

107TH CONGRESS  
1ST SESSION

# H. R. 3479

To expand aviation capacity in the Chicago area.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2001

Mr. LIPINSKI (for himself, Mr. COSTELLO, Mr. DAVIS of Illinois, Mr. RUSH, Mr. GUTIERREZ, Mr. EVANS, Mr. BLAGOJEVICH, Ms. SCHAKOWSKY, Mr. DEFazio, Mr. BOSWELL, Mr. PHELPS, Mr. RAHALL, Ms. HOOLEY of Oregon, Mr. HOFFEL, Mr. HINCHEY, Mr. FILNER, Ms. BALDWIN, Mr. BAIRD, Mr. WU, Mr. BORSKI, Mr. CLEMENT, Mr. BARCIA, Mr. LATOURETTE, Mr. SHIMKUS, Mrs. TAUSCHER, Mr. PASCRELL, Mr. HOLDEN, Mr. MATHESON, Mr. HONDA, Mr. KIRK, Mr. NADLER, Ms. BERKLEY, Mr. LARSEN of Washington, Mr. SANDLIN, Mr. CARSON of Oklahoma, Mr. HORN, Mr. EHLERS, Mr. BACHUS, Mr. ENGEL, Mr. BALDACCI, Mr. MEEKS of New York, Mr. NEAL of Massachusetts, Mr. SAWYER, Ms. SLAUGHTER, Mr. UDALL of Colorado, Mr. TIERNEY, Mr. MENENDEZ, Mr. SANDERS, Mr. DICKS, Mr. HOYER, Mr. BRADY of Pennsylvania, Mr. MURTHA, Mr. LAFALCE, Mr. DUNCAN, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. TOWNS, Mr. HINOJOSA, Mrs. MINK of Hawaii, Mr. SMITH of Washington, Mr. POMEROY, Mr. CAPUANO, Mr. COYNE, Mr. ETHERIDGE, Mr. MEEHAN, Ms. VELÁZQUEZ, Mr. MICA, Mr. COOKSEY, Mr. MASCARA, Mr. ACKERMAN, Mr. LAMPSON, Mr. PASTOR, and Mr. SERRANO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Aviation Ca-  
3 pacity Expansion Act”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) The reliability and efficiency of the national  
7 air transportation system significantly depend on the  
8 efficiency of Chicago O’Hare International Airport.  
9 Because of O’Hare’s central location, and the mag-  
10 nitude of the demand for air transportation services  
11 in northeast Illinois and northwest Indiana, O’Hare  
12 has an essential role in the national air transpor-  
13 tation system. The reliability and efficiency of inter-  
14 state air transportation for residents and businesses  
15 in many States depend on efficient processing of air  
16 traffic operations at O’Hare.

17 (2) The largest efficient hub airports in the  
18 United States are designed with multiple parallel  
19 runways without substantial runway intersections.  
20 O’Hare cannot efficiently perform its role in the na-  
21 tional air transportation system unless it has such a  
22 design.

23 (3) New runway construction projects are local  
24 decisions that are supported by the Federal Govern-  
25 ment through the Airport Improvement Program  
26 and other programs. Given the importance of air

1 travel to our national economy, and the importance  
2 of O’Hare to national air transportation, it is critical  
3 that the Federal Government does all it can to facili-  
4 tate redesign of O’Hare and the development of an  
5 additional air carrier airport located near Peotone,  
6 Illinois.

7 (4) The Governor of Illinois and the Mayor of  
8 Chicago have determined that redesign of O’Hare  
9 and the development of an additional air carrier air-  
10 port located near Peotone, Illinois, as described in  
11 this Act, are each necessary and desirable to provide  
12 reliable and efficient air commerce.

