



# The FAA Reauthorization Act of 2018

Everything You Wanted To Know . . .

The Aviation Symposium Webinar Series

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# Presenters



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# Noise Standards

- **Community noise concerns.** FAA must consider the feasibility of dispersal headings to address noise concerns when proposing new area navigation departure procedures or amending an existing procedure below 6,000 feet over noise sensitive areas.
- **NEXTGEN Noise Issues:** FAA must review their community involvement practices for NextGen projects located in Metroplexes.
- **Airport noise mitigation and safety study.** FAA must 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.
- **New Study on Impact of Noise:** FAA to enter into an agreement with institutions of higher education to conduct a study on health impacts of noise on residents.

# Civil Supersonic Aircraft

- Directs FAA to be a world leader in helping develop supersonic aircraft
- Issue an NPRM on noise standards by March 31, 2020
- Issue an NPRM to revise Part 91, Appendix B to modernize the application process for civil supersonic aircraft
- If an application for a type certification of a civil supersonic aircraft is received before a final rule, then the administrator has 18 months to issue an NPRM regarding the submitted design. The final rule on the proposed design must be issued within 18 months of the NPRM.

# FAA Safety Certification Reform

- Creates SOCAC - Safety Oversight and Certification Advisory Committee , comprised of people from general aviation, commercial aviation, aviation labor, aviation maintenance, and the Administrator.
- SOCAC to provide advice on FAA safety certification and oversight programs and activities, and establishing consensus national goals, strategic objectives and priorities to achieve the most efficient, streamlined and cost-effective certification and oversight processes.
- Failure to meet a major certification milestone during the process is automatically escalated to upper management with a required timeline to resolve the issue

# Foreign Regulations

- Foreign ADs – Permits the FAA to accept a foreign country's airworthiness directives if they are the country of the products design
- Requires the FAA to assist US companies that are experiencing delays in foreign authorizations
- Require within 1 year a foreign engagement action plan
- Coordinate with ICAO to ensure that any new international standard for aircraft tracking and flight data recovery is consistent with a performance-based approach and is implemented in a globally harmonized manner.

# ASAP – Aviation Safety Action Program

- There shall be a presumption that an individual's voluntary report of an operational or maintenance issue related to aviation safety under an aviation safety action program meets the criteria for acceptance as a valid report under such program.
- Reports are reviewed by an event review committee to determine if they should be accepted
- Provides a statutory definition for what constitutes an ASAP program.

# Lithium Ion Batteries

- FAA has 90 days to harmonize its standards with the ICAO standards.
- Expedited waiver process to permit carriage of batteries used in medical devices
- Requires DOT to establish a lithium battery safety working group within the government.
- Also requires a Lithium Battery Air Safety Advisory Committee to engage with industry on safety issues
- Both groups required to submit reports to Congress

# Flight Attendant Duty Period Limitations and Rest Requirements

- Must amend regulations within 30 days
  - a flight attendant scheduled to a duty period of 14 hours or less is given a scheduled rest period of at least 10 consecutive hours; and
  - the rest period is not reduced under any circumstances.
- Air carriers have 90 days to submit to the Administrator for review and acceptance a fatigue risk management plan for the carrier's flight attendants
- Fatigue plans must be updated and resubmitted every 2 years.
- Violations are subject to same civil penalties as other safety regulations

# Fairness for Pilots Act

- Expands Pilot's Bill of Rights
- Investigators reports must be released to the pilot
- Failure to provide the report is grounds for dismissal
- FAA must give notice of any requirement to reexamine certificate holders stating the justification and the facts underlying the request
- Prohibits FAA enforcement of NOTAM violations until FAA has certified to Congress they have created a Repository as Sole Source for NOTAMS

# Airline Customer Service Improvements

- DOT must issue regulations banning passenger use of cell phones on aircraft.
- Requires air carriers to train ticket counter agents, gate agents, and other air carrier workers on recognizing and responding to potential human trafficking victims
- Smoking ban extended to e-cigarettes
- Air carriers cannot deny a passenger the ability to check a stroller at the departure gate if the stroller is being used by a passenger to transport a child traveling on the same flight
- Illegal to put an animal in an overhead luggage bin
- Regulations on minimum seat dimensions for safety

