

116TH CONGRESS
2D SESSION

S. 4645

To improve the requirements for commercial air tours and commercial air tour operators, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 2020

Ms. BALDWIN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To improve the requirements for commercial air tours and commercial air tour operators, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Amy and Jocelyn Gan-
5 non Helicopter Tour Safety Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the FAA.

1 (2) COMMERCIAL AIR TOUR.—The term “com-
2 mercial air tour” has the meaning given that term
3 in section 110.2 of title 14, Code of Federal Regula-
4 tions, as it applies to helicopters.

5 (3) COMMERCIAL AIR TOUR OPERATOR.—

6 (A) IN GENERAL.—The term “commercial
7 air tour operator” means any person, operating
8 under part 91, 93, 121, 135, or 136 of title 14,
9 Code of Federal Regulations, who conducts a
10 commercial air tour.

11 (B) CLARIFICATION.—The operations de-
12 scribed in subparagraph (A) include any oper-
13 ation under section 119.1(e)(1) of title 14, Code
14 of Federal Regulations, provided that the oper-
15 ator of such operation has received and is in
16 compliance with a Letter of Authorization
17 issued under section 91.147 of title 14, Code of
18 Federal Regulations.

19 (4) FAA.—The term “FAA” means the Fed-
20 eral Aviation Administration.

21 (5) IFR CONDITIONS.—The term “IFR condi-
22 tions” has the meaning given that term in section
23 1.1 of title 14, Code of Federal Regulations.

24 (6) NTSB.—The term “NTSB” means the Na-
25 tional Transportation Safety Board.

1 **SEC. 3. REVIEW OF COMMERCIAL AIR TOUR ROUTES.**

2 (a) IN GENERAL.—Not later than 180 days after the
3 date of enactment of this Act, the Administrator shall do
4 the following:

5 (1) Develop a process to review and approve
6 any flight route used by a commercial air tour oper-
7 ator.

8 (2) Update the operator manual content re-
9 quirements under part 135 of title 14, Code of Fed-
10 eral Regulations, as it relates to helicopter air tour
11 operators, to require information about flight routes.

12 (b) EVALUATION OF WEATHER DATA.—Not later
13 than 180 days after the date of enactment of this Act,
14 the Administrator, in consultation with the National
15 Weather Service, shall develop and implement the fol-
16 lowing:

17 (1) A process to obtain and evaluate weather
18 data to identify any flight route, or segment of a
19 flight route, used by a commercial air tour operator
20 that is susceptible to rapidly changing weather
21 events.

22 (2) Criteria to determine whether the frequency
23 of such rapidly changing weather events on such
24 flight route, or segment of such flight route, requires
25 that a commercial air tour operator be prohibited
26 from flying along any section of a flight route.

1 **SEC. 4. FAA AVIATION WEATHER CAMERA PROGRAM.**

2 (a) WEATHER CAMERAS.—Not later than 90 days
3 after the date of enactment of this Act, the Administrator
4 shall issue such regulations as are necessary to implement
5 the following NTSB recommendations:

6 (1) Safety Recommendation A–13–025, issued
7 on August 15, 2013 (relating to initiating an avia-
8 tion weather camera program in Hawaii that in-
9 cludes the installation and maintenance of aviation
10 weather cameras at critical locations in Hawaii and
11 to establish public access to these aviation weather
12 cameras’ real-time imagery).

13 (2) Safety Recommendation A–13–026, issued
14 on August 13, 2013 (relating to installing and main-
15 taining aviation weather cameras in those mountain
16 passes in the continental United States identified as
17 being high risk and to establish public access to
18 these aviation weather cameras’ real-time imagery).

19 (b) SURVEY OF WEATHER CAMERAS.—

20 (1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of this Act and biennially
22 thereafter, the Administrator shall survey the num-
23 ber and placement of any weather camera installed
24 through the FAA’s Aviation Weather Camera Pro-
25 gram, or an equivalent State-sponsored program, to

1 determine whether there is sufficient weather cam-
2 era coverage.

3 (2) REQUEST FOR ADDITIONAL RESOURCES.—

4 If, as a result of the survey conducted pursuant to
5 paragraph (1), the Administrator determines that
6 additional funding for the installation or mainte-
7 nance of weather cameras is needed, the Adminis-
8 trator shall include that information in the FAA's
9 annual budget request to Congress.

10 (c) TRAINING ON WEATHER CAMERAS.—

11 (1) COMMERCIAL AIR TOUR OPERATOR TRAIN-
12 ING.—Not later than 2 years after the date of enact-
13 ment of this Act, the Administrator shall establish
14 training requirements for each commercial air tour
15 operator to utilize real-time weather information
16 made available through the FAA's Aviation Weather
17 Camera Program, including—

18 (A) using the information to determine
19 whether it is safe to fly in any area of a flight
20 route used by a commercial air tour operator
21 that is susceptible to rapidly changing weather
22 events; and

23 (B) advising flight crew members on alter-
24 native flight routes or the need for an imme-

1 diate landing when any rapidly changing weath-
2 er event develops or occurs.