13 (5) On December 5, 2001, the Governor of Illi-  
14 nois and the Mayor of Chicago entered into an his-  
15 toric agreement that would modernize O’Hare Inter-  
16 national Airport, by providing for—

17 (A) east-west parallel runways;

18 (B) construction of a south suburban air-  
19 port near Peotone;

20 (C) addressing traffic congestion along the  
21 Northwest Corridor, including western airport  
22 access;

23 (D) continuation of the operation of Chi-  
24 cago Meigs Field; and

1 (E) maintenance of the quality of life for  
2 residents near the airports.

3 (6) The importance of increasing commercial  
4 air service at the Gary-Chicago and Greater Rock-  
5 ford Airports is also recognized.

6 **SEC. 3. AIRPORT REDESIGN.**

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

9 (1) It is the policy of Congress that redesign  
10 and reconstruction of Chicago O'Hare International  
11 Airport in Cook and DuPage Counties, Illinois, in  
12 accordance with the runway redesign plan, and the  
13 development of a south suburban airport in the Chi-  
14 cago metropolitan region, are each required to im-  
15 prove the efficiency of, and relieve congestion in, the  
16 national air transportation system.

17 (2)(A) The Administrator of the Federal Avia-  
18 tion Administration shall implement the Federal pol-  
19 icy described in paragraph (1) by facilitating ap-  
20 proval, funding, construction, and implementation  
21 of—

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

1           (ii) the south suburban airport upon re-  
2           ceipt of an application from the State of Illinois  
3           or a political subdivision thereof for approval of  
4           an airport layout plan for a south suburban air-  
5           port.

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

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

22          (4) All environmental reviews, analyses, and  
23          opinions related to issuance of permits, licenses, or  
24          approvals by operation of Federal law relating to the  
25          runway redesign plan or the south suburban airport

1 shall be conducted on an expedited basis. Each Fed-  
2 eral agency having jurisdiction shall complete envi-  
3 ronmental-related reviews on an expedited basis in  
4 an integrated effort with the Federal Aviation Ad-  
5 ministration. Other Federal agencies shall defer to  
6 the congressional finding of need for the plans sub-  
7 mitted under this section and the Federal Aviation  
8 Administration's determination as the lead Federal  
9 agency of reasonable, practicable, feasible, and pru-  
10 dent alternatives.

11 (5) If the Administrator of the Federal Aviation  
12 Administration determines that construction or oper-  
13 ation of the runway redesign plan would not con-  
14 form, within the meaning of section 176(c) of the  
15 Clean Air Act, to an applicable implementation plan  
16 approved or promulgated under section 110 of the  
17 Clean Air Act, the Environmental Protection Agency  
18 shall forthwith use its powers under the Clean Air  
19 Act respecting approval and promulgation of imple-  
20 mentation plans to cause or promulgate a revision of  
21 such implementation plan sufficient for the runway  
22 redesign plan to satisfy the requirements of section  
23 176(c) of the Clean Air Act.

24 (6) In this section:

1 (A) The term “runway redesign plan”  
2 means—

3 (i) 6 parallel runways at O’Hare ori-  
4 ented in the east-west direction with the  
5 capability, to the extent determined by the  
6 Administrator to be practicable, safe, and  
7 efficient, for 4 simultaneous independent  
8 instrument aircraft arrivals, and all associ-  
9 ated taxiways, navigational facilities, pas-  
10 senger handling facilities, and other related  
11 facilities; and

12 (ii) the closure of existing runways  
13 14L–32R, 14R–32L, and 18–36.

14 (B) The term “south suburban airport”  
15 means an additional air carrier airport in the  
16 vicinity of Peotone, Illinois.

17 (C) The term “Administrator” means the  
18 Administrator of the Federal Aviation Adminis-  
19 tration or his designee.

20 (b) PHASING OF CONSTRUCTION.—Approval by the  
21 Administrator of an airport layout plan that includes the  
22 runway redesign plan shall provide that any runway lo-  
23 cated more than 2500 feet south of existing runway 9R–  
24 27L shall not begin construction before January 1, 2011.

