



- **TITLE 49--TRANSPORTATION**
 - **SUBTITLE VII--AVIATION PROGRAMS**
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(Last updated January 8, 2004)

49 USCS § 47501

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*** CURRENT THROUGH P.L. 109-221, APPROVED
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TITLE 49. TRANSPORTATION
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49 USCS § 47501

§ 47501. Definitions

In this subchapter [49 USCS §§ 47501 et seq.]--

(1) "airport" means a public-use airport as defined in section 47102 of this title [49 USCS § 47102].

(2) "airport operator" means--

(A) for an airport serving air carriers that have certificates from the Secretary of Transportation, any person holding an airport operating certificate issued under section 44706 of this title [49 USCS § 44706]; and

(B) for any other airport, the person operating the airport.

History:

(July 5, 1994, P.L. 103-272, § 1(e), 108 Stat. 1284.)

History; Ancillary Laws and Directives:

1. Prior law and revision

2. Other provisions

1. Prior law and revision:

Revised Section Source (U.S. Code)	Source (Statutes at Large)
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47501(1).... 49 App.:2101(1).	Feb. 18, 1980, Pub. L. 96-193, Sec. 101(1), 94 Stat. 50; restated Sept. 3, 1982, Pub. L. 97-248, Sec. 524(b)(1), 96 Stat. 696; Dec. 30, 1987, Pub.
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L. 100-223, Sec. 103(f), 101 Stat. 1489.
 49 App.:2101(3). Feb. 18, 1980, Pub. L. 96-193, Sec. 101(3), 94 Stat. 50.
 47501(2).... 49 App.:2101(2). Feb. 18, 1980, Pub. L. 96-193, Sec. 101(2), 94 Stat. 50; restated Sept. 3, 1982, Pub. L. 97-248, Sec. 524(b)(2), 96 Stat. 696.
 49 App.:1551(b)(1) Aug. 23, 1958, Pub. L. 85-726, (E). 72 Stat. 731, Sec. 1601(b)(1) (E); added Oct. 4, 1984, Pub. L. 98-443, Sec. 3(e), 98 Stat. 1704.

In this section, the words "the term" are omitted as surplus.

In clause (1), the text of 49 App.:2101(3) is omitted as surplus because the complete name of the Secretary of Transportation is used the first time the term appears in a section.

In clause (2), the word "valid" is omitted as surplus.

2. Other provisions:

Airport noise study. Act April 5, 2000, P.L. 106-181, Title VII, § 745, 114 Stat. 178; Nov. 22, 2000, P.L. 106-528, § 7(a), 114 Stat. 2521 (effective 30 days after enactment, as provided by § 9 of such Act, which appears as 49 USCS § 106 note), provides:

"(a) In general. The Secretary shall enter into an agreement with the National Academy of Sciences to conduct a study on airport noise in the United States.

"(b) Contents of study. In conducting the study, the National Academy of Sciences shall examine--

"(1) the threshold of noise at which health begins to be affected;

"(2) the effectiveness of noise abatement programs at airports located in the United States;

"(3) the impacts of aircraft noise on communities, including schools; and

"(4) the noise assessment practices of the Federal Aviation Administration and whether such practices fairly and accurately reflect the burden of noise on communities.

"(c) Report. Not later than 18 months after the date of the agreement entered into under subsection (a), the National Academy of Sciences shall transmit to the Secretary a report on the results of the study. Upon receipt of the report, the Secretary shall transmit a copy of the report to the appropriate committees of Congress.

"(d) Authorization of appropriations. There is authorized to be appropriated such sums as may be necessary to carry out this section."

Nonmilitary helicopter noise. Act April 5, 2000, P.L. 106-181, Title VII, § 747, 114 Stat. 179, provides:

"(a) In general. The Secretary shall conduct a study--

"(1) on the effects of nonmilitary helicopter noise on individuals in densely populated areas in the continental United States; and

"(2) to develop recommendations for the reduction of the effects of nonmilitary helicopter noise.

"(b) Focus. In conducting the study, the Secretary shall focus on air traffic control procedures to address helicopter noise problems and shall take into account the needs of law enforcement.

"(c) Consideration of views. In conducting the study, the Secretary shall consider the views of representatives of the helicopter industry and organizations with an interest in reducing nonmilitary helicopter noise.

"(d) Report. Not later than 1 year after the date of the enactment of this Act, the Secretary

shall transmit to Congress a report on the results of the study conducted under this section."

Notes:

🚩 Code of Federal Regulations:

Federal Aviation Administration, Department of Transportation--Airport noise compatibility planning, 14 CFR Part 150.

Research Guide:

Am Jur:

8A Am Jur 2d, Aviation § 19.

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Citation: **49 usca 47501**

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View: Full

Date/Time: Monday, May 22, 2006 - 2:15 PM EDT



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49 USCS § 47502

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> This section is referred to in 49
USCS § 47503.

