

(Note: List of co-signers as of 12/18/01 are listed after bill)

National Aviation Capacity Expansion Act (Placed on the Calendar in the Senate)

S 1786 PCS

Calendar No. 270
107th CONGRESS
1st Session
S. 1786

To expand aviation capacity in the Chicago area.

IN THE SENATE OF THE UNITED STATES

December 7, 2001

Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. DASCHLE, Mr. INHOFE, Mr. REID, Mr. DORGAN, Mr. BURNS, Mr. ROCKEFELLER, Mr. BREAU, Mr. BROWNBACK, Mr. TORRICELLI, and Mr. JOHNSON) introduced the following bill

December 8 (legislative day, DECEMBER 7), 2001

Read the first time

December 10, 2001

Read the second time and placed on the calendar

A BILL

To expand aviation capacity in the Chicago area.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'National Aviation Capacity Expansion Act'.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The reliability and efficiency of the **national** air transportation system significantly depend on the efficiency of Chicago O'Hare International Airport. Because of O'Hare's central location, and the magnitude of the demand for air transportation services in northeast Illinois and northwest Indiana, O'Hare has an essential role in the **national** air transportation system. The reliability and efficiency of interstate air transportation for residents and businesses in many States depend on efficient processing of air traffic operations at O'Hare.

(2) The largest efficient hub airports in the United States are designed with multiple parallel runways without substantial runway intersections. O'Hare cannot efficiently perform its role in the **national** air transportation system unless it has such a design.

(3) New runway construction projects are local decisions that are supported by the Federal Government through the Airport Improvement Program and other programs. Given the importance of air travel to our **national** economy, and the importance of O'Hare to **national** air transportation, it is critical that the Federal Government does all it can to facilitate redesign of O'Hare and the development of a supplemental air carrier airport located near Peotone, Illinois.

(4) The Governor of Illinois and the Mayor of Chicago have determined that redesign of O'Hare and the development of a supplemental air carrier airport located near Peotone, Illinois, as described in this **Act**, are each necessary and desirable to provide reliable and efficient air commerce.

(5) On December 5, 2001, the Governor of Illinois and the Mayor of Chicago signed an historic agreement that would modernize O'Hare International Airport, by providing for--

- (A) east-west parallel runways;
- (B) construction of a south suburban airport near Peotone;
- (C) addressing traffic congestion along the Northwest Corridor, including western airport access;
- (D) continuation of the operation of Chicago Meigs Field; and
- (E) maintenance of the quality of life for residents near the airports.

(6) The importance of increasing commercial air service at the Gary-Chicago and Greater Rockford Airports is also recognized.

SEC. 3. AIRPORT REDESIGN.

(a) NECESSITY OF O'HARE RUNWAY REDESIGN AND DEVELOPMENT OF SOUTH SUBURBAN AIRPORT-

(1) It is the policy of Congress that redesign and reconstruction of Chicago O'Hare International Airport in Cook and DuPage Counties, Illinois, in accordance with the runway redesign plan, and the development of a south suburban airport in the Chicago metropolitan region, are each required to improve the efficiency of, and relieve congestion in, the **national** air transportation system.

(2)(A) The Administrator of the Federal Aviation Administration shall implement the Federal policy described in paragraph (1) by facilitating approval, funding, construction, and implementation of--

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

(ii) the south suburban airport upon receipt of an application from the State of Illinois or a political subdivision thereof for approval of an airport layout plan for a south suburban airport.

(B) Implementation of the plan described in subparagraph (A) shall be subject to application of Federal laws with respect to environmental protection and environmental analysis including the National Environmental Policy Act and the determination of the Administrator of the Federal Aviation Administration that the plan meets the criteria regarding practicability, safety, and efficiency, and is consistent with Federal Aviation Administration design criteria.

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

(4) All environmental reviews, analyses, and opinions related to issuance of permits, licenses, or approvals by operation of Federal law relating to the runway redesign plan or the south suburban airport shall be conducted on an expedited basis. Each Federal agency having jurisdiction shall complete environmental-related reviews on an expedited and coordinated basis.

(5) If the Administrator of the Federal Aviation Administration determines that construction or operation of the runway redesign plan would not conform, within the meaning of section 176(c) of the

Clean Air Act , to an applicable implementation plan approved or promulgated under section 110 of the Clean Air Act , the Environmental Protection Agency shall forthwith cause or promulgate a revision of such implementation plan sufficient for the runway redesign plan to satisfy the requirements of section 176(c) of the Clean Air Act .

(6) In this section:

(A) The term `runway redesign plan' means--

(i) 6 parallel runways at O'Hare oriented in the east-west direction with the capability, to the extent determined by the Administrator to be practicable, safe, and efficient, for 4 simultaneous independent instrument aircraft arrivals, and all associated taxiways, navigational facilities, passenger handling facilities, and other related facilities; and

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

(B) The term `south suburban airport' means an additional air carrier airport in the vicinity of Peotone, Illinois.

(C) The term `Administrator' means the Administrator of the Federal Aviation Administration or his designee.

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

(c) WESTERN PUBLIC ROADWAY ACCESS- The Administrator shall not consider an airport layout plan submitted by Chicago that includes the runway redesign plan, unless it includes public roadway access through the western boundary of O'Hare to passenger terminal and parking facilities. Approval of western public road access shall be subject to the condition that the cost of construction be paid for from airport revenues.

