

116TH CONGRESS
1ST SESSION

H. R. 5106

To amend title 49, United States Code, to allow airports to impose an access restriction for certain hours, to assess certain penalties against air carriers or aircraft operators, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2019

Ms. SPEIER (for herself, Mr. CASE, Ms. NORTON, Ms. SCHAKOWSKY, Mr. PANNETTA, Mr. QUIGLEY, Mr. ROUDA, Ms. LEE of California, Mr. SUOZZI, Mr. RASKIN, Ms. ESHOO, Mr. SMITH of Washington, and Mr. SHERMAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to allow airports to impose an access restriction for certain hours, to assess certain penalties against air carriers or aircraft operators, 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 “Restore Everyone’s
5 Sleep Tonight Act of 2019” or the “REST Act of 2019”.

1 **SEC. 2. AIRPORT ACCESS RESTRICTION.**

2 (a) IN GENERAL.—Notwithstanding any other provi-
3 sion of law and except as provided in subsection (b), an
4 airport may impose an access restriction between the
5 hours of 10 p.m. and 7 a.m. for aircrafts.

6 (b) ACCOMMODATIONS FOR CERTAIN FLIGHTS.—

7 (1) TYPES OF FLIGHTS.—In imposing an access
8 restriction under subsection (a), an airport shall per-
9 mit, within the hours of such access restriction, the
10 operation of military, law enforcement, and Coast
11 Guard flights.

12 (2) EXCEPTIONAL CIRCUMSTANCES.—In impos-
13 ing an access restriction under subsection (a), an
14 airport may not prohibit access for—

15 (A) a flight that is scheduled to arrive or
16 depart during hours not covered by the access
17 restriction imposed under subsection (a) and
18 which arrives or departs during such access re-
19 striction due solely to weather or the safe oper-
20 ation of the aircraft, including compliance with
21 any safety-related requirements;

22 (B) emergency flights;

23 (C) flights to evacuate natural disasters;

24 and

25 (D) flights for the purpose of the preserva-
26 tion of life, health, or safety.

1 (c) PENALTIES.—

2 (1) IN GENERAL.—An airport may impose a
3 noise deterrence penalty on an air carrier or aircraft
4 operator for a violation of the access restriction im-
5 posed under subsection (a).

6 (2) AMOUNT OF PENALTY.—An airport apply-
7 ing penalties under this subsection shall set a base
8 level for a noise deterrence penalty under paragraph
9 (1) at an amount sufficient to deter future violations
10 of the access restriction imposed under subsection
11 (a).

12 (3) INCREASE IN PENALTY.—The airport apply-
13 ing penalties under this subsection may increase a
14 penalty for a violation of the access restriction im-
15 posed under subsection (a) above the base amount
16 set under paragraph (2) if an aircraft takeoff or
17 landing resulted in noise to residents of any unit of
18 local government exceeding 80 dBA, as evidenced by
19 a noise monitoring device recognized as authoritative
20 by the airport.

21 (4) CONSIDERATIONS FOR A PENALTY IN-
22 CREASE.—In determining whether to increase the
23 penalty above the base amount set under paragraph
24 (2), an airport may consider the following:

1 (A) The certified noise level and engine
2 model of the aircraft.

3 (B) The time of violation.

4 (C) Repeat violations by the air carrier or
5 aircraft operator.

6 (D) Any other criteria that the airport de-
7 termines reflects the noise impacts to residents
8 of the unit of local government impacted by the
9 violation of subsection (a).

10 (5) USE OF PENALTY.—

11 (A) IN GENERAL.—Except as provided in
12 subparagraph (C), penalties collected for a vio-
13 lation of the access restriction imposed under
14 subsection (a) shall be remitted to the unit of
15 local government that experienced the impact of
16 the noise deterrence violation.

17 (B) MULTIPLE UNITS OF LOCAL GOVERN-
18 MENT.—If multiple units of local government
19 are impacted by a violation of the access re-
20 striction imposed under subsection (a), an air-
21 port shall remit the penalty to the jurisdictions
22 impacted in equal parts.

23 (C) ADMINISTRATIVE COSTS.—An airport
24 may deduct reasonable costs of administering a
25 noise deterrence penalty from a penalty col-

1 lected under this paragraph before remitting
2 the penalty under subparagraphs (A) and (B).

3 (d) LIMITATION.—With respect to any action taken
4 in carrying out this section, the airport is not required
5 to seek the approval or comment of the Federal Aviation
6 Administration or the Secretary of Transportation, any air
7 carrier or aircraft operator or any other entity.

8 (e) DEFINITION OF WEATHER.—In this section, the
9 term “weather” is defined as the state of the atmosphere
10 at a location or along a route over the short-term.

11 (f) DEFINITION OF ACCESS RESTRICTION.—For pur-
12 poses of this Act, an access restriction is a prohibition on
13 the landing or takeoff of aircraft.

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