

106TH CONGRESS
1ST SESSION

H. R. 790

To require the Federal Aviation Administration to address the aircraft noise problems of Staten Island, New York.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 1999

Mr. FOSSELLA introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To require the Federal Aviation Administration to address the aircraft noise problems of Staten Island, New York.

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 “Staten Island Aircraft
5 Noise Correction Act of 1999”.

6 **SEC. 2. FINDINGS, DECLARATION, AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

8 (1) over the past 30 years, and especially since
9 the implementation of the Expanded East Coast
10 Plan, relentless noise from aircraft departing from

1 Newark International Airport has adversely affected
2 the residents of northwestern Staten Island, New
3 York; and

4 (2) the efforts of the Federal Aviation Adminis-
5 tration to mitigate aircraft noise levels on Staten Is-
6 land have been inadequate.

7 (b) DECLARATION.—Congress declares that the Fed-
8 eral Aviation Administration should remedy the problem
9 it has created, to the maximum extent practicable, by for-
10 mulating and implementing plans to mitigate aircraft
11 noise over certain areas of Staten Island.

12 (c) PURPOSE.—It is the purpose of this Act to compel
13 the Administrator to mitigate aircraft noise over certain
14 areas of Staten Island.

15 **SEC. 3. REDUCTION IN AIRCRAFT NOISE OVER STATEN IS-**
16 **LAND.**

17 Not later than 6 months after the date of enactment
18 of this Act, the Administrator of the Federal Aviation Ad-
19 ministration (in this Act referred to as the “Adminis-
20 trator”) shall develop and publish a plan to investigate
21 and test, without compromising safety, a straight-out
22 southbound departure procedure from Runway 22 of New-
23 ark International Airport.

1 **SEC. 4. NONAPPLICABILITY OF EIS REQUIREMENT.**

2 In carrying out the activities under this Act, the Ad-
3 ministrator shall not be required to prepare an environ-
4 mental impact statement in accordance with the National
5 Environment Policy Act of 1969 or any other law.

6 **SEC. 5. PROCEDURE.**

7 (a) **STANDING.**—In order to ensure compliance with
8 this Act by the Administrator, any resident of Staten Is-
9 land, New York, shall have standing in United States dis-
10 trict court to compel the Administrator to comply with this
11 Act.

12 (b) **VENUE.**—The venue for any such action shall be
13 the United States district court in Brooklyn, New York.

14 (c) **ATTORNEY'S FEES.**—

15 (1) **AWARD.**—Except as provided in paragraph
16 (2), the Administrator shall pay court costs and rea-
17 sonable attorney fees incurred with respect to an ac-
18 tion to compel the Administrator to comply with this
19 Act. Punitive damages may not be awarded.

20 (2) **LIMITATION.**—Paragraph (1) shall not
21 apply if the judge imposes a sanction under Rule 11
22 of the Federal Rules of Civil Procedure on an attor-
23 ney, law firm, or party in the plaintiff's case or if
24 the suit is dismissed by a judge on a motion by the
25 defendants for summary judgment.

1 **SEC. 6. IMPLEMENTATION.**

2 (a) DEADLINES.—The Administrator shall begin im-
3 plementation of the plan described in section 3 on or be-
4 fore the 90th day following the earlier of—

5 (1) the date of publication of the plan; and

6 (2) the date of any judicial order or settlement
7 agreement which is issued or entered into in re-
8 sponse to a civil action brought in accordance with
9 section 5(a) and which requires the implementation
10 of such plan.

11 (b) LIMITATION.—The plan described in section 3
12 shall not have the effect of reducing aircraft arrivals to
13 or departures from Newark International Airport.

○