

119TH CONGRESS
2D SESSION

S. _____

To require the Administrator of the Federal Aviation Administration to review and update Federal Aviation Administration regulations, policies, and guidance related to low-altitude airspace safety, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MERKLEY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To require the Administrator of the Federal Aviation Administration to review and update Federal Aviation Administration regulations, policies, and guidance related to low-altitude airspace safety, 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 “McCarty and
5 Heideman Air Safety Enhancement Act”.

6 **SEC. 2. REVIEW OF FAA POLICIES AND REGULATIONS RE-**
7 **LATED TO LOW-ALTITUDE AIRSPACE SAFETY.**

8 (a) REVIEW.—

1 (1) IN GENERAL.—Not later than 6 months
2 after the date of enactment of this section, the Ad-
3 ministrator of the Federal Aviation Administration
4 (referred to in this section as the “Administrator”),
5 in consultation with the stakeholders described in
6 paragraph (3), shall review existing Federal Aviation
7 Administration (referred to in this section as
8 “FAA”) policies and regulations related to low-alti-
9 tude airspace safety for the purpose of identifying
10 appropriate policy, operational, or technical improve-
11 ments, such as updated requirements related to
12 markings on slacklines.

13 (2) CONSIDERATIONS.—In conducting the re-
14 view required under paragraph (1), the Adminis-
15 trator shall consider the following:

16 (A) Whether existing FAA policies regard-
17 ing obstruction marking and lighting clearly
18 identify when slacklines, tight ropes, highlines,
19 wires, and similar temporary obstructions
20 should be marked, lighted, or otherwise identi-
21 fied and whether such policies are effective in
22 reducing the risk of low-altitude aircraft strikes.

23 (B) Whether the FAA can improve Notices
24 to Airmen, obstacle data, or other aeronautical
25 information products to better support con-

1 sistent digital depiction across flight planning
2 tools, electronic flight bags, avionics systems,
3 and other associated tools utilized by industry,
4 including information related to coordinates, ra-
5 dius-distance, maximum height above ground
6 level, effective dates and times, responsible
7 party information, and any marking, lighting,
8 or identification required by the FAA.

9 (C) Whether the FAA can improve coordi-
10 nation with relevant Federal, State, Tribal, and
11 local land management agencies, including the
12 National Park Service, the Bureau of Land
13 Management, and the United States Forest
14 Service, with respect to activities that may cre-
15 ate low-altitude aviation hazards.

16 (D) Whether the existing penalties for vio-
17 lations of low-altitude airspace requirements are
18 sufficient to ensure the safety of such airspace.

19 (E) Suggested improvements to FAA out-
20 reach to non-aviation communities whose activi-
21 ties may create hazards in the national airspace
22 system to improve awareness of, and compli-
23 ance with, applicable requirements and guid-
24 ance.

1 (3) CONSULTATION.—For purposes of para-
2 graph (1), the stakeholders described in this para-
3 graph are representatives of the following:

4 (A) Helicopter and powered-lift aircraft op-
5 erators and pilots.

6 (B) Air medical operators.

7 (C) General aviation pilots and aircraft
8 owners.

9 (D) Agricultural aviation operators.

10 (E) Uncrewed aircraft system operators.

11 (F) Aviation safety experts with specific
12 knowledge of vertical flight operations.

13 (G) Any other stakeholder the Adminis-
14 trator determines appropriate.

15 (b) UPDATED REGULATIONS, GUIDANCE, AND POLI-
16 CIES.—If, upon conducting the review required under sub-
17 section (a), the Administrator determines that the policies
18 described in subsection (a)(2)(A) do not adequately iden-
19 tify requirements related to markings or lightings for
20 slacklines or other temporary obstructions, the Adminis-
21 trator shall, not later than 1 year after the date of enact-
22 ment of this section, update FAA regulations, guidance,
23 or policies as necessary.

24 (c) BRIEFING.—Not later than 90 days after the
25 completion of the review required under subsection (a), the

1 Administrator shall brief the Committee on Commerce,
2 Science, and Transportation and the Committee on Appro-
3 priations of the Senate and the Committee on Transpor-
4 tation and Infrastructure and the Committee on Appro-
5 priations of the House of Representatives regarding—

6 (1) the findings of such review;

7 (2) the regulations, guidance, or policies to be
8 updated pursuant to subsection (b); and

9 (3) any recommendations for legislative action
10 determined appropriate by the Administrator to im-
11 prove the safety of low-altitude airspace.