1           (c) WESTERN PUBLIC ROADWAY ACCESS.—The Ad-  
2 ministrator shall not consider an airport layout plan sub-  
3 mitted by Chicago that includes the runway redesign plan,  
4 unless it includes public roadway access through the west-  
5 ern boundary of O’Hare to passenger terminal and park-  
6 ing facilities. Approval of western public road access shall  
7 be subject to the condition that the cost of construction  
8 be paid for from airport revenues consistent with Federal  
9 Aviation Administration revenue use requirements.

10           (d) NOISE MITIGATION.—

11           (1) Approval by the Administrator of an airport  
12 layout plan that includes the runway redesign plan  
13 shall require Chicago to offer acoustical treatment of  
14 all single-family houses and schools located within  
15 the 65 DNL noise contour for each construction  
16 phase of the runway redesign plan, subject to Fed-  
17 eral Aviation Administration guidelines and speci-  
18 fications of general applicability. Chicago shall be re-  
19 quired to provide the Administrator with information  
20 sufficient to demonstrate that the acoustical treat-  
21 ment required by this paragraph is feasible.

22           (2)(A) Approval by the Administrator of an air-  
23 port layout plan that includes the runway redesign  
24 plan shall be subject to the condition that noise im-  
25 pact of aircraft operations at O’Hare in the calendar



1 year immediately following the year in which the  
2 first new runway is first used, and in each calendar  
3 year thereafter, will be less than the noise impact in  
4 calendar year 2000.

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

7 (i) using, to the extent practicable, the pro-  
8 cedures specified in part 150 of title 14, Code  
9 of Federal Regulations;

10 (ii) using the same method for calendar  
11 year 2000 and for each forecast year; and

12 (iii) by determining noise impact solely in  
13 terms of the aggregate number of square miles  
14 and the aggregate number of single-family  
15 houses and schools exposed to 65 or greater  
16 decibels using the DNL metric, including only  
17 single-family houses and schools in existence on  
18 the last day of calendar year 2000.

19 (C) The condition described in this paragraph  
20 shall be enforceable exclusively by the Administrator,  
21 using noise mitigation measures approved or approv-  
22 able under part 150 of title 14, Code of Federal  
23 Regulations. The United States shall have no finan-  
24 cial responsibility or liability if operations at O'Hare

1 in any given year do not satisfy the condition in this  
2 paragraph.

3 (e) SOUTH SUBURBAN AIRPORT FEDERAL FUND-  
4 ING.—The Administrator shall give priority consideration  
5 to a letter of intent application submitted by the State  
6 of Illinois or a political subdivision thereof for the con-  
7 struction of the south suburban airport. The Adminis-  
8 trator shall consider the letter not later than 90 days after  
9 the Administrator issues final approval of the airport lay-  
10 out plan for the south suburban airport.

11 (f) FEDERAL CONSTRUCTION.—

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

15 (A) the Administrator finds, after notice  
16 and opportunity for public comment, that a  
17 continuous course of construction of the runway  
18 redesign plan has not commenced and is not  
19 reasonably expected to commence by December  
20 1, 2004;

21 (B) Chicago agrees in writing to construc-  
22 tion of the runway redesign plan as a Federal  
23 project without cost to the United States, ex-  
24 cept such funds as may be authorized under

1 chapter 471 of title 49, United States Code,  
2 under the authority of paragraph (4);

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

8 (D) the agreement with Chicago, at a min-  
9 imum provides for Chicago to take over owner-  
10 ship and operational control of each element of  
11 the runway redesign plan upon completion of  
12 construction of such element by the Adminis-  
13 trator;

14 (E) Chicago provides, without cost to the  
15 United States Government (except such funds  
16 as may be authorized under chapter 471 of title  
17 49, United States Code, under the authority of  
18 paragraph (4)), land, easements, rights-of-way,  
19 rights of entry, and other interests in land or  
20 property necessary to permit construction of the  
21 runway redesign plan as a Federal project and  
22 to protect the interests of the United States  
23 Government in its construction, operation,  
24 maintenance, and use; and

1 (F) the Administrator is satisfied that the  
2 costs of the runway redesign plan will be paid  
3 from the sources normally used for airport de-  
4 velopment projects of similar kind and scope.

