

114TH CONGRESS
2D SESSION

H. R. 5744

To amend the FAA Modernization and Reform Act of 2012 with respect to categorical exclusions granted for next generation flight procedures, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2016

Mr. SCHWEIKERT (for himself and Mr. GALLEG0) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the FAA Modernization and Reform Act of 2012 with respect to categorical exclusions granted for next generation flight procedures, 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 “NextGen Flight Path
5 Review and Notification Act of 2016”.

1 **SEC. 2. REVIEW AND NOTIFICATION OF CATEGORICAL EX-**
2 **CLUSIONS GRANTED FOR NEXT GENERATION**
3 **FLIGHT PROCEDURES.**

4 Section 213(c) of the FAA Modernization and Re-
5 form Act of 2012 (49 U.S.C. 40101 note) is amended by
6 adding at the end the following:

7 “(3) NOTIFICATIONS AND CONSULTATIONS.—

8 As part of the process to apply a categorical exclu-
9 sion under this subsection, the Administrator shall—

10 “(A) notify and consult with the operator
11 of the airport at which the new procedure would
12 be implemented regarding appropriate commu-
13 nity involvement practices; and

14 “(B) consider consultations or other en-
15 gagement with the community in which the air-
16 port is located to inform the public of the new
17 procedure.

18 “(4) REVIEW OF CERTAIN CATEGORICAL EX-
19 CLUSIONS.—

20 “(A) IN GENERAL.—The Administrator
21 shall review each decision of the Administrator
22 made between February 14, 2012, and Sep-
23 tember 30, 2014, to grant a categorical exclu-
24 sion under this subsection with respect to a pro-
25 cedure to be implemented at an OEP airport
26 that was a material change from procedures

1 previously in effect at the airport to determine
2 if the implementation of the procedure had a
3 significant effect on the human environment in
4 the community in which the airport is located.

5 “(B) CONTENT OF REVIEW.—If, in con-
6 ducting a review under subparagraph (A) with
7 respect to a procedure implemented at an OEP
8 airport, the Administrator, in consultation with
9 the operator of the airport, determines that im-
10 plementing the procedure had a significant ef-
11 fect on the human environment in the commu-
12 nity in which the airport is located, the Admin-
13 istrator shall—

14 “(i) consult with the operator of the
15 airport to identify measures to mitigate the
16 effect of the procedure on the human envi-
17 ronment; and

18 “(ii) in conducting such consultations,
19 consider the use of alternative flight paths
20 that do not substantially degrade the effi-
21 ciencies achieved by the implementation of
22 the procedure being reviewed.

23 “(C) HUMAN ENVIRONMENT DEFINED.—
24 In this paragraph, the term ‘human environ-
25 ment’ has the meaning given that term in sec-

1 tion 1508.14 of title 40, Code of Federal Regu-
2 lations (as in effect on the day before the date
3 of enactment of this paragraph).”.

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