(d) NOISE MITIGATION-

(1) Approval by the Administrator of an airport layout plan that includes the runway redesign plan shall require Chicago to offer acoustical treatment of all single-family houses and schools located within the 65 DNL noise contour for each construction phase of the runway redesign plan, subject to Federal Aviation Administration guidelines and specifications of general applicability. The Administrator shall determine that Chicago's plan for acoustical treatment is financially feasible.

(2)(A) Approval by the Administrator of an airport layout plan that includes the runway redesign plan shall be subject to the condition that noise impact of aircraft operations at O'Hare in the calendar year immediately following the year in which the first new runway is first used, and in each calendar year thereafter, will be less than the noise impact in calendar year 2000.

(B) The Administrator shall make the determination described in subparagraph (A)--

(i) using, to the extent practicable, the procedures specified in part 150 of title 14, Code of Federal Regulations;

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

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

(C) The condition described in paragraph (1) shall be enforceable exclusively by the Administrator, using noise mitigation measures approved or approvable under part 150 of title 14, Code of Federal Regulations.

(e) SOUTH SUBURBAN AIRPORT FEDERAL FUNDING- The Administrator shall give priority consideration to a letter of intent application submitted by the State of Illinois or a political subdivision thereof for the construction of the south

suburban airport. The Administrator shall consider the letter not later than 90 days after the Administrator issues final approval of the airport layout plan for the south suburban airport.

(f) FEDERAL CONSTRUCTION-

- (1) On July 1, 2004, or as soon practicable thereafter, the Administrator shall construct the runway redesign plan as a Federal project, if--
 - (A) the Administrator finds, after notice and opportunity for public comment, that a continuous course of construction of the runway redesign plan has not commenced and is not reasonably expected to commence by December 1, 2004;
 - (B) Chicago agrees in writing to construction of the runway redesign plan as a Federal project;
 - (C) Chicago enters into an agreement, acceptable to the Administrator, to protect the interests of the United States Government with respect to the construction, operation, and maintenance of the runway redesign plan; and
 - (D) Chicago provides, without cost to the United States Government, land, easements, rights-of-way, rights of entry, and other interests in land or property necessary to permit construction of the runway redesign plan as a Federal project and to protect the interests of the United States Government in its construction, operation, maintenance, and use.
- (2) The Administrator may make an agreement with the City of Chicago under which Chicago will provide the work described in paragraph (1), for the benefit of the Administrator.
- (3) The Administrator is authorized and directed to acquire in the name of the United States all land, easements, rights-of-way, rights of entry, or other interests in land or property necessary for the runway redesign plan under this section, subject to

such terms and conditions as the Administrator deems necessary to protect the interests of the United States.

(g) MERRILL C. MEIGS FIELD-

- (1) Until January 1, 2026, the Administrator shall withhold all airport grant funds respecting Chicago O'Hare International Airport, other than grants involving national security and safety, unless the Administrator is reasonably satisfied that the following conditions have been met:
 - (A) Merrill C. Meigs Field in Chicago either is being operated by Chicago as an airport or has been closed for reasons beyond Chicago's control.
 - (B) Chicago is providing, at its own expense, all off-airport roads and other access, services, equipment, and other personal property that it provided in connection with the operation of Meigs Field on and prior to December 1, 2001.

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

(D) Chicago is providing or causing its agents or independent contractors to provide all services (including police and fire protection services) provided or offered at Meigs Field on or immediately prior to December 1, 2001, including tie-down, terminal, refueling, and repair services, at rates that reflect actual costs of providing such goods and services.

(2) After January 1, 2006, the Administrator shall not withhold grant funds under this Act to the extent the Administrator determines that withholding of grant funds would create an unreasonable burden on interstate commerce. If Meigs Field is closed for reasons beyond Chicago's control, the conditions described in subparagraphs (B) through (D) shall not apply.

(3) The Administrator shall not enforce the conditions listed in paragraph (1) if the State of Illinois enacts a law on or after January 1, 2006, authorizing the closure of Meigs Field.

(4) Net operating losses resulting from operation of Meigs Field, to the extent consistent with law, are to be paid by the 2 air carriers at O'Hare International Airport that paid the highest amount of airport fees and charges at O'Hare International Airport for the preceding calendar year. Notwithstanding any other provision of law, the City of Chicago may use airport revenues generated at O'Hare International Airport to fund the operation of Meigs Field.

(h) JUDICIAL REVIEW- An order issued by the Administrator of the Federal Aviation Administration, in whole or in part, under this section shall be deemed to be an order issued under subtitle VII of part A of title 49, United States Code, and shall be reviewed in accordance with the procedures in section 46110 of title 49, United States Code.

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107th CONGRESS
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To expand aviation capacity in the Chicago area.

December 10, 2001

Read the second time and placed on the calendar

S.1786

Sponsor: Sen Durbin, Richard J.(introduced 12/7/2001)

Latest Major Action: 12/10/2001 Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 270.

Title: A bill to expand aviation capacity in the Chicago area.

COSPONSORS(12), ALPHABETICAL [followed by Cosponsors withdrawn]: (Sort: [by date](#))

Sen Breaux, John B. - 12/7/2001

Sen Brownback, Sam - 12/7/2001

Sen Burns, Conrad R. - 12/7/2001

Sen Daschle, Thomas A. - 12/7/2001

Sen Dorgan, Byron L. - 12/7/2001

Sen Grassley, Charles E. - 12/7/2001

Sen Harkin, Tom - 12/7/2001

Sen Inhofe, James M. - 12/7/2001

Sen Johnson, Tim - 12/7/2001

Sen Reid, Harry M. - 12/7/2001

Sen Rockefeller IV, John D. - 12/7/2001 Sen Torricelli, Robert G. - 12/7/2001