

104TH CONGRESS
2D SESSION

H. R. 4093

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 1996

Mr. FRANKS of New Jersey (for himself, Ms. MOLINARI, Mr. FRELINGHUYSEN, and Mr. MARTINI) 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 New Jersey and 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 “Bi-State Aircraft Noise
5 Correction Act of 1996”.

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

7 (a) FINDINGS.—Congress finds that—

8 (1) the Expanded East Coast Plan of the Fed-
9 eral Aviation Administration has resulted in signifi-

1 cantly increased levels of aircraft noise over New
2 Jersey;

3 (2) over the past 30 years, and especially since
4 the implementation of the Expanded East Coast
5 Plan, relentless noise from aircraft departing from
6 Newark International Airport has adversely affected
7 the residents of northwestern Staten Island, New
8 York;

9 (3) the Federal Aviation Administration has
10 stalled, obfuscated, resisted, and delayed any mean-
11 ingful attempt to mitigate the aircraft noise problem
12 in New Jersey created by the Administration
13 through implementation of the Expanded East Coast
14 Plan; and

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

18 (b) DECLARATION.—Congress declares that the Fed-
19 eral Aviation Administration should remedy the problem
20 it has created, to the maximum extent practicable, by for-
21 mulating and implementing plans to mitigate aircraft
22 noise over certain areas of New Jersey and Staten Island.

23 (c) PURPOSE.—It is the purpose of this Act to compel
24 the Administrator to mitigate aircraft noise over certain
25 areas of New Jersey and Staten Island.

1 **SEC. 3. REDUCTION IN AIRCRAFT NOISE OVER NEW**
2 **JERSEY.**

3 Not later than 6 months after the date of the enact-
4 ment of this Act, the Administrator of the Federal Avia-
5 tion Administration (hereinafter in this Act referred to as
6 the “Administrator”) shall develop and publish, without
7 compromising safety, a comprehensive plan to reduce air-
8 craft generated noise in New Jersey by 6 decibels (yearly
9 day-night average sound level) for at least 80 percent of
10 the people residing within 18 nautical miles of Newark
11 International Airport, relative to the noise values reported
12 in the Federal Aviation Administration document, “Envi-
13 ronmental Impact Statement, Runway 11 ILS at Newark
14 International Airport (September 16, 1993)”, and exclud-
15 ing regions where aircraft-generated noise exceeds 65 deci-
16 bels (yearly day-night average sound level).

17 **SEC. 4. REDUCTION IN AIRCRAFT NOISE OVER STATEN**
18 **ISLAND.**

19 Not later than 6 months after the date of the enact-
20 ment of this Act, the Administrator shall develop and pub-
21 lish a plan to investigate and test southbound departure
22 procedures from runway 22 of Newark International Air-
23 port that will fully utilize, without compromising safety,
24 all of the allowable and available climbout airspace and
25 that will result in a minimum 25 percent decrease in air-
26 craft noise on the ground in northwestern Staten Island.

1 The Administrator shall also investigate a straight-out
2 southbound departure from runway 22.

3 **SEC. 5. OTHER MEASURES.**

4 (a) REMEDIATION EFFORTS.—The Administrator
5 shall undertake such remediation efforts as may be nec-
6 essary to mitigate aircraft noise within the sound level
7 contour described in section 3 pursuant to part 150 of
8 title 14, Code of Federal Regulations.

9 (b) NONAPPLICABILITY OF EIS REQUIREMENT.—In
10 carrying out the activities under this Act, the Adminis-
11 trator shall not be required to prepare an environmental
12 impact statement in accordance with the National Envi-
13 ronment Policy Act of 1969 or any other law.

14 **SEC. 6. PROCEDURE.**

15 (a) STANDING.—In order to ensure compliance with
16 this Act by the Administrator—

17 (1) the New Jersey Citizens for Environmental
18 Research, and

19 (2) a group to be designated by the Staten Is-
20 land Borough President,

21 shall have standing in United States district court to com-
22 pel the Administrator to comply with this Act.

23 (b) VENUE.—The venue for any such action shall be
24 the United States district court in Newark, New Jersey.

25 (c) ATTORNEY'S FEES.—

1 (1) AWARD.—Except as provided in paragraph
2 (2), the Administrator shall pay court costs and rea-
3 sonable attorney fees incurred by the organizations
4 referred to in subsection (a) with respect to an ac-
5 tion to compel the Administrator to comply with this
6 Act. Punitive damages may not be awarded.

7 (2) LIMITATION.—Paragraph (1) shall not
8 apply if the judge imposes a sanction under rule 11
9 of the Federal Rules of Civil Procedure on an attor-
10 ney, law firm, or party in the plaintiff’s case or if
11 the suit is dismissed by a judge on a motion by the
12 defendants for summary judgment.

13 **SEC. 7. IMPLEMENTATION.**

14 (a) DEADLINES.—The Federal Aviation Administra-
15 tion shall begin implementation of—

16 (1) the plan described in section 3 on or before
17 90th day after the date of publication of the plan;

18 (2) the plan described in section 4 on or before
19 90th day after the date of publication of the plan;
20 and

21 (3) the plan described in section 3 or 4 on or
22 before 90th day after the date of any judicial order
23 or settlement agreement which is issued or entered
24 into in response to a civil action brought in accord-

1 ance with section 6(a) and which requires the imple-
2 mentation of such plan.

3 (b) LIMITATION.—No plan described in section 3 or
4 4 shall have the effect of reducing aircraft arrivals to or
5 departures from Newark International Airport.

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