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49 USCS § 47502

§ 47502. Noise measurement and exposure systems and identifying land use compatible with noise exposure

After consultation with the Administrator of the Environmental Protection Agency and United States Government, State, and interstate agencies that the Secretary of Transportation considers appropriate, the Secretary shall by regulation--

(1) establish a single system of measuring noise that--

(A) has a highly reliable relationship between projected noise exposure and surveyed reactions of individuals to noise; and

(B) is applied uniformly in measuring noise at airports and the surrounding area;

(2) establish a single system for determining the exposure of individuals to noise resulting from airport operations, including noise intensity, duration, frequency, and time of occurrence; and

(3) identify land uses normally compatible with various exposures of individuals to noise.

History:

(July 5, 1994, P.L. 103-272, § 1(e), 108 Stat. 1284.)

History; Ancillary Laws and Directives:

Prior law and revision

Revised Section Source (U.S. Code)	Source (Statutes at Large)
47502..... 49 App.:2102.	Feb. 18, 1980, Pub. L. 96-193,
	Sec. 102, 94 Stat. 50.

In this section, before clause (1), the words "Not later than the last day of the twelfth month which begins after February 18, 1980" are omitted as obsolete.

Notes:

🚩 Code of Federal Regulations:

Federal Aviation Administration, Department of Transportation--Airport noise compatibility planning, 14 CFR Part 150.

🚩 Related Statutes & Rules:

This section is referred to in 49 USCS § 47503.

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49 USCS § 47503

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49 USCS § 47503

§ 47503. Noise exposure maps

(a) Submission and preparation. An airport operator may submit to the Secretary of Transportation a noise exposure map showing the noncompatible uses in each area of the map on the date the map is submitted, a description of estimated aircraft operations during a forecast period that is at least 5 years in the future and how those operations will affect the map. The map shall--

(1) be prepared in consultation with public agencies and planning authorities in the area surrounding the airport; and

(2) comply with regulations prescribed under section 47502 of this title [49 USCS § 47502].

(b) Revised maps. If, in an area surrounding an airport, a change in the operation of the airport would establish a substantial new noncompatible use, or would significantly reduce noise over existing noncompatible uses, that is not reflected in either the existing conditions map or forecast map currently on file with the Federal Aviation Administration, the airport operator shall submit a revised noise exposure map to the Secretary showing the new noncompatible use or noise reduction.

History:

(July 5, 1994, P.L. 103-272, § 1(e), 108 Stat. 1284; Dec. 12, 2003, P.L. 108-176, Title III, Subtitle B, § 324, 117 Stat. 2542.)

History; Ancillary Laws and Directives:

- 1. Prior law and revision
- 2. Amendments
- 3. Other provisions

- 1. Prior law and revision:

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Related Statutes & Rules

- > This section is referred to in 49 USCS §§ 47504, 47505, 47506, 47507.

Revised Section Source (U.S. Code)	Source (Statutes at Large)
47503(a) 49 App.:2103(a)(1).	Feb. 18, 1980, Pub. L. 96-193, Sec. 103(a), 94 Stat. 50.
47503(b) 49 App.:2103(a)(2).	

In subsection (a), before clause (1), the words "After the effective date of the regulations promulgated in accordance with section 2102 of this Appendix" are omitted as executed. The words "of an airport" and "at such airport" are omitted as surplus. The word "how" is substituted for "the ways, if any, in which" to eliminate unnecessary words. In clause (1), the words "planning authorities" are substituted for "planning agencies" for consistency.

In subsection (b), the words "to the Secretary" are added for clarity. The words "after the submission to the Secretary of a noise exposure map under paragraph (1)" are omitted as surplus.

✦ 2. Amendments:

2003. Act Dec. 12, 2003 (applicable only to fiscal years beginning after 9/30/2003, as provided by § 3 of such Act, which appears as 49 USCS § 106 note), in subsec. (a), in the introductory matter, substituted "a forecast period that is at least 5 years in the future" for "1985,"; and substituted subsec. (b) for one which read: "(b) Revised maps. If a change in the operation of an airport will establish a substantial new noncompatible use in an area surrounding the airport, the airport operator shall submit a revised noise exposure map to the Secretary showing the new noncompatible use."

✦ 3. Other provisions:

Noise disclosure. Act Dec. 12, 2003, P.L. 108-176, Title III, Subtitle B, § 322, 117 Stat. 2540 (applicable only to fiscal years beginning after 9/30/2003, as provided by § 3 of such Act, which appears as 49 USCS § 106 note), provides:

"(a) Noise disclosure system implementation study. The Administrator of the Federal Aviation Administration shall conduct a study to determine the feasibility of developing a program under which prospective home buyers of property located in the vicinity of an airport could be notified of information derived from noise exposure maps that may affect the use and enjoyment of the property. The study shall assess the scope, administration, usefulness, and burdensomeness of any such program, the costs and benefits of such a program, and whether participation in such a program should be voluntary or mandatory.

