

ROSEN - 1 as modified

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide for the safe and efficient use of airspace at airports.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. \_\_\_\_\_

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2024 through 2028, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. ROSEN

Viz:

1 At the end of title VI, add the following:

2 **SEC. \_\_\_\_ . PROTECTION OF SAFE AND EFFICIENT USE OF**  
3 **AIRSPACE AT AIRPORTS.**

4 (a) AIRSPACE REVIEW PROCESS REQUIREMENTS.—

5 The Administrator shall consider the following additional  
6 factors in the evaluation of cumulative impacts when mak-  
7 ing a determination of hazard or no hazard, or objection  
8 or no objection, as applicable, under part 77 of title 14,  
9 Code of Federal Regulations, regarding proposed con-  
10 struction or alteration within 3 miles of the runway ends  
11 and runway centerlines (as depicted in the airport's FAA-

1 approved Airport Layout Plan (ALP)) on any land not  
2 owned by any such airport:

3 (1) The accumulation and spacing of structures  
4 or other obstructions that might constrain radar or  
5 communication capabilities, thereby reducing an air-  
6 port's capacity, flight procedure minimums or avail-  
7 ability, or aircraft takeoff or landing capabilities.

8 (2) Safety risks of lasers, lights, or light  
9 sources inclusive of lighted billboards and screens,  
10 affixed to structures, that may pose hazards to air  
11 navigation.

12 (3) Water features or hazardous wildlife  
13 attractants, as defined by the FAA.

14 (4) Impacts to visual flight rule (VFR) traffic  
15 patterns for both fixed and rotary wing aircraft, in-  
16 clusive of special VFR procedures established by  
17 Letters of Agreement between air traffic facilities,  
18 the airport, and flight operators.

19 (5) Impacts to FAA-funded airport improve-  
20 ment projects, improvements depicted on or de-  
21 scribed in FAA-approved Airport Layout Plans and  
22 master plans, and preservation of the navigable air-  
23 space necessary for achieving the objectives and uti-  
24 lization of these projects and plans.

1 (b) REQUIRED INFORMATION.—A notice submitted  
2 under part 77 of title 14, Code of Federal Regulations,  
3 shall include the following:

4 (1) Actual designs of an entire project and  
5 property, without regard to whether a proposed con-  
6 struction or alteration within 3 miles of the airport's  
7 runway ends and runway centerlines as depicted in  
8 the FAA-approved Airport Layout Plan is limited to  
9 a singular location on a property.

10 (2) If there are any changes or addition of  
11 equipment, such as cranes used to construct a build-  
12 ing, to such designs after submission of such a no-  
13 tice, all information included with the notice sub-  
14 mitted before such change or addition shall be re-  
15 submitted, along with information regarding the  
16 change or addition.

17 (c) EXPIRATION.—Unless extended, revised, or termi-  
18 nated, each determination of no hazard issued by the Ad-  
19 ministrator under part 77 of title 14, Code of Federal  
20 Regulations, expires 18 months after the effective date of  
21 the determination, or on the date the proposed construc-  
22 tion or alteration is abandoned, whichever is earlier. If ex-  
23 pired, such determinations are no longer valid with regard  
24 to whether a proposed construction or alteration would be  
25 a hazard to air navigation.

1 (d) AUTHORITY TO CONSOLIDATE OEI SURFACE  
2 CRITERIA.—The Administrator may develop a single set  
3 of One Engine Inoperative (OEI) surface criteria that is  
4 specific to an airport. The Administrator shall consult  
5 with the airport operator and flight operators which use  
6 such airport, on the development of such surface criteria.

7 (e) DEVELOPMENT OF POLICIES TO PROTECT OEI  
8 SURFACES.—Not later than 6 months after the date of  
9 enactment of this section, the Administrator shall brief  
10 Congress regarding the status of the FAA's efforts to pro-  
11 tect OEI surfaces from encroachment at United States  
12 certificated and Federally obligated airports, including the  
13 current status of efforts to incorporate such protections  
14 into FAA Obstruction Evaluation/Airport Airspace Anal-  
15 ysis (OE/AAA) processes.

16 (f) AUTHORITY TO CONSULT WITH OTHER AGEN-  
17 CIES.—The Administrator may consult with other Fed-  
18 eral, State, or local agencies as necessary to carry out the  
19 requirements of this section.

20 (g) APPLICABILITY.—This section shall only apply to  
21 an airport in a county adjacent to 2 States with con-  
22 verging intersecting cross runway operations within 12  
23 nautical miles of an Air Force base.