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MUR23967 N79

Don Sulli S.L.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To execute previously passed Congressional intent to provide a mechanism for part 135 air carriers in Alaska to fly under instrument flight rules to airports with Wide Area Augmentation System instrument approach procedures designed with nearby certified weather.

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 Mr. SULLIVAN

Viz:

1 At the appropriate place in