

**PL 104-264, 1996 HR 3539**

PL 104-264, October 9, 1996, 110 Stat 3213

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**UNITED STATES PUBLIC LAWS  
104th Congress - Second Session  
Convening January 3, 1996**

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Additions and Deletions are not identified in this document.

For Legislative History of Act, see LH database or Report for this Public Law in U.S.C.C. & A.N. Legislative History section.

PL 104-264 (HR 3539)  
October 9, 1996  
FEDERAL AVIATION REAUTHORIZATION ACT OF 1996

AN ACT to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

<< 49 USCA § 40101 NOTE >>

(a) SHORT TITLE.--This Act may be cited as the "Federal Aviation Reauthorization Act of 1996".

(b) TABLE OF CONTENTS.--

Sec. 1. Short title; table of contents.

Sec. 2. Amendments to title 49, United States Code.

Sec. 3. Applicability.

TITLE I--AIRPORT AND AIRWAY IMPROVEMENTS  
Subtitle A--Reauthorization of FAA Programs

Sec. 101. Airport improvement program.

Sec. 102. Airway facilities improvement program.

Sec. 103. FAA operations.

#### Subtitle B--Airport Development Financing

Sec. 121. Apportionments.

Sec. 122. Discretionary fund.

Sec. 123. Use of apportioned amounts.

Sec. 124. Designating current and former military airports.

Sec. 125. Period of applicability of amendments.

#### Subtitle C--Airport Improvement Program Modifications

Sec. 141. Intermodal planning.

Sec. 142. Pavement maintenance program.

Sec. 143. Access to airports by intercity buses.

Sec. 144. Cost reimbursement for projects commenced prior to grant award.

Sec. 145. Selection of projects for grants from discretionary fund.

Sec. 146. Small airport fund.

Sec. 147. State block grant program.

Sec. 148. Innovative financing techniques.

Sec. 149. Pilot program on private ownership of airports.

Science, and Transportation of the Senate and the Committee on Commerce and Infrastructure of the House of Representatives whether that airport meets those criteria.

(b) NEW BERN-CRAVEN COUNTY STATION.--The Administrator shall not close the New Bern-Craven County flight services station or the Hickory Regional Airport flight service station unless the Administrator certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that such closure will not result in a degradation of air safety and that it will reduce costs to taxpayers.

(c) PIERRE, SOUTH DAKOTA STATION.--The Administrator shall not close the Pierre, South Dakota Regional Airport flight service station unless following the 180th day after the date of the enactment of this Act the Administrator certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that such closure will not result in a degradation of air safety, air service, or the loss of meteorological services or data that cannot otherwise be obtained in a more cost-effective manner, and that it will reduce costs to taxpayers.

#### SEC. 1217. LOCATION OF DOPPLER RADAR STATIONS, NEW YORK.

(a) STUDY.--The Administrator of the Federal Aviation Administration shall conduct a study of the feasibility of constructing 2 offshore platforms to serve as sites for the location of Doppler radar stations for John F. Kennedy International Airport and LaGuardia Airport in New York City, New York.

(b) REPORT.--Not later than 90 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under subsection (a), including proposed locations for the offshore platforms. Such locations shall be as far as possible from populated areas while providing appropriate safety measures for John F. Kennedy International Airport and LaGuardia Airport.

<< 49 USCA § 20153 >>

#### SEC. 1218. TRAIN WHISTLE REQUIREMENTS.

(a) IN GENERAL.--Section 20153 is amended by adding at the end the following:

"(i) REGULATIONS.--In issuing regulations under this section, the Secretary--

"(1) shall take into account the interest of communities that--

"(A) have in effect restrictions on the sounding of a locomotive horn at highway-rail grade crossings; or

"(B) have not been subject to the routine (as defined by the Secretary) sounding of a locomotive horn at highway-rail grade crossings;

"(2) shall work in partnership with affected communities to provide technical assistance and shall provide a reasonable amount of time for local communities to install supplementary safety measures, taking into account local

safety initiatives (such as public awareness initiatives and highway-rail grade crossing traffic law enforcement programs) subject to such terms and conditions as the Secretary deems necessary, to protect public safety; and

"(3) may waive (in whole or in part) any requirement of this section (other than a requirement of this subsection or subsection (j)) that the Secretary determines is not likely to contribute significantly to public safety.

"(j) EFFECTIVE DATE OF REGULATIONS.--Any regulations under this section shall not take effect before the 365th day following the date of publication of the final rule."

#### SEC. 1219. INCREASED FEES.

(a) IN GENERAL.--Notwithstanding any other provision of law, the Surface Transportation Board shall not increase fees for services to be collected from small shippers in connection with rail maximum rate complaints pursuant to part 1002 of title 49, Code of Federal Regulations, Ex Parte No. 542.

(b) APPLICABILITY.--Subsection (a) shall no longer be effective after September 30, 1998.

#### SEC. 1220. STRUCTURES INTERFERING WITH AIR COMMERCE.

<< 49 USCA § 44718 >>

(a) LANDFILLS.--Section 44718 is amended by adding at the end the following:

"(d) LANDFILLS.--For the purposes of enhancing aviation safety, in a case in which 2 landfills have been proposed to be constructed or established within 6 miles of a commercial service airport with fewer than 50,000 enplanements per year, no person shall construct or establish either landfill if an official of the Federal Aviation Administration has stated in writing within the 3-year period ending on the date of the enactment of this subsection that 1 of the landfills would be incompatible with aircraft operations at the airport, unless the landfill is already active on such date of enactment or the airport operator agrees to the construction or establishment of the landfill."

<< 49 USCA § 46301 >>

(b) CIVIL PENALTIES.--Section 46301 is amended by inserting "44718(d)," after "44716," in each of subsections (a)(1)(A), (d)(2), and (f)(1)(A)(i).

#### SEC. 1221. HAWAII CARGO.

Notwithstanding any other provision of law, and for a period that shall not extend beyond September 30, 1998, an air carrier which commenced all-cargo turnaround service during November 1995 with Stage 2 aircraft with a maximum weight of more than 75,000 pounds may operate no more than one Stage 2 aircraft in all-cargo turnaround service and may also maintain a second such aircraft in reserve. The reserve aircraft may only be used as a replacement aircraft when the first aircraft is not airworthy or is unavailable due to closure of an airport at which the

first aircraft is located in the State of Hawaii.

<< 15 USCA § 1175 >>

SEC. 1222. LIMITATION ON AUTHORITY OF STATES TO REGULATE GAMBLING DEVICES ON VESSELS.

Subsection (b)(2) of section 5 of the Act of January 2, 1951 (commonly referred to as the "Johnson Act") (64 Stat. 1135, chapter 1194; 15 U.S.C. 1175), is amended by adding at the end the following:

"(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.--Except for a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii, a voyage or segment of a voyage is not described in subparagraph

(B) if such voyage or segment includes or consists of a segment--

"(i) that begins and ends in the same State;

"(ii) that is part of a voyage to another State or to a foreign country; and

"(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which such segment begins.".

<< 45 USCA § 151 >>

SEC. 1223. CLARIFYING AMENDMENT.

Section 1 of the Railway Labor Act (45 U.S.C. 151) is amended by inserting ", any express company that would have been subject to subtitle IV of title 49, United States Code, as of December 31, 1995," after "Board" the first place it appears in the first paragraph.

Approved October 9, 1996.

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