

## Calendar No. 270

107TH CONGRESS  
1ST SESSION

# S. 1786

To expand aviation capacity in the Chicago area.

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### IN THE SENATE OF THE UNITED STATES

DECEMBER 7, 2001

Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. DASCHLE, Mr. INHOFE, Mr. REID, Mr. DORGAN, Mr. BURNS, Mr. ROCKEFELLER, Mr. BREAUX, Mr. BROWNBACK, Mr. TORRICELLI, and Mr. JOHNSON) introduced the following bill

DECEMBER 8 (legislative day, DECEMBER 7), 2001

Read the first time

DECEMBER 10, 2001

Read the second time and placed on the calendar

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## A BILL

To expand aviation capacity in the Chicago area.

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 Aviation Ca-  
5       pacity Expansion Act”.

## 1 SEC. 2. FINDINGS.

2 Congress makes the following findings:

1       tate redesign of O'Hare and the development of a  
2       supplemental air carrier airport located near  
3       Peotone, Illinois.

4               (4) The Governor of Illinois and the Mayor of  
5       Chicago have determined that redesign of O'Hare  
6       and the development of a supplemental air carrier  
7       airport located near Peotone, Illinois, as described in  
8       this Act, are each necessary and desirable to provide  
9       reliable and efficient air commerce.

10               (5) On December 5, 2001, the Governor of Illi-  
11       nois and the Mayor of Chicago signed an historic  
12       agreement that would modernize O'Hare Intern-  
13       national Airport, by providing for—

- 14                       (A) east-west parallel runways;
- 15                       (B) construction of a south suburban air-  
16       port near Peotone;
- 17                       (C) addressing traffic congestion along the  
18       Northwest Corridor, including western airport  
19       access;
- 20                       (D) continuation of the operation of Chi-  
21       cago Meigs Field; and
- 22                       (E) maintenance of the quality of life for  
23       residents near the airports.

## 4 SEC. 3. AIRPORT REDESIGN.

5 (a) NECESSITY OF O'HARE RUNWAY REDESIGN AND  
6 DEVELOPMENT OF SOUTH SUBURBAN AIRPORT.—

20 (i) the runway redesign plan upon receipt  
21 of an application from Chicago for approval of  
22 an airport layout plan that includes the runway  
23 redesign plan; and

24 (ii) the south suburban airport upon re-  
25 ceipt of an application from the State of Illinois

1           or a political subdivision thereof for approval of  
2           an airport layout plan for a south suburban air-  
3           port.

4           (B) Implementation of the plan described in  
5           subparagraph (A) shall be subject to application of  
6           Federal laws with respect to environmental protec-  
7           tion and environmental analysis including the Na-  
8           tional Environmental Policy Act and the determina-  
9           tion of the Administrator of the Federal Aviation  
10           Administration that the plan meets the criteria re-  
11           garding practicability, safety, and efficiency, and is  
12           consistent with Federal Aviation Administration de-  
13           sign criteria.

14           (3) The State shall not enact or enforce any  
15           law respecting aeronautics that interferes with, or  
16           has the effect of interfering with, implementation of  
17           Federal policy with respect to the runway redesign  
18           plan including sections 38.01, 47, and 48 of the Illi-  
19           nois Aeronautics Act.

20           (4) All environmental reviews, analyses, and  
21           opinions related to issuance of permits, licenses, or  
22           approvals by operation of Federal law relating to the  
23           runway redesign plan or the south suburban airport  
24           shall be conducted on an expedited basis. Each Fed-  
25           eral agency having jurisdiction shall complete envi-

1 ronmental-related reviews on an expedited and co-  
2 ordinated basis.

3 (5) If the Administrator of the Federal Aviation  
4 Administration determines that construction or oper-  
5 ation of the runway redesign plan would not con-  
6 form, within the meaning of section 176(c) of the  
7 Clean Air Act, to an applicable implementation plan  
8 approved or promulgated under section 110 of the  
9 Clean Air Act, the Environmental Protection Agency  
10 shall forthwith cause or promulgate a revision of  
11 such implementation plan sufficient for the runway  
12 redesign plan to satisfy the requirements of section  
13 176(c) of the Clean Air Act.