# Denied Boarding

- Air carrier may not deny a revenue passenger traveling on a confirmed reservation permission to board, or involuntarily remove that passenger from the aircraft, once he has:
  - (1) checked in for the flight prior to the check in deadline; and
  - (2) had the ticket or boarding pass collected or electronically scanned and accepted by the gate agent.
- DOT must issue a final rule in 60 days stating:
  - (1) there is not a maximum level of compensation
  - (2) the compensation levels set forth in the regulations are the part are the minimum levels of compensation
  - (3) the carrier must proactively offer to pay compensation to a passenger rather than wait until the passenger requests the compensation.

# 85 Studies, 88 Reports to Congress

- ADS-B Out Mandate
- Part 91 Reform
- FAA Reform
- Cybersecurity for Avionics
- Human factors and NextGen
- Pilot/Passenger cost sharing
- Impact of TFRs from Presidential flights
- Allergic reactions on flights
- Oxygen mask designs
- Caribbean cargo operations
- Baggage charges
- Illegal charter flights
- Airline computer disruptions
- Aviation workforce of the future
- Extreme weather and air travel
- Airport revenue diversion
- Critical Airfield markings
- Inspector hiring and training
- Surface vehicle visibility
- FAA compliance policy
- Aircraft air quality
- Use of service animals
- Passengers with disabilities

# NTSB Reauthorization

- Allows release of still images from videos
- Must file report on the methodology used by the Board in generating their Most Wanted List.
- In 2 years, the NTSB must include a “Methodology” section in every NTSB Report which includes:
  - Summary of the most relevant facts to each recommendation,
  - Description of any external studies or data to justify the recommendation
  - Examples of actions taken by regulated entities prior to the recommendations being made public
- Assistance to families of rail and air accidents now required in any accident involving loss of life, not “major” loss of life.
- GAO audit of NTSB investigation launch decisions
- NTSB members may meet informally, but chief counsel must be present and at least one member from each party, discussions must be disclosed and no votes may be taken

# UAS – Test Sites

- Tasks the FAA with more responsibility for accommodating the work done at the test sites.
- Expedite waivers and airspace changes
- Permits FAA to waive 49 USC 44711 for test site work
  - Airworthiness certificates
  - Pilot Certificates
  - Air Carrier Certificates
  - Airport Certificates

# UAS Design Standards

- Permits the FAA to accept industry consensus design standards
- Authorize a manufacturer to self-certify that the standard is met
- Consensus standards can take the place of airworthiness certification
- Guidance on the approval process and considerations for the FAA to weigh
- If a consensus standard is set, it is illegal to operate any system that does not comply with the standard or is authorized under some other section

# UAS Package Delivery

- FAA must issue regulations on the carriage of property by UAS within 1 year.
  - Use performance-based requirements.
  - Consider varying levels of risk to other air craft and to persons and property on the ground
  - Tailor performance-based requirements to appropriately mitigate risk.
  - Consider the unique characteristics of highly automated, small unmanned aircraft systems.
  - Airworthiness of the systems
  - qualifications for operators
  - Operating specifications for the air carriers

# UAS – Model Aircraft

- A person may operate a small unmanned aircraft without specific certification or operating authority from the Federal Aviation Administration if the operation adheres to all of the following limitations:
  - The aircraft is flown strictly for recreational purposes.
  - The aircraft is operated in accordance with or within the programming of a community-based organization's set of safety guidelines that are **developed in coordination with the Federal Aviation Administration.**
  - The aircraft is flown within the visual line of sight of the person operating the aircraft **or a visual observer co-located and in direct communication with the operator.**
  - The aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft.

