) explains why implementation of sub-
 5 paragraphs (A), (B), and (C) is not necessary
 6 or appropriate to meet the requirements of
 7 paragraph (2).

8 (c) IMPLEMENTATION.—

9 (1) PREPARATION OF PLAN.—Not later than 90
 10 days after receipt of recommendations under sub-
 11 section (b) and after notice and opportunity for
 12 hearing, the Administrator shall prepare and issue a
 13 final plan for the management of air traffic in the
 14 airspace above any national park—

15 (A) experiencing an adverse impact associ-
 16 ated with noise from aircraft overflights; or

17 (B) for which the Secretary determines
 18 that air tours need to be regulated in order to
 19 prevent resource impairment from overflights.

20 (2) REVIEW OF RECOMMENDATIONS.—

21 (A) IN GENERAL.—The plan shall provide
 22 for implementation of the recommendations of
 23 the Secretary without change, unless the Ad-
 24 ministrator determines that implementing the

1 recommendations without change would ad-
2 versely affect aviation safety.

3 (B) REVIEW OF RECOMMENDATIONS.—If
4 the Administrator determines that implement-
5 ing the recommendations would adversely affect
6 aviation safety, the Administrator shall, not
7 later than 60 days after making the determina-
8 tion, in consultation with the Secretary and
9 after notice and opportunity for hearing—

10 (i) revise the recommendations con-
11 sistent with the requirements of subsection

12 (b) to eliminate the adverse effects on avia-
13 tion safety; and

14 (ii) issue regulations implementing the
15 revised recommendations in the plan.

16 (d) ENFORCEMENT.—

17 (1) ADMINISTRATOR.—The Administrator shall
18 enforce the plan in accordance with the subtitle VII
19 of title 49, United States Code.

20 (2) SECRETARY.—The Secretary may enforce
21 appropriate requirements of the plan in accordance
22 with regulations applicable to the National Parks
23 System.

24 (e) REPORT.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the effective date of the plan, the Secretary shall
3 submit to Congress a report on—

4 (A) the success of the plan in restoring the
5 natural quiet in the national parks; and

6 (B) such other matters, including possible
7 revisions in the plan, as may be of interest to
8 Congress.

9 (2) COMMENTS BY THE ADMINISTRATOR.—The
10 report shall include comments by the Administrator
11 regarding any effect on aircraft safety resulting
12 from implementation of the plan.

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