

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|--|
| 47521 | 49 App.:2151. | Nov. 5, 1990, Pub. L. 101-508, § 9302, 104 Stat. 1388-378. |

Editorial Notes

AMENDMENTS

2012—Par. (5). Pub. L. 112-95, § 111(c)(2)(B), substituted “charges” for “fees”.
 Pars. (7), (8). Pub. L. 112-95, § 111(c)(2)(A)(vi), substituted “charge” for “fee”.

Statutory Notes and Related Subsidiaries

AUTHORIZATION OF CERTAIN FLIGHTS BY STAGE 2 AIRCRAFT

Pub. L. 115-254, div. B, title I, § 172, Oct. 5, 2018, 132 Stat. 3227, provided that:

“(a) IN GENERAL.—Notwithstanding chapter 475 of title 49, United States Code, not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator of the Federal Aviation Administration shall initiate a pilot program to permit an operator of a stage 2 aircraft to operate that aircraft in nonrevenue service into not more than 4 medium hub airports or nonhub airports if—

- “(1) the airport—
 - “(A) is certified under part 139 of title 14, Code of Federal Regulations;
 - “(B) has a runway that—
 - “(i) is longer than 8,000 feet and not less than 200 feet wide; and
 - “(ii) is load bearing with a pavement classification number of not less than 38; and
 - “(C) has a maintenance facility with a maintenance certificate issued under part 145 of such title; and
- “(2) the operator of the stage 2 aircraft operates not more than 10 flights per month using that aircraft.

“(b) TERMINATION.—The pilot program shall terminate on the earlier of—

- “(1) the date that is 10 years after the date of the enactment of this Act [Oct. 5, 2018]; or
- “(2) the date on which the Administrator determines that no stage 2 aircraft remain in service.

“(c) DEFINITIONS.—In this section:

“(1) MEDIUM HUB AIRPORT; NONHUB AIRPORT.—The terms ‘medium hub airport’ and ‘nonhub airport’ have the meanings given those terms in section 40102 of title 49, United States Code.

“(2) STAGE 2 AIRCRAFT.—The term ‘stage 2 aircraft’ has the meaning given the term ‘stage 2 airplane’ in section 91.851 of title 14, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act [Oct. 5, 2018]).”

§ 47522. Definitions

In this subchapter—

- (1) “air carrier”, “air transportation”, and “United States” have the same meanings given those terms in section 40102(a) of this title.
- (2) “stage 3 noise levels” means the stage 3 noise levels in part 36 of title 14, Code of Federal Regulations, in effect on November 5, 1990.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1288.)

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| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 47522 | 49 App.:2157(h). | Nov. 5, 1990, Pub. L. 101-508, § 9308(h), 104 Stat. 1388-384. |

The definitions are made applicable to all of subchapter II, rather than only to those provisions based on 49 App.:2157 as in the source provisions, because the defined terms appear in several sections of subchapter II and it is assumed they are intended to have the same meaning in each of those sections.

§ 47523. National aviation noise policy

(a) GENERAL REQUIREMENTS.—Not later than July 1, 1991, the Secretary of Transportation shall establish by regulation a national aviation noise policy that considers this subchapter, including the phaseout and nonaddition of stage 2 aircraft as provided in this subchapter and dates for carrying out that policy and reporting requirements consistent with this subchapter and law existing as of November 5, 1990.

(b) DETAILED ECONOMIC ANALYSIS.—The policy shall be based on a detailed economic analysis of the impact of the phaseout date for stage 2 aircraft on competition in the airline industry, including—

- (1) the ability of air carriers to achieve capacity growth consistent with the projected rate of growth for the airline industry;
- (2) the impact of competition in the airline and air cargo industries;
- (3) the impact on nonhub and small community air service; and
- (4) the impact on new entry into the airline industry.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1288.)

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| 47523 | 49 App.:2152. | Nov. 5, 1990, Pub. L. 101-508, § 9303, 104 Stat. 1388-378. |

In this section, the text of 49 App.:2152(c) is omitted as executed.

In subsection (a), the words “(hereinafter in this chapter referred to as the ‘Secretary’)” are omitted because of the restatement. The words “this subchapter” (the first time they appear) are substituted for “the findings, determinations, and provisions of this chapter” to eliminate unnecessary words.

Subsection (b) is tabulated for clarity.

§ 47524. Airport noise and access restriction review program

(a) GENERAL REQUIREMENTS.—The national aviation noise policy established under section 47523 of this title shall provide for establishing by regulation a national program for reviewing airport noise and access restrictions on the operation of stage 2 and stage 3 aircraft. The program shall provide for adequate public notice and opportunity for comment on the restrictions.

(b) STAGE 2 AIRCRAFT.—Except as provided in subsection (d) of this section, an airport noise or access restriction may include a restriction on the operation of stage 2 aircraft proposed after October 1, 1990, only if the airport operator publishes the proposed restriction and prepares and makes available for public comment at least 180 days before the effective date of the proposed restriction—

- (1) an analysis of the anticipated or actual costs and benefits of the existing or proposed restriction;