"(b) Public availability of noise exposure maps. The Administrator shall make noise exposure and land use information from noise exposure maps available to the public via the Internet on its website in an appropriate format.

"(c) Noise exposure map. In this section, the term 'noise exposure map' means a noise exposure map prepared under section 47503 of title 49, United States Code."

Notes:

✦ Code of Federal Regulations:

Federal Aviation Administration, Department of Transportation--Airport noise compatibility planning, 14 CFR Part 150.

✦ Related Statutes & Rules:

This section is referred to in 49 USCS §§ 47504, 47505, 47506, 47507.

Research Guide:**Federal Procedure:**

4 Fed Proc L Ed, Aviation and Space § 7:119.

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Section: **49 USCS § 47503**

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49 USCS § 47504

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> This section is referred to in 49
USCS §§ 106, 40117, 47117,
47505, 48103.

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49 USCS § 47504

§ 47504. Noise compatibility programs

(a) Submissions.

(1) An airport operator that submitted a noise exposure map and related information under section 47503(a) of this title [49 USCS § 47503(a)] may submit a noise compatibility program to the Secretary of Transportation after--

(A) consulting with public agencies and planning authorities in the area surrounding the airport, United States Government officials having local responsibility for the airport, and air carriers using the airport; and

(B) notice and an opportunity for a public hearing.

(2) A program submitted under paragraph (1) of this subsection shall state the measures the operator has taken or proposes to take to reduce existing noncompatible uses and prevent introducing additional noncompatible uses in the area covered by the map. The measures may include--

(A) establishing a preferential runway system;

(B) restricting the use of the airport by a type or class of aircraft because of the noise characteristics of the aircraft;

(C) constructing barriers and acoustical shielding and soundproofing public buildings;

(D) using flight procedures to control the operation of aircraft to reduce exposure of individuals to noise in the area surrounding the airport; and

(E) acquiring land, air rights, easements, development rights, and other interests to ensure that the property will be used in ways compatible with airport operations.

(b) Approvals.

(1) The Secretary shall approve or disapprove a program submitted under subsection (a) of this section (except as the program is related to flight procedures referred to in subsection (a)(2)(D) of this section) not later than 180 days after receiving it. The Secretary shall approve the program (except as the program is related to flight procedures referred to in subsection (a)(2)(D)) if the program--

(A) does not place an unreasonable burden on interstate or foreign commerce;

(B) is reasonably consistent with achieving the goal of reducing noncompatible uses and preventing the introduction of additional noncompatible uses; and

(C) provides for necessary revisions because of a revised map submitted under section 47503(b) of this title [49 USCS § 47503(b)].

(2) A program (except as the program is related to flight procedures referred to in

subsection (a)(2)(D) of this section) is deemed to be approved if the Secretary does not act within the 180-day period.

(3) The Secretary shall submit any part of a program related to flight procedures referred to in subsection (a)(2)(D) of this section to the Administrator of the Federal Aviation Administration. The Administrator shall approve or disapprove that part of the program.

(4) The Secretary shall not approve in fiscal years 2004 through 2007 a program submitted under subsection (a) if the program requires the expenditure of funds made available under section 48103 [49 USCS § 48103] for mitigation of aircraft noise less than 65 DNL.

(c) Grants.

(1) The Secretary may incur obligations to make grants from amounts available under section 48103 of this title [49 USCS § 48103] to carry out a project under a part of a noise compatibility program approved under subsection (b) of this section. A grant may be made to--

(A) an airport operator submitting the program; and

(B) a unit of local government in the area surrounding the airport, if the Secretary decides the unit is able to carry out the project.

(2) Soundproofing and acquisition of certain residential buildings and properties. The Secretary may incur obligations to make grants from amounts made available under section 48103 of this title [49 USCS § 48103]--

(A) for projects to soundproof residential buildings--

(i) if the airport operator received approval for a grant for a project to soundproof residential buildings pursuant to section 301(d)(4)(B) of the Airport and Airway Safety and Capacity Expansion Act of 1987;

(ii) if the airport operator submits updated noise exposure contours, as required by the Secretary; and

(iii) if the Secretary determines that the proposed projects are compatible with the purposes of this chapter [49 USCS §§ 47501 et seq.];

(B) to an airport operator and unit of local government referred to in paragraph (1)(A) or (1)(B) of this subsection to soundproof residential buildings located on residential properties, and to acquire residential properties, at which noise levels are not compatible with normal operations of an airport--