3 (2) FLIGHT SERVICE STATION SPECIALIST
4 TRAINING.—Not later than 90 days after the date of
5 enactment of this Act, the Administrator shall ini-
6 tiate rulemaking to implement NTSB Safety Rec-
7 ommendation A–13–027, issued on August 15, 2013
8 (relating to equipping the flight service station spe-
9 cialists responsible for Hawaii and the continental
10 United States with the technical capabilities and
11 training to provide verbal preflight and en route
12 briefings using aviation weather camera imagery).

13 **SEC. 5. FLIGHT DATA MONITORING PROGRAM.**

14 Not later than 90 days after the date of enactment
15 of this Act, the Administrator shall initiate rulemaking for
16 such regulations as are necessary to implement the fol-
17 lowing NTSB recommendations, as they relate to heli-
18 copter air tour operators:

19 (1) Safety Recommendation A–16–034, issued
20 on November 3, 2016 (relating to requiring all 14
21 Code of Federal Regulations Part 135 operators to
22 install flight data recording devices capable of sup-
23 porting a flight data monitoring program).

24 (2) Safety Recommendation A–16–035, issued
25 on November 3, 2016 (relating to requiring all 14

1 Code of Federal Regulations Part 135 operators to
2 establish a structured flight data monitoring pro-
3 gram that reviews all available data sources to iden-
4 tify deviations from established norms and proce-
5 dures and other potential safety issues, after action
6 in Safety Recommendation A-16-034 is complete).

7 **SEC. 6. OPERATIONAL AND TRAINING REQUIREMENTS.**

8 (a) INSTRUMENT RATINGS.—Not later than 90 days
9 after the date of enactment of this Act, the Administrator
10 shall initiate rulemaking to require any commercial air
11 tour operator to use pilots who—

12 (1) if applicable under part 61.65 of title 14,
13 Code of Federal Regulations, hold instrument rat-
14 ings appropriate to the aircraft flown; or

15 (2) hold an Airline Transport Pilot certificate
16 appropriate to the category and class of aircraft
17 flown, but which is not limited to Visual Flight
18 Rules according to the requirements under sections
19 61.57 and 61.65 of title 14, Code of Federal Regula-
20 tions.

21 (b) IFR CONDITIONS COMPETENCY PROGRAM.—Not
22 later than 90 days after the date of enactment of this Act,
23 the Administrator shall initiate rulemaking to require any
24 commercial air tour operator to establish an IFR condi-
25 tions competency program to allow pilots to maintain their

1 ability to operate a commercial air tour under IFR condi-
2 tions.

3 **SEC. 7. IFR CONDITIONS EQUIPMENT STUDY.**

4 (a) IN GENERAL.—The Administrator shall conduct
5 a study on the feasibility of requiring any helicopter used
6 for a commercial air tour to be equipped with the min-
7 imum equipment necessary to operate in IFR conditions.

8 (b) REPORT.—Not later than 1 year after the date
9 of enactment of this Act, the Administrator shall submit
10 to Congress a report on the study conducted pursuant to
11 subsection (a) together with recommendations for such
12 legislation or administrative action as the Administrator
13 determines to be appropriate.

14 **SEC. 8. COMMERCIAL AIR TOUR VIDEOS STUDY.**

15 (a) HELICOPTER MOUNTED VIDEO STUDY.—

16 (1) IN GENERAL.—The Administrator shall con-
17 duct a study on the feasibility of permitting commer-
18 cial air tour operators or FAA inspectors to conduct
19 random audits (that meet the requirements de-
20 scribed in paragraph (2)) of helicopter mounted vid-
21 eos of commercial air tour flights.

22 (2) REQUIREMENT.—The requirement de-
23 scribed in this paragraph is that an audit address
24 flight safety and commercial air tour operator per-
25 formance with respect to—

1 (A) safe flying techniques; and

2 (B) the avoidance of—

3 (i) dangerous terrain; and

4 (ii) rapidly changing weather events.

5 (b) REPORT.—Not later than 1 year after the date
6 of enactment of this Act, the Administrator shall submit
7 to Congress a report on the study conducted pursuant to
8 subsection (a) together with recommendations for such
9 legislation or administrative action as the Administrator
10 determines to be appropriate.

11 **SEC. 9. EXEMPTION FROM CERTAIN REGULATORY RE-**
12 **QUIREMENTS.**

13 Any rule or regulation promulgated by the Adminis-
14 trator pursuant to this Act—

15 (1) shall not be considered a rule or regulation
16 under Executive Order 13771 (5 U.S.C. 601 note;
17 relating to reducing regulation and controlling regu-
18 latory costs); and

19 (2) shall not be subject to the requirements set
20 forth in such Executive order.

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