

114TH CONGRESS
1ST SESSION

S. 2406

To require the Administrator of the Federal Aviation Administration to review certain decisions to grant categorical exclusions for Next Generation flight procedures and to consult with the airports at which such procedures will be implemented.

IN THE SENATE OF THE UNITED STATES

DECEMBER 16, 2015

Mr. MCCAIN (for himself and Mr. FLAKE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Administrator of the Federal Aviation Administration to review certain decisions to grant categorical exclusions for Next Generation flight procedures and to consult with the airports at which such procedures will be implemented.

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. REVIEW AND NOTIFICATIONS OF CATEGORICAL**
2 **EXCLUSIONS GRANTED FOR NEXT GENERA-**
3 **TION FLIGHT PROCEDURES.**

4 Section 213(c) of the FAA Modernization and Re-
5 form Act of 2012 (Public Law 112–95; 49 U.S.C. 40101
6 note) is amended by adding at the end the following:

7 “(3) NOTIFICATIONS AND CONSULTATIONS.—
8 Not less than 90 days before applying a categorical
9 exclusion under this subsection to a new procedure
10 at an OEP airport, the Administrator shall—

11 “(A) notify and consult with the operator
12 of the airport at which the procedure would be
13 implemented; and

14 “(B) consider consultations or other en-
15 gagement with the community in the which the
16 airport is located to inform the public of the
17 procedure.

18 “(4) REVIEW OF CERTAIN CATEGORICAL EX-
19 CLUSIONS.—

20 “(A) IN GENERAL.—The Administrator
21 shall review a decision of the Administrator
22 made on or after February 14, 2012, and be-
23 fore the date of the enactment of this para-
24 graph to grant a categorical exclusion under
25 this subsection with respect to a procedure to
26 be implemented at an OEP airport that was a

1 material change from procedures previously in
2 effect at the airport to determine if the imple-
3 mentation of the procedure had a significant ef-
4 fect on the human environment in the commu-
5 nity in which the airport is located if the oper-
6 ator of that airport requests such a review and
7 demonstrates that there is good cause to believe
8 that the implementation of the procedure had
9 such an effect.

10 “(B) CONTENT OF REVIEW.—If, in con-
11 ducting a review under subparagraph (A) with
12 respect to a procedure implemented at an OEP
13 airport, the Administrator, in consultation with
14 the operator of the airport, determines that im-
15 plementing the procedure had a significant ef-
16 fect on the human environment in the commu-
17 nity in which the airport is located, the Admin-
18 istrator shall—

19 “(i) consult with the operator of the
20 airport to identify measures to mitigate the
21 effect of the procedure on the human envi-
22 ronment; and

23 “(ii) in conducting such consultations,
24 consider the use of alternative flight paths.

1 “(C) HUMAN ENVIRONMENT DEFINED.—
2 In this paragraph, the term ‘human environ-
3 ment’ has the meaning given that term in sec-
4 tion 1508.14 of title 40, Code of Federal Regu-
5 lations (as in effect on the day before the date
6 of the enactment of this paragraph).”.

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