(i) if the airport operator amended an existing local aircraft noise regulation during calendar year 1993 to increase the maximum permitted noise levels for scheduled air carrier aircraft as a direct result of implementation of revised aircraft noise departure procedures mandated for aircraft safety purposes by the Administrator of the Federal Aviation Administration for standardized application at airports served by scheduled air carriers;

(ii) if the airport operator submits updated noise exposure contours, as required by the Secretary; and

(iii) if the Secretary determines that the proposed projects are compatible with the purposes of this chapter [49 USCS §§ 47501 et seq.];

(C) to an airport operator and unit of local government referred to in paragraph (1)(A) or (1)(B) of this subsection to carry out any part of a program developed before February 18, 1980, or before implementing regulations were prescribed, if the Secretary decides the program is substantially consistent with reducing existing noncompatible uses and preventing the introduction of additional noncompatible uses and the purposes of this chapter [49 USCS §§ 47501 et seq.] will be furthered by promptly carrying out the program;

(D) to an airport operator and unit of local government referred to in paragraph (1)(A) or (1)(B) of this subsection to soundproof a building in the noise impact area surrounding the airport that is used primarily for educational or medical purposes and that the Secretary decides is adversely affected by airport noise; and

(E) to an airport operator of a congested airport (as defined in section 47175 [49 USCS § 47175]) and a unit of local government referred to in paragraph (1)(B) of this subsection to carry out a project to mitigate noise in the area surrounding the airport if the project is included as a commitment in a record of decision of the Federal Aviation Administration for an airport capacity enhancement project (as defined in section 47175 [49 USCS § 47175])

even if that airport has not met the requirements of part 150 of title 14, Code of Federal Regulations.

(3) An airport operator may agree to make a grant made under paragraph (1)(A) of this subsection available to a public agency in the area surrounding the airport if the Secretary decides the agency is able to carry out the project.

(4) The Government's share of a project for which a grant is made under this subsection is the greater of--

(A) 80 percent of the cost of the project; or

(B) the Government's share that would apply if the amounts available for the project were made available under subchapter I of chapter 471 [49 USCS §§ 47101 et seq.] of this title for a project at the airport.

(5) The provisions of subchapter I of chapter 471 [49 USCS §§ 47101 et seq.] of this title related to grants apply to a grant made under this chapter [49 USCS §§ 47501 et seq.], except--

(A) section 47109(a) and (b) of this title [49 USCS § 47109(a)]; and

(B) any provision that the Secretary decides is inconsistent with, or unnecessary to carry out, this chapter [49 USCS §§ 47501 et seq.]

(6) Aircraft noise primarily caused by military aircraft. The Secretary may make a grant under this subsection for a project even if the purpose of the project is to mitigate the effect of noise primarily caused by military aircraft at an airport.

(d) Government relief from liability. The Government is not liable for damages from aviation noise because of action taken under this section.

History:

(July 5, 1994, P.L. 103-272, § 1(e), 108 Stat. 1285; Aug. 23, 1994, P.L. 103-305, Title I, § 119, 108 Stat. 1580; Oct. 31, 1994, P.L. 103-429, § 6(71), 108 Stat. 4387; April 5, 2000, P.L. 106-181, Title I, Subtitle C, § 154, 114 Stat. 88; Dec. 12, 2003, P.L. 108-176, Title I, Subtitle D, § 189, Title III, Subtitle A, § 306, 117 Stat. 2519, 2539.)

History; Ancillary Laws and Directives:

1. Prior law and revision

2. References in text

3. Amendments

1. Prior law and revision:

Pub. L. 103-272

Revised Section Source (U.S. Code)	Source (Statutes at Large)
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47504(a) 49 App.:2104(a).	Feb. 18, 1980, Pub. L. 96-193, Sec. 104(a), 94 Stat. 51; Dec. 30, 1987, Pub. L. 100-223, Sec. 301(a), 101 Stat. 1523.
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47504(b) 49 App.:2104(b).	Feb. 18, 1980, Pub. L. 96-193, Sec. 104(b), (d), 94 Stat. 52, 53.
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47504(c) 49 App.:2104(c) . Feb. 18, 1980, Pub. L. 96-193,
 Sec. 104(c), 94 Stat. 52; Sept.
 3, 1982, Pub. L. 97-248, Sec.
 524(b)(4), 96 Stat. 696; Dec.
 30, 1987, Pub. L. 100-223, Sec.
 301(b), (c), 101 Stat. 1523;
 Oct. 28, 1991, Pub. L. 102-143,
 Sec. 336, 105 Stat. 947.

47504(d) 49 App.:2104(d) .

In subsection (a)(1)(A), the words "the officials of" are omitted as surplus. The words "planning authorities" are substituted for "planning agencies" for consistency.

In subsection (a)(2)(A), the word "establishing" is substituted for "the implementation of" for consistency.

