

FAA Reauthorization

**ONCC Ad Hoc FAA Reauthorization
Committee**

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ESTABLISHMENT OF THE FEDERAL AVIATION ADMINISTRATION (FAA)

- The FAA is an administration of the Department of Transportation (DOT) formed in 1967.
- The FAA mission is to provide the safest, most efficient aerospace system in the world.
- The head of the FAA is the Administrator, who is appointed by the President. The Administrator reports directly to the Secretary of Transportation.
 - Acting Administrator Billy Nolen
- The Administration is the final authority for carrying out all functions, powers, and duties of the FAA, specifically, the promulgation of regulations, rules, orders, circulars, bulletins, and other official publications of the FAA.
- FAA lines of business:
 - Airports
 - Air Traffic Organization
 - Commercial Space Transportation
 - Aviation Safety
 - Security & Hazardous Materials Safety



AIRPORT AND AIRWAY TRUST FUND (TRUST FUND)

- Established in the Airport and Airway Revenue Act of 1970.
- Provides a dedicated source of funding for the U.S. aviation system, independent of the General Fund.
- The Trust Fund provides funds for four major FAA accounts:
 - **Operations:** Funds the administration, operation, repair, and maintenance of the National Airspace System (NAS) and aviation safety oversight.
 - **Facilities & Equipment (F&E):** Provides for current infrastructure, and the advancement of NextGen Air Traffic Control (ATC) systems.
 - **The Research, Engineering and Development (RE&D):** Funds the research and services that ensure a safe, efficient, and environmentally compatible air transportation system.
 - **Grants-in-Aid for Airports:** Funds the FAA's Airport Improvement Program (AIP), which supports the development of a nationwide system of public-use airports to meet the current needs and the projected growth of civil aviation.

FAA REAUTHORIZATION

- Congress must give the FAA the authority to collect aviation excise taxes and to spend from the Aviation Trust Fund through legislation.
- Without an extension or reauthorization, the FAA would be unable to spend any revenues allocated from the Trust Fund.
- Congress intends to fund the FAA under a multi-year authorization to provide funding and authority stability beyond a one-year budget cycle. This intention has resulted in five-year reauthorization bills.
- Previous reauthorizations have required one-year (short term) extensions due to disagreements between lawmakers and the inability to pass long term funding legislation.
- Most recent reauthorization passed in 2018.

FAA REAUTHORIZATION ACT OF 2018

- Public Law 115-254; H.R. 302
- First significant multi-year reauthorization since the FAA Modernization and Reform Act of 2012 and first five-year reauthorization passed since 1982.
- Provides funding through **September 30, 2023**
- Notable additions to the 2018 Reauthorization Act:
 - Funding
 - \$96.7B total through FY23
 - Only \$16.8B is authorized, remaining requires annual appropriation bills
 - Includes \$3.35B per year for AIP grants (no increase)
 - Airline customer service
 - Expansion of passenger rights due to media coverage and citizen concerns
 - No cell phone conversations or E-cigarettes allowed
 - Involuntary removal (recall UA flight at ORD)
 - Passenger bill of rights must be posted by airlines (on websites)
 - Ancillary fees must be refunded as well as airfares

NOTABLE NOISE-RELATED PROVISIONS IN THE FAA REAUTHORIZATION ACT OF 2018

- **Section 173. Alternative airplane noise metric evaluation deadline.**
 - Requires that the FAA complete an evaluation of alternative metrics to the current Day Night Average Sound Level (DNL) 65 standard within one year of the date of enactment.
- **Section 174. Updating airport noise exposure maps.**
 - Clarifies an existing statutory provision regarding the submission of noise exposure maps from airport operators to the FAA and when an airport must update them.
- **Section 175. Addressing community noise concerns.**
 - Requires the FAA to consider the feasibility of dispersal headings or other lateral track variations to address noise concerns from affected communities, if asked by the airport owner and local community, when proposing new area navigation departure procedures (RNAV) or amending an existing procedure below 6,000 feet over noise sensitive areas.

