

AMENDMENT TO
RULES COMMITTEE PRINT 118-11
OFFERED BY MR. SHERMAN OF CALIFORNIA

At the end of title VIII, add the following:

1 **SEC. ____ . 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-

1 ation of the aircraft, including compliance with
2 any safety-related requirements;

3 (B) emergency flights;

4 (C) flights to evacuate natural disasters;

5 and

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

8 (c) PENALTIES.—

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

13 (2) AMOUNT OF PENALTY.—An airport apply-
14 ing penalties under this subsection shall set a base
15 level for a noise deterrence penalty under paragraph
16 (1) at an amount sufficient to deter future violations
17 of the access restriction imposed under subsection
18 (a).

19 (3) INCREASE IN PENALTY.—The airport apply-
20 ing penalties under this subsection may increase a
21 penalty for a violation of the access restriction im-
22 posed under subsection (a) above the base amount
23 set under paragraph (2) if an aircraft takeoff or
24 landing resulted in noise to residents of any unit of
25 local government exceeding 80 dBA, as evidenced by

1 a noise monitoring device recognized as authoritative
2 by the airport.

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

7 (A) The certified noise level and engine
8 model of the aircraft.

9 (B) The time of violation.

10 (C) Repeat violations by the air carrier or
11 aircraft operator.

12 (D) Any other criteria that the airport de-
13 termines reflects the noise impacts to residents
14 of the unit of local government impacted by the
15 violation of subsection (a).

16 (5) USE OF PENALTY.—

17 (A) IN GENERAL.—Except as provided in
18 subparagraph (C), penalties collected for a vio-
19 lation of the access restriction imposed under
20 subsection (a) shall be remitted to the unit of
21 local government that experienced the impact of
22 the noise deterrence violation.

23 (B) MULTIPLE UNITS OF LOCAL GOVERN-
24 MENT.—If multiple units of local government
25 are impacted by a violation of the access re-

1 restriction imposed under subsection (a), an air-
2 port shall remit the penalty to the jurisdictions
3 impacted in equal parts.

4 (C) ADMINISTRATIVE COSTS.—An airport
5 may deduct reasonable costs of administering a
6 noise deterrence penalty from a penalty col-
7 lected under this paragraph before remitting
8 the penalty under subparagraphs (A) and (B).

9 (d) LIMITATION.—With respect to any action taken
10 in carrying out this section, the airport is not required
11 to seek the approval or comment of the Federal Aviation
12 Administration or the Secretary of Transportation, any air
13 carrier or aircraft operator or any other entity.

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

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

20 **SEC. 2. .**