14 (6) In this section:

15 (A) The term “runway redesign plan”  
16 means—

17 (i) 6 parallel runways at O’Hare ori-  
18 ented in the east-west direction with the  
19 capability, to the extent determined by the  
20 Administrator to be practicable, safe, and  
21 efficient, for 4 simultaneous independent  
22 instrument aircraft arrivals, and all associ-  
23 ated taxiways, navigational facilities, pas-  
24 senger handling facilities, and other related  
25 facilities; and

1 (ii) the closure of existing runways  
2 14L-32R, 14R-32L, and 18-36.

3 (B) The term "south suburban airport"  
4 means an additional air carrier airport in the  
5 vicinity of Peotone, Illinois.

6 (C) The term "Administrator" means the  
7 Administrator of the Federal Aviation Adminis-  
8 tration or his designee.

9 (b) PHASING OF CONSTRUCTION.—Approval by the  
10 Administrator of an airport layout plan that includes the  
11 runway redesign plan shall provide that any runway lo-  
12 cated more than 2500 feet south of existing runway 9R–  
13 27L shall not begin construction before January 1, 2011.

14 (c) WESTERN PUBLIC ROADWAY ACCESS.—The Ad-  
15 ministrator shall not consider an airport layout plan sub-  
16 mitted by Chicago that includes the runway redesign plan,  
17 unless it includes public roadway access through the west-  
18 ern boundary of O'Hare to passenger terminal and park-  
19 ing facilities. Approval of western public road access shall  
20 be subject to the condition that the cost of construction  
21 be paid for from airport revenues.

## 22 (d) NOISE MITIGATION.—

23 (1) Approval by the Administrator of an airport  
24 layout plan that includes the runway redesign plan  
25 shall require Chicago to offer acoustical treatment of

1       all single-family houses and schools located within  
2       the 65 DNL noise contour for each construction  
3       phase of the runway redesign plan, subject to Fed-  
4       eral Aviation Administration guidelines and speci-  
5       fications of general applicability. The Administrator  
6       shall determine that Chicago's plan for acoustical  
7       treatment is financially feasible.

8               (2)(A) Approval by the Administrator of an air-  
9       port layout plan that includes the runway redesign  
10      plan shall be subject to the condition that noise im-  
11      pact of aircraft operations at O'Hare in the calendar  
12      year immediately following the year in which the  
13      first new runway is first used, and in each calendar  
14      year thereafter, will be less than the noise impact in  
15      calendar year 2000.

16               (B) The Administrator shall make the deter-  
17      mination described in subparagraph (A)—

18                       (i) using, to the extent practicable, the pro-  
19      cedures specified in part 150 of title 14, Code  
20      of Federal Regulations;

21                       (ii) using the same method for calendar  
22      year 2000 and for each forecast year; and

23                       (iii) by determining noise impact solely in  
24      terms of the aggregate number of square miles  
25      and the aggregate number of single-family

1       houses and schools exposed to 65 or greater  
2       decibels using the DNL metric, including only  
3       single-family houses and schools in existence on  
4       the last day of calendar year 2000.

5           (C) The condition described in paragraph (1)  
6       shall be enforceable exclusively by the Administrator,  
7       using noise mitigation measures approved or approv-  
8       able under part 150 of title 14, Code of Federal  
9       Regulations.

10          (e) SOUTH SUBURBAN AIRPORT FEDERAL FUND-  
11       ING.—The Administrator shall give priority consideration  
12       to a letter of intent application submitted by the State  
13       of Illinois or a political subdivision thereof for the con-  
14       struction of the south suburban airport. The Adminis-  
15       trator shall consider the letter not later than 90 days after  
16       the Administrator issues final approval of the airport lay-  
17       out plan for the south suburban airport.

