

105TH CONGRESS  
2D SESSION

# H. R. 4866

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

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 20, 1998

Mr. FOSSELLA introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To require the Federal Aviation Administration to address the aircraft noise problems of 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 “Staten Island Aircraft  
5       Noise Correction Act of 1998”.

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

7       (a) FINDINGS.—Congress finds that—

8               (1) over the past 30 years, and especially since  
9       the implementation of the Expanded East Coast  
10       Plan, relentless noise from aircraft departing from

1 Newark International Airport has adversely affected  
2 the residents of northwestern Staten Island, New  
3 York; and

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

7 (b) DECLARATION.—Congress declares that the Fed-  
8 eral Aviation Administration should remedy the problem  
9 it has created, to the maximum extent practicable, by for-  
10 mulating and implementing plans to mitigate aircraft  
11 noise over certain areas of Staten Island.

12 (c) PURPOSE.—It is the purpose of this Act to compel  
13 the Administrator to mitigate aircraft noise over certain  
14 areas of Staten Island.

15 **SEC. 3. REDUCTION IN AIRCRAFT NOISE OVER STATEN IS-**  
16 **LAND.**

17 Not later than 6 months after the date of enactment  
18 of this Act, the Administrator of the Federal Aviation Ad-  
19 ministration (in this Act referred to as the “Adminis-  
20 trator”) shall develop and publish a plan to investigate  
21 and test southbound departure procedures from Runway  
22 22 of Newark International Airport that will fully utilize,  
23 without compromising safety, all of the allowable and  
24 available climbout airspace and that will result in at least

1 a 25 percent decrease in aircraft noise on the ground in  
2 northwestern Staten Island.

3 **SEC. 4. NONAPPLICABILITY OF EIS REQUIREMENT.**

4 In carrying out the activities under this Act, the Ad-  
5 ministrator shall not be required to prepare an environ-  
6 mental impact statement in accordance with the National  
7 Environment Policy Act of 1969 or any other law.

8 **SEC. 5. PROCEDURE.**

9 (a) **STANDING.**—In order to ensure compliance with  
10 this Act by the Administrator, any resident of Staten Is-  
11 land, New York, shall have standing in United States dis-  
12 trict court to compel the Administrator to comply with this  
13 Act.

14 (b) **VENUE.**—The venue for any such action shall be  
15 the United States district court in Brooklyn, New York.

16 (c) **ATTORNEY'S FEES.**—

17 (1) **AWARD.**—Except as provided in paragraph  
18 (2), the Administrator shall pay court costs and rea-  
19 sonable attorney fees incurred with respect to an ac-  
20 tion to compel the Administrator to comply with this  
21 Act. Punitive damages may not be awarded.

22 (2) **LIMITATION.**—Paragraph (1) shall not  
23 apply if the judge imposes a sanction under Rule 11  
24 of the Federal Rules of Civil Procedure on an attor-  
25 ney, law firm, or party in the plaintiff's case or if

1 the suit is dismissed by a judge on a motion by the  
2 defendants for summary judgment.

3 **SEC. 6. IMPLEMENTATION.**

4 (a) **DEADLINES.**—The Administrator shall begin im-  
5 plementation of the plan described in section 3 on or be-  
6 fore the 90th day following the earlier of—

7 (1) the date of publication of the plan; and

8 (2) the date of any judicial order or settlement  
9 agreement which is issued or entered into in re-  
10 sponse to a civil action brought in accordance with  
11 section 5(a) and which requires the implementation  
12 of such plan.

13 (b) **LIMITATION.**—The plan described in section 3  
14 shall not have the effect of reducing aircraft arrivals to  
15 or departures from Newark International Airport.

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