# UAS – Model Aircraft

- In Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, the operator obtains prior authorization from the Administrator or designee before operating and complies with all airspace restrictions and prohibitions.
- In Class G airspace, the aircraft is flown from the surface to not more than 400 feet above 16 ground level and complies with all airspace restrictions and prohibitions.
- **The operator has passed an aeronautical knowledge and safety test described in subsection (g) and maintains proof of test passage to be made available to the Administrator or law enforcement upon request.**
- The aircraft is registered.
- **Unmanned aircraft operations that do not conform to the limitations in subsection (a) must comply with all statutes and regulations generally applicable to unmanned aircraft and unmanned aircraft systems.**

# UAS – Model Aircraft

## *Increased Authority*

- The Administrator, in consultation with government, stakeholders, and community-based organizations, shall initiate a process to periodically update the operational parameters
  - Mitigate risks to aviation safety and national security,
  - Operations outside the membership, guidelines, and programming of a community based organization;
  - Physical characteristics, technical standards, and classes of aircraft
  - Trends in use, enforcement, or incidents involving unmanned aircraft systems;
  - Equipage requirements that facilitate safe, efficient, and secure operations and further integrate all unmanned aircraft into the national airspace system.

# UAS – Model Aircraft

## *Increased Authority Clawback*

- Nothing in this subsection shall be construed as expanding the authority of the Administrator to require a person operating an unmanned aircraft under this section to seek permissive authority of the Administrator, beyond that required in subsection (a) of this section, prior to operation in the national airspace system.

# UAS – Community Based Organization

- A CBO is defined as a
  - Tax exempt entity;
  - The mission of which is demonstrably the furtherance of model aviation;
  - Provides a comprehensive set of safety guidelines for all aspects of model aviation;
  - Provides programming and support for any local charter organizations, affiliates, or clubs; and
  - Provides assistance and support in the development and operation of locally designated model aircraft flying sites.
- FAA has 180 days to issue an AC with the criteria for an organization to be recognized as a CBO.

# UAS – Institutions of Higher Learning

- Codifies the Chief Counsel Opinion that certain educational UAS use can be conducted as a recreational activity
  - Limited to education of students
  - University research into the use of UAS
  - Research sponsored by the federal government
  - “other academic pursuits”
- Permits the FAA to add or modify the operational parameters for education and research as needed.
- FAA has 270 days to establish the procedures and standards

# UAS – Funding of UAS Regulations and Services

- Comptroller General must report in 180 days on how to monetize UAS services, considering:
  - The total annual costs incurred by the FAA for UAS operations
  - Air traffic services provided to UAS
  - The number of full-time employees dedicated to UAS
  - The use of privately operated UTM
  - Projected growth of UAS operations
  - The number of small businesses involved
  - How the matter is handled overseas.

# UAS – Miscellaneous

- **UAS public/private pilot program:** Codifies the program, the selection criteria and research that should be supported, requires notification of Congress of any additional undertakings and requires detailed reports to Congress of the results.
- **Waiver Transparency:** Requires FAA to release more information about the technical requirements for granted waivers
- **Underground UAS operation:** Remain unregulated
- **Privacy:** GAO has 180 days to issue a comprehensive report on privacy issues and deficiencies in state and local laws.

## UAS – Miscellaneous

- **Weaponizing UAS:** New \$25,000 civil penalty
- **Counter UAS:** report on all executive actions and approach to the issue, requires FAA to deploy counter UAS systems at 5 airports within 1 year.
- **UAS Safety Enforcement Pilot Program:** FAA must establish a mechanism for the public and Federal, State, and local law enforcement to report suspected operation of unmanned aircraft in violation of a Federal laws and report on how many enforcement actions resulted.
- **Local Control Over Airspace:** GAO study on the impact of allowing local control of the low level airspace

# UAS – Miscellaneous

- **Privacy:** Federal Trade Commission has authority to pursue violations of privacy policies involving a UAS as an unfair trade practice.
- **UTM:** FAA must prepare a full plan for UTM services and applicable safety standards, and allows the FAA to authorize private UTM service providers on an interim basis.
- **COAs:** FAA has 270 days to put all particulars of public COAs online in a useable manner.
- **Crimes:** Intentionally interfering with a manned aircraft or airport is a felony with 1 year in prison. Causing injury: 10 years in prison. In furtherance of another crime: Life in prison

# Contact Information

If you have any questions, please contact us at:

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# Upcoming Events

## Future Webinars

October 16<sup>th</sup>

**Pipelines and the SAFETY Act: Limiting Your Liability**

## The 2019 Aviation Symposium

February 5 - 7, 2019 - Tysons Corner

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