

SEC. \_\_\_\_\_

**(1). NECESSITY OF O'HARE RUNWAY REDESIGN AND DEVELOPMENT OF SOUTH SUBURBAN AIRPORT**

(a) The Congress hereby declares 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.

(b) The Federal Aviation Administrator shall implement this Federal policy by facilitating approval, funding, construction and implementation of—

(1) 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

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

subject in each case only to application in due course of Federal laws respecting environmental protection and environmental analysis including, without limitation, the National Environmental Policy Act; and the Administrator's determinations with respect to practicability, safety and efficiency, and consistency with Federal Aviation Administration design criteria.

(c) 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, without limitation, sections 38.01, 47 and 48 of the Illinois Aeronautics Act.

(d) 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. Every Federal agency shall complete environmental-related reviews on an expedited and coordinated basis.

(e) If the Administrator 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.

(f) The term "runway redesign plan" means (i) six 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 three 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.

(g) The term "south suburban airport" means a supplemental air carrier airport in the vicinity of Peotone, Illinois.

## **(2). 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.

## **(3). WESTERN PUBLIC ROADWAY ACCESS**

The Administrator shall not consider, and shall reject as incomplete, 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 its cost of construction will be paid from airport revenues.

#### (4) NOISE MITIGATION

(a) 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.

(b) (1) 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. The Administrator shall make the determination required by this Section.

(2) The Administrator shall—

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

(ii) use the same method for 2000 as for each forecast year;

(iii) determine 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 for this purpose only single-family houses and schools in existence on the last day of calendar year 2000.

(3) The condition described in subsection (a) shall be enforceable exclusively by the Administrator, using noise mitigation measures approved or approvable under Part 150 of title 14 of the Code of Federal Regulations.

#### (5) 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. This consideration shall be given not later than 90 days after a final record of decision approving the airport layout plan for the south suburban airport has been issued by the Administrator.

**(6). FEDERAL CONSTRUCTION**

(a) On July 1, 2004, or as soon thereafter as may be possible, the Administrator shall construct the runway redesign plan as a Federal project, provided -

- (1) 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.
- (2) Chicago agrees in writing to construction of the runway redesign plan as a Federal project by the Administrator,
- (3) 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,
- (4) Chicago provides, without cost to the United States Government, land, easements, rights-of-way, rights of entry and other interests in land or property deemed necessary and sufficient by the Administrator 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.

(b) The Administrator may make an agreement with Chicago under which Chicago will provide the work described in subsection (a), for the benefit of the Administrator.

(c) 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.

**(7). MERRILL C. MEIGS FIELD**

(a) Until January 1, 2026, the Administrator shall withhold all airport grant funds respecting airports operated by Chicago, Illinois other than grants respecting national security and safety, unless the Administrator is reasonably satisfied that the following conditions have been met —

(1) Merrill C. Meigs Field in Chicago is being operated by Chicago as an airport;

(2) Chicago is providing at its expense all off-airport roads and other access, services, equipment and other personal property that it provided in connection with the operation of Meigs on and prior to December 1, 2001;

(3) Chicago is operating Meigs Field, at its 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. seven days per week whenever weather conditions permit;

(4) 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 on or immediately prior to December 1, 2001, including such tie-down, terminal, refueling and repair services as were then provided at rates that reflect actual costs of providing such good and services at Meigs Field;

(5) Chicago is making its best efforts to encourage business, general aviation and commuter airline operations at Meigs Field.

(b) Notwithstanding any other provision of law, Chicago may utilize revenues generated at other airports operated by Chicago to fund the operation of Meigs Field.

#### **(8). JUDICIAL REVIEW**

An order issued by the Administrator in whole or in part under this Section shall be deemed to be an order issued under Title 49, United States Code, Subtitle VII, Part A, and shall be reviewed exclusively in accordance with the procedures in Section 46110 of Title 49, United States Code.