

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 996

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## AN ACT

To amend title 49, United States Code, to expand passenger facility fee eligibility for certain noise compatibility projects.

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. EXPANDED PASSENGER FACILITY FEE ELIGI-**  
2 **BILITY FOR NOISE COMPATIBILITY**  
3 **PROJECTS.**

4 Section 40117(b) of title 49, United States Code, is  
5 amended by adding at the end the following:

6 “(7) NOISE MITIGATION FOR CERTAIN  
7 SCHOOLS.—

8 “(A) IN GENERAL.—In addition to the  
9 uses specified in paragraphs (1), (4), and (6),  
10 the Secretary may authorize a passenger facility  
11 fee imposed under paragraph (1) or (4) at a  
12 large hub airport that is the subject of an  
13 amended judgment and final order in con-  
14 demnation filed on January 7, 1980, by the Su-  
15 perior Court of the State of California for the  
16 county of Los Angeles, to be used for a project  
17 to carry out noise mitigation for a building, or  
18 for the replacement of a relocatable building  
19 with a permanent building, in the noise im-  
20 pacted area surrounding the airport at which  
21 such building is used primarily for educational  
22 purposes, notwithstanding the air easement  
23 granted or any terms to the contrary in such  
24 judgment and final order, if—

1           “(i) the Secretary determines that the  
2 building is adversely affected by airport  
3 noise;

4           “(ii) the building is owned or char-  
5 tered by the school district that was the  
6 plaintiff in case number 986,442 or  
7 986,446, which was resolved by such judg-  
8 ment and final order;

9           “(iii) the project is for a school identi-  
10 fied in 1 of the settlement agreements ef-  
11 fective February 16, 2005, between the  
12 airport and each of the school districts;

13           “(iv) in the case of a project to re-  
14 place a relocatable building with a perma-  
15 nent building, the eligible project costs are  
16 limited to the actual structural construc-  
17 tion costs necessary to mitigate aircraft  
18 noise in instructional classrooms to an in-  
19 terior noise level meeting current stand-  
20 ards of the Federal Aviation Administra-  
21 tion; and

22           “(v) the project otherwise meets the  
23 requirements of this section for authoriza-  
24 tion of a passenger facility fee.

1           “(B) ELIGIBLE PROJECT COSTS.—In sub-  
2           paragraph (A)(iv), the term ‘eligible project  
3           costs’ means the difference between the cost of  
4           standard school construction and the cost of  
5           construction necessary to mitigate classroom  
6           noise to the standards of the Federal Aviation  
7           Administration.”.

Passed the Senate February 28, 2008.

Attest:

*Secretary.*



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