5 (2) The Administrator may make an agreement  
6 with the City of Chicago under which Chicago will  
7 provide the work described in paragraph (1), for the  
8 benefit of the Administrator.

9 (3) The Administrator is authorized and di-  
10 rected to acquire in the name of the United States  
11 all land, easements, rights-of-way, rights of entry, or  
12 other interests in land or property necessary for the  
13 runway redesign plan under this section, subject to  
14 such terms and conditions as the Administrator  
15 deems necessary to protect the interests of the  
16 United States.

17 (4) Chicago shall be deemed the owner and op-  
18 erator of each element of the runway reconfiguration  
19 plan under section 40117 and chapter 471 of title  
20 49, United States Code, notwithstanding any other  
21 provision of this section or any of the provisions in  
22 such title referred to in this subsection.

23 (g) MERRILL C. MEIGS FIELD.—

24 (1) Until January 1, 2026, the Administrator  
25 shall withhold all airport grant funds respecting Chi-

1 cago O'Hare International Airport, other than  
2 grants involving national security and safety, unless  
3 the Administrator is reasonably satisfied that the  
4 following conditions have been met:

5 (A) Merrill C. Meigs Field in Chicago ei-  
6 ther is being operated by Chicago as an airport  
7 or has been closed by the Federal Aviation Ad-  
8 ministration for reasons beyond Chicago's con-  
9 trol.

10 (B) Chicago is providing, at its own ex-  
11 pense, all off-airport roads and other access,  
12 services, equipment, and other personal prop-  
13 erty that it provided in connection with the op-  
14 eration of Meigs Field on and prior to Decem-  
15 ber 1, 2001.

16 (C) Chicago is operating Meigs Field, at  
17 its own expense, at all times as a public airport  
18 in good condition and repair open to all users  
19 capable of utilizing the airport, and is maintain-  
20 ing the airport for such public operations at  
21 least from 6:00 a.m. to 10:00 p.m. 7 days a  
22 week whenever weather conditions permit.

23 (D) Chicago is providing or causing its  
24 agents or independent contractors to provide all  
25 services (including police and fire protection

1 services) provided or offered at Meigs Field on  
2 or immediately prior to December 1, 2001, in-  
3 cluding tie-down, terminal, refueling, and repair  
4 services, at rates that reflect actual costs of  
5 providing such goods and services.

6 (2) After January 1, 2006, the Administrator  
7 shall not withhold grant funds under this Act to the  
8 extent the Administrator determines that with-  
9 holding of grant funds would create an unreasonable  
10 burden on interstate commerce. If Meigs Field is  
11 closed by the Federal Aviation Administration for  
12 reasons beyond Chicago's control, the conditions de-  
13 scribed in subparagraphs (B) through (D) shall not  
14 apply.

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

19 (4) Net operating losses resulting from oper-  
20 ation of Meigs Field, to the extent consistent with  
21 law, are expected to be paid by the 2 air carriers at  
22 O'Hare International Airport that paid the highest  
23 amount of airport fees and charges at O'Hare Inter-  
24 national Airport for the preceding calendar year.  
25 Notwithstanding any other provision of law, the City

1 of Chicago may use airport revenues generated at  
2 O'Hare International Airport to fund the operation  
3 of Meigs Field.

4 (h) JUDICIAL REVIEW.—An order issued by the Ad-  
5 ministrator of the Federal Aviation Administration, in  
6 whole or in part, under this section shall be deemed to  
7 be an order issued under subtitle VII of part A of title  
8 49, United States Code, and shall be reviewed in accord-  
9 ance with the procedures in section 46110 of title 49,  
10 United States Code.

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