In subsection (a)(2)(B), the words "the implementation of" are omitted as surplus.

In subsection (b)(1), before clause (A), the words "to him" and "the measures to be undertaken in carrying out" are omitted as surplus. In clause (B), the word "achieving" is substituted for "obtaining" for clarity. The word "existing" is omitted as surplus.

Subsection (b)(2) is substituted for 49 App.:2104(b) (3d sentence) to eliminate unnecessary words.

In subsection (c)(1)(B) and (2), the words "for which grant applications are made in accordance with such noise compatibility programs" are omitted as surplus.

In subsection (c)(1), before clause (A), the words "incur obligations to" and "further . . . under this section" are omitted as surplus. In clause (C), the words "to carry out any part of a program" are substituted for "any project to carry out a noise compatibility program", and the words "or before implementing regulations were prescribed" are substituted for "or the promulgation of its implementing regulations", for clarity and consistency. The words "the purposes of" before "reducing" are omitted as surplus. The word "noncompatible" is added after "existing" for clarity and consistency. In clause (D), the words "for any project" and "determined to be" are omitted as surplus.

In subsection (c)(2), the words "in turn" are omitted as surplus.

In subsection (c)(4), before clause (A), the words "All of" and "made under section 505 of that Act" are omitted as surplus. The word "except" is substituted for "unless" for clarity. In clause (1), the words "relating to United States share of project costs" are omitted as surplus. In clause (2), the words "the purposes of" are omitted as surplus.

In subsection (d), the words "by the Secretary or the Administrator of the Federal Aviation Administration" are omitted as surplus.

Pub. L. 103-429

This redesignates 49:47504(c)(1)(C) and (D) as 49:47504(c)(2)(C) and (D) because the subject matter is similar to that of 49:47504(c)(2)(A) and (B) that was added by section 119 (2) of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103-305, 108 Stat. 1580).

✚ 2. References in text:

"Section 301(d)(4)(B) of the Airport and Airway Safety and Capacity Expansion Act of 1987", referred to in this section, is § 301(d)(4)(B) of Act Dec. 30, 1987, P.L. 100-223, Title III, 101 Stat. 1523, which appeared as 49 USCS Appx. § 2104 note, prior to the general revision of Title 49 by Act July 5, 1994, P.L. 103-272, 108 Stat. 745.

✚ 3. Amendments:

1994. Act Aug. 23, 1994, in subsec. (c), redesignated paras. (2), (3), and (4), as paras. (3), (4), and (5), respectively, added new para. (2), and in para. (4), as so redesignated,

deleted "paragraph (1) of" following "a grant is made under".

Act Oct. 31, 1994, in subsec. (c), in para. (1), in subpara. (A), inserted "and" following "the program;"; in subpara. (B), substituted a period for the concluding semicolon, redesignated para. (1)(C) and (D) as para. (2)(C) and (D), respectively, in para. (2), in subpara. (A)(iii), deleted "and" following "this chapter;"; in subpara. (B)(iii), substituted "; and" for the concluding period, and in subparas. (C) and (D), as so redesignated, substituted "to an airport operator and unit of local government referred to in paragraph (1)(A) or (1)(B) of this subsection" for "an airport operator or unit of local government referred to in clause (A) or (B) of this paragraph".

2000. Act April 5, 2000 (applicable only to fiscal years beginning after 9/30/1999, as provided by § 3 of such Act, which appears as 49 USCS § 106 note), in subsec. (c), added para. (6).

2003. Act Dec. 12, 2003 (applicable only to fiscal years beginning after 9/30/2003, as provided by § 3 of such Act, which appears as 49 USCS § 106 note), in subsec. (b), added para. (4); and, in subsec. (c)(2), in subpara. (C), deleted "and" following the concluding semicolon, in subpara. (D), substituted "; and" for a concluding period, and added subpara. (E).

Such Act further (applicable as above), in subsec. (c)(2), in subparas. (C) and (D), made technical corrections which did not affect the text.

Notes:

✚ Code of Federal Regulations:

Federal Aviation Administration, Department of Transportation--Airport noise compatibility planning, 14 CFR Part 150.

✚ Related Statutes & Rules:

This section is referred to in 49 USCS §§ 106, 40117, 47117, 47505, 48103.

Research Guide:

Federal Procedure:

4 Fed Proc L Ed, Aviation and Space §§ 7:120, 124.

Am Jur:

8A Am Jur 2d, Aviation § 19.

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> This section is referred to in 49
USCS §§ 40117, 47117, 48103.

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49 USCS § 47505

§ 47505. Airport noise compatibility planning grants

(a) General authority. The Secretary of Transportation may make a grant to a sponsor of an airport to develop, for planning purposes, information necessary to prepare and submit--

(1) a noise exposure map and related information under section 47503 of this title [49 USCS § 47503], including the cost of obtaining the information; or

(2) a noise compatibility program under section 47504 of this title [49 USCS § 47504].