NOTABLE NOISE-RELATED PROVISIONS IN THE FAA REAUTHORIZATION ACT OF 2018

- **Section 176. Community involvement in FAA NextGen projects located in metroplexes**
 - Requires the FAA to review the FAA's community involvement practices for NextGen projects located in Metroplexes.
- **Section 179. Airport noise mitigation and safety study**
 - Directs the FAA to initiate a study to review and evaluate existing studies and analyses of the relationship between jet aircraft approach and takeoff speeds and corresponding noise impacts on communities surrounding airports.
- **Section 180. Regional ombudsmen**
 - Requires each FAA Regional Administrator to designate a Regional Ombudsman to serve as a regional liaison with the public on issues regarding aircraft noise, pollution, and safety.

NOTABLE NOISE-RELATED PROVISIONS IN THE FAA REAUTHORIZATION ACT OF 2018

- **Section 181. FAA leadership in civil supersonic aircraft**
 - Requires the FAA Administrator to exercise leadership in the creation of Federal and international policies, regulations, and standards relating to the certification and safe and efficient operation of civil supersonic aircraft. It directs the FAA to obtain aerospace industry stakeholders input regarding regulatory framework, and issues related to standards and regulations for the type certification and safe operation of civil supersonic aircraft, including noise certification. This provision also directs FAA to exercise international leadership. FAA is required to issue a notice of proposed rulemaking by March 31, 2020, for civil supersonic noise standards.
- **Section 186. Stage 3 aircraft study.**
 - Directs the Comptroller General to conduct a review of the benefits, costs, and other impacts of a phase out of stage 3 (noise level designation) aircraft.

NOTABLE NOISE-RELATED PROVISIONS IN THE FAA REAUTHORIZATION ACT OF 2018

- **Section 187. Aircraft noise exposure.**
 - Directs the FAA to conduct a review of the relationship between aircraft noise and its effect on communities surrounding airports. The FAA is then required to submit a report to Congress containing appropriate recommendations for revising land use compatibility guidelines in part 150 of title 14, Code of Federal Regulations.
- **Section 188. Study regarding day-night average sound levels.**
 - Directs the FAA to evaluate alternative metrics to the current average day night level standard, using actual noise sampling and other methods to address community airplane noise concerns and submit a report to Congress. (Note, this is similar to Section 173, except that it adds the requirement of consideration of actual noise sampling and other methods, and an accelerated schedule.)

NOTABLE NOISE-RELATED PROVISIONS IN THE FAA REAUTHORIZATION ACT OF 2018

- **Section 189. Study on potential health and economic impacts of overflight noise.**
 - Directs the FAA to enter into an agreement with eligible institutions of higher education to conduct a study on health impacts of noise from aircraft flights on residents exposed to a range of noise levels from such flights in a number of metropolitan areas (Boston, Chicago, the District of Columbia, New York, the Northern California Metroplex, Phoenix, the Southern California Metroplex, Seattle, or such other area as may be identified by the FAA), focusing on “incremental health impacts on residents living partly or wholly underneath flight paths most frequently used by aircraft flying at an altitude lower than 10,000 feet, including during takeoff or landing”; and “an assessment of the relationship between a perceived increase in aircraft noise, including as a result of a change in flight paths that increases the visibility of aircraft from a certain location, and an actual increase in aircraft noise, particularly in areas with high or variable levels of non-aircraft-related ambient noise.”

NOTABLE NOISE-RELATED PROVISIONS IN THE FAA REAUTHORIZATION ACT OF 2018

- **Section 190. Environmental mitigation pilot program.**
 - This section allows the DOT to carry out a pilot program comprised of no more than six projects at public-use airports aimed at achieving the most cost-effective and measurable reductions in or mitigation of the impacts of aircraft noise, airport emissions, and water quality at the airport or within five miles of the airport. Provides for FAA grants of up to \$2.5 million to six airports to carry out pilot he federal share of this project would be up to 50%, and projects must be carried out by a consortium of entities that includes two or more of the following: businesses, educational or research organizations, state or local governments, and/or federal laboratories.

TOPICS BEING DISCUSSED FOR FAA REAUTHORIZATION ACT OF 2023

- Carbon reduction / climate change
 - Promote sustainable fuel
 - Intermodal connections
- Resiliency
 - Expand federal funding eligibility
- Cybersecurity
- Aviation workforce growth programs
- AIP funding increase (flat in 2018 reauthorization)
- AIP eligibility to match PFC eligibility standards
- PFC rate increase (raise the cap)
- Passenger rights expansion
 - Airline reciprocity due to delayed or cancelled flights
 - Reasonableness test of ancillary fees
 - Passenger rights enforcement strengthening



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