18          (f) FEDERAL CONSTRUCTION.—

19           (1) On July 1, 2004, or as soon practicable  
20       thereafter, the Administrator shall construct the  
21       runway redesign plan as a Federal project, if—

22               (A) the Administrator finds, after notice  
23       and opportunity for public comment, that a  
24       continuous course of construction of the runway  
25       redesign plan has not commenced and is not

1           reasonably expected to commence by December  
2           1, 2004;

3           (B) Chicago agrees in writing to construc-  
4           tion of the runway redesign plan as a Federal  
5           project;

6           (C) Chicago enters into an agreement, ac-  
7           ceptable to the Administrator, to protect the in-  
8           terests of the United States Government with  
9           respect to the construction, operation, and  
10           maintenance of the runway redesign plan; and

11           (D) Chicago provides, without cost to the  
12           United States Government, land, easements,  
13           rights-of-way, rights of entry, and other inter-  
14           ests in land or property necessary to permit  
15           construction of the runway redesign plan as a  
16           Federal project and to protect the interests of  
17           the United States Government in its construc-  
18           tion, operation, maintenance, and use.

19           (2) The Administrator may make an agreement  
20           with the City of Chicago under which Chicago will  
21           provide the work described in paragraph (1), for the  
22           benefit of the Administrator.

23           (3) The Administrator is authorized and di-  
24           rected to acquire in the name of the United States  
25           all land, easements, rights-of-way, rights of entry, or

1 other interests in land or property necessary for the  
2 runway redesign plan under this section, subject to  
3 such terms and conditions as the Administrator  
4 deems necessary to protect the interests of the  
5 United States.

6 (g) MERRILL C. MEIGS FIELD.—

7 (1) Until January 1, 2026, the Administrator  
8 shall withhold all airport grant funds respecting Chi-  
9 cago O'Hare International Airport, other than  
10 grants involving national security and safety, unless  
11 the Administrator is reasonably satisfied that the  
12 following conditions have been met:

13 (A) Merrill C. Meigs Field in Chicago ei-  
14 ther is being operated by Chicago as an airport  
15 or has been closed for reasons beyond Chicago's  
16 control.

17 (B) Chicago is providing, at its own ex-  
18 pense, all off-airport roads and other access,  
19 services, equipment, and other personal prop-  
20 erty that it provided in connection with the op-  
21 eration of Meigs Field on and prior to Decem-  
22 ber 1, 2001.

23 (C) Chicago is operating Meigs Field, at  
24 its own expense, at all times as a public airport  
25 in good condition and repair open to all users

1           capable of utilizing the airport, and is maintaining  
2           the airport for such public operations at  
3           least from 6:00 a.m. to 10:00 p.m. 7 days a  
4           week whenever weather conditions permit.

5           (D) Chicago is providing or causing its  
6           agents or independent contractors to provide all  
7           services (including police and fire protection  
8           services) provided or offered at Meigs Field on  
9           or immediately prior to December 1, 2001, in-  
10           cluding tie-down, terminal, refueling, and repair  
11           services, at rates that reflect actual costs of  
12           providing such goods and services.

13           (2) After January 1, 2006, the Administrator  
14           shall not withhold grant funds under this Act to the  
15           extent the Administrator determines that with-  
16           holding of grant funds would create an unreasonable  
17           burden on interstate commerce. If Meigs Field is  
18           closed for reasons beyond Chicago's control, the con-  
19           ditions described in subparagraphs (B) through (D)  
20           shall not apply.

21           (3) The Administrator shall not enforce the  
22           conditions listed in paragraph (1) if the State of Illi-  
23           nois enacts a law on or after January 1, 2006, au-  
24           thorizing the closure of Meigs Field.

11 (h) JUDICIAL REVIEW.—An order issued by the Ad-  
12 ministrator of the Federal Aviation Administration, in  
13 whole or in part, under this section shall be deemed to  
14 be an order issued under subtitle VII of part A of title  
15 49, United States Code, and shall be reviewed in accord-  
16 ance with the procedures in section 46110 of title 49,  
17 United States Code.

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**A BILL**

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