(b) Availability of amounts and Government's share of costs. A grant under subsection (a) of this section may be made from amounts available under section 48103 of this title [49 USCS § 48103]. The United States Government's share of the grant is the percent for which a project for airport development at an airport would be eligible under section 47109(a) and (b) of this title [49 USCS § 47109(a) and (b)].

History:

(July 5, 1994, P.L. 103-272, § 1(e), 108 Stat. 1286.)

History; Ancillary Laws and Directives:

Prior law and revision

Revised Section Source (U.S. Code)	Source (Statutes at Large)
47505..... 49 App.:2103(b).	Feb. 18, 1980, Pub. L. 96-193, Sec. 103(b), 94 Stat. 51; restated Sept. 3, 1982, Pub. L. 97-248, Sec. 524(b)(3), 96 Stat. 696.

In subsection (a), before clause (1), the words "incur obligations to" are omitted as surplus.

Notes:

✦ Related Statutes & Rules:

This section is referred to in 49 USCS §§ 40117, 47117, 48103.

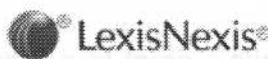
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49 USCS § 47506

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49 USCS § 47506

§ 47506. Limitations on recovering damages for noise

(a) General limitations. A person acquiring an interest in property after February 18, 1980, in an area surrounding an airport for which a noise exposure map has been submitted under section 47503 of this title [49 USCS § 47503] and having actual or constructive knowledge of the existence of the map may recover damages for noise attributable to the airport only if, in addition to any other elements for recovery of damages, the person shows that--

- (1) after acquiring the interest, there was a significant--
 - (A) change in the type or frequency of aircraft operations at the airport;
 - (B) change in the airport layout;
 - (C) change in flight patterns; or
 - (D) increase in nighttime operations; and
- (2) the damages resulted from the change or increase.

(b) Constructive knowledge. Constructive knowledge of the existence of a map under subsection (a) of this section shall be imputed, at a minimum, to a person if--

- (1) before the person acquired the interest, notice of the existence of the map was published at least 3 times in a newspaper of general circulation in the county in which the property is located; or
- (2) the person is given a copy of the map when acquiring the interest.

History:

(July 5, 1994, P.L. 103-272, § 1(e), 108 Stat. 1286.)

History; Ancillary Laws and Directives:

Prior law and revision

Revised Section Source (U.S. Code)

Source (Statutes at Large)

47506..... 49 App.:2107. Feb. 18, 1980, Pub. L. 96-193,
Sec. 107, 94 Stat. 53.

In subsection (a)(2), the words "for which recovery is sought have" are omitted as surplus.

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49 USCS § 47507

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49 USCS § 47507

§ 47507. Nonadmissibility of noise exposure map and related information as evidence

No part of a noise exposure map or related information described in section 47503 of this title [49 USCS § 47503] that is submitted to, or prepared by, the Secretary of Transportation and no part of a list of land uses the Secretary identifies as normally compatible with various exposures of individuals to noise may be admitted into evidence or used for any other purpose in a civil action asking for relief for noise resulting from the operation of an airport.

History:

(July 5, 1994, P.L. 103-272, § 1(e), 108 Stat. 1287.)

History; Ancillary Laws and Directives:

Prior law and revision

Revised Section Source (U.S. Code)	Source (Statutes at Large)
47507..... 49 App.:2106.	Feb. 18, 1980, Pub. L. 96-193, Sec. 106, 94 Stat. 53.

The words "land uses which are" are omitted as surplus. The words "civil action" are substituted for "suit or action" for consistency in the revised title and with other titles of the United States Code. The words "damages or other" are omitted as surplus.

Interpretive Notes and Decisions:

Commercial building owner was prohibited from introducing into evidence maps, actions, or related information described or used in airport's noise abatement program, even though owner was wholly excluded from program offering buyouts to residential property owners and claims discriminatory treatment, because former 49 USCS Appx § 2106 clearly covered evidence described, which could not be used against airport owners so as not to deter their pursuit of noise abatement. *Provident Mut. Life Ins. Co. v City of Atlanta* (1994, ND Ga) 864 F Supp 1274.

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49 USCS § 47508

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49 USCS § 47508

§ 47508. Noise standards for air carriers and foreign air carriers providing foreign air transportation

(a) General requirements. The Secretary of Transportation shall require each air carrier and foreign air carrier providing foreign air transportation to comply with noise standards--

(1) the Secretary prescribed for new subsonic aircraft in regulations of the Secretary in effect on January 1, 1977; or

(2) of the International Civil Aviation Organization that are substantially compatible with standards of the Secretary for new subsonic aircraft in regulations of the Secretary at parts 36 and 91 of title 14, Code of Federal Regulations, prescribed between January 2, 1977, and January 1, 1982.

(b) Compliance at phased rate. The Secretary shall require each air carrier and foreign air carrier providing foreign air transportation to comply with the noise standards at a phased rate similar to the rate for aircraft registered in the United States.

(c) Nondiscrimination. The requirement for air carriers providing foreign air transportation may not be more stringent than the requirement for foreign air carriers.

History:

(July 5, 1994, P.L. 103-272, § 1(e), 108 Stat. 1287.)

History; Ancillary Laws and Directives:

- 1. Prior law and revision
- 2. Other provisions

- 1. Prior law and revision:

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> This section is referred to in 49 USCS § 106.

Revised Section Source (U.S. Code)	Source (Statutes at Large)
47508(a) 49 App.:2122(a) (1st sentence words before last comma, last sentence).	(1st Feb. 18, 1980, Pub. L. 96-193, Sec. 302(a), 94 Stat. 56.
47508(b) 49 App.:2122(a) (1st sentence words after last comma).	
47508(c) 49 App.:2122(a) (2d sentence).	

In this section, the word "providing" is substituted for "engaging in" for consistency in the revised title.

In subsection (a), the words "acting through the Administrator" and "acting through the Administrator of the Federal Aviation Administration (14 CFR part 36)" are omitted for consistency. Section 6(c)(1) of the Department of Transportation Act (Public Law 89-670, 80 Stat. 938) transferred all duties and powers of the Federal Aviation Agency and the Administrator to the Secretary of Transportation. However, the Secretary was to carry out certain provisions through the Administrator. In addition, various laws enacted since then have vested duties and powers in the Administrator. All provisions of law the Secretary is required to carry out through the Administrator are included in 49:106(g). Before clause (1), the words "If, by January 1, 1980, the International Civil Aviation Organization (hereafter referred to as 'ICAO') does not reach an agreement" and "commence a rulemaking to" and 49 App.:2122(a) (last sentence) are omitted as executed. In clause (1), the words "as such regulations were" are omitted as surplus. In clause (2), the words "on noise standards and an international schedule" and "(annex 16)" are omitted as surplus. The words "of the Secretary for new subsonic aircraft in regulations of the Secretary at parts 36 and 91 of title 14, Code of Federal Regulations, prescribed between January 2, 1977, and January 1, 1982" are substituted for "set forth in such regulations issued by the Secretary (14 CFR parts 36 and 91) during the 5-year period thereafter" for clarity and consistency.

In subsection (b), the words "in effect" are omitted as surplus.

✦ 2. Other provisions:

Aircraft noise research program. Act Oct. 31, 1992, P.L. 102-581, Title III, § 304, 106 Stat. 4896; Dec. 30, 2005, P.L. 109-155, Title VII, Subtitle A, § 706(b), 119 Stat. 2937, provides:

"(a) Establishment. The Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall jointly conduct a research program to develop new technologies for quieter subsonic jet aircraft engines and airframes.

"(b) Goal. The goal of the research program established by subsection (a) is to develop by the year 2010 technologies for subsonic jet aircraft engines and airframes which would permit a subsonic jet aircraft to operate at reduced noise levels.

"(c) Participation. In carrying out the program established by subsection (a), the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall encourage the participation of representatives of the aviation industry and academia.

"(d) Report to Congress. The Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall jointly submit to Congress, on an annual basis during the term of the program established by subsection (a), a report on the progress being made under the program toward meeting the goal described

in subsection (b).".

Standards for aircraft and aircraft engines to reduce noise levels. Act April 5, 2000, P.L. 106-181, Title VII, § 726, 114 Stat. 167 (applicable only to fiscal years beginning after 9/30/99, as provided by § 3 of such Act, which appears as 49 USCS § 106 note), provides:

"(a) Development of new standards. The Secretary shall continue to work to develop through the International Civil Aviation Organization new performance standards for aircraft and aircraft engines that will lead to a further reduction in aircraft noise levels.

"(b) Goals to be considered in developing new standards. In negotiating standards under subsection (a), the Secretary shall give high priority to developing standards that--

"(1) are performance based and can be achieved by use of a full range of certifiable noise reduction technologies;

"(2) protect the useful economic value of existing Stage 3 aircraft in the United States fleet;

"(3) ensure that United States air carriers and aircraft engine and hushkit manufacturers are not competitively disadvantaged;

"(4) use dynamic economic modeling capable of determining impacts on all aircraft in service in the United States fleet; and

"(5) continue the use of a balanced approach to address aircraft environmental issues, taking into account aircraft technology, land use planning, economic feasibility, and airspace operational improvements.

"(c) Annual report. Not later than July 1, 2000, and annually thereafter, the Secretary shall transmit to Congress a report regarding the application of new standards or technologies to reduce aircraft noise levels."

Implementation of chapter 4 noise standards. Act Dec. 12, 2003, P.L. 108-176, Title III, Subtitle B, § 325, 117 Stat. 2542, provides: "Not later than April 1, 2005, the Secretary of Transportation shall issue final regulations to implement Chapter 4 noise standards, consistent with the recommendations adopted by the International Civil Aviation Organization."

Notes:

* Code of Federal Regulations:

Federal Aviation Administration, Department of Transportation--General operating and flight rules, 14 CFR Part 91.

* Related Statutes & Rules:

This section is referred to in 49 USCS § 106.

Research Guide:

Am Jur:

8A Am Jur 2d, Aviation § 19.

* Interpretive Notes and Decisions:

- * 1. Exemption from noise standards
- * 2. Hush kit requirement

✦ 1. Exemption from noise standards

FAA [now Secretary of Transportation] refusal to award exemptions from noise control regulations to foreign aircraft for ferrying flights for maintenance purposes was lawful exercise of agency discretion, where legislative history indicated no intent to create permanent exemption for maintenance flights and FAA [now Secretary of Transportation] interpretation of applicable law was reasonable balancing of overriding congressional intent to achieve noise compliance with legislature's subsidiary interest that certain carriers receive exemptions. *Capitol Technical Services, Inc. v Federal Aviation Admin.* (1986, App DC) 253 US App DC 62, 791 F2d 964, 24 Env't Rep Cas 1489.

✦ 2. Hush kit requirement

FAA [now Secretary of Transportation] requirement that carrier seeking exemption from otherwise generally applicable noise rules allowing operation of noncomplying aircraft after January 1, 1986 must contract with supplier certificated by September 30, 1985 for installation of hush kits on its aircraft was reasonably constructed to bring all carriers operating in United States into full compliance with noise regulations as soon after January 1, 1985 as possible. *Lineas Aereas del Caribe, S.A. v DOT* (1986, App DC) 253 US App DC 70, 791 F2d 972, 24 Env't Rep Cas 1484.

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49 USCS § 47509

§ 47509. Research program on quiet aircraft technology for propeller and rotor driven aircraft

(a) Establishment. The Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall conduct a study to identify technologies for noise reduction of propeller driven aircraft and rotorcraft.

(b) Goal. The goal of the study conducted under subsection (a) is to determine the status of research and development now underway in the area of quiet technology for propeller driven aircraft and rotorcraft, including technology that is cost beneficial, and to determine whether a research program to supplement existing research activities is necessary.

(c) Participation. In conducting the study required under subsection (a), the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall encourage the participation of the Department of Defense, the Department of the Interior, the aircraft industry, the aviation industry, academia and other appropriate groups.

(d) Report. Not less than 280 days after August 23, 1994, the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall transmit to Congress a report on the results of the study required under subsection (a).

(e) Research and development program. If the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration determine that additional research and development is necessary and would substantially contribute to the development of quiet aircraft technology, then the agencies shall conduct an appropriate research program in consultation with the entities listed in subsection (c) to develop safe, effective, and economical noise reduction technology (including technology that can be applied to existing propeller driven aircraft and rotorcraft) that would result in aircraft that operate at substantially reduced levels of noise to reduce the impact of such aircraft and rotorcraft on the resources of national parks and other areas.

 **History:**

(Added Aug. 23, 1994, P.L. 103-305, Title III, § 308, 108 Stat. 1593; Oct. 11, 1996, P.L. 104-287, § 5(86), 110 Stat. 3398.)

History; Ancillary Laws and Directives:

Amendments

1996. Act Oct. 11, 1996, in subsec. (d), substituted "August 23, 1994" for "the date of the enactment of this section".

Notes:

Research Guide:

Am Jur:

8A Am Jur 2d, Aviation § 19.

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49 USCS § 47510

§ 47510. Tradeoff allowance

Notwithstanding another law or a regulation prescribed or order issued under that law, the tradeoff provisions contained in appendix C of part 36 of title 14, Code of Federal Regulations, apply in deciding whether an aircraft complies with subpart I of part 91 of title 14.

History:

(Added Oct. 31, 1994, P.L. 103-429, § 6(72)(A), 108 Stat. 4387.)

History; Ancillary Laws and Directives:

Prior law and revision

Revised Section Source (U.S. Code)	Source (Statutes at Large)
47510..... 49 App.:2125.	Feb. 18, 1980, Pub. L. 96-193, Sec. 305, 94 Stat. 57.

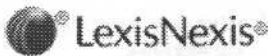
The word "prescribed" is added for consistency in the revised title and with other titles of the United States Code. The words "subpart I of part 91" are substituted for "subpart E of part 91" because of the restatement of part 91. See 54 Fed. Reg. 34321 (Aug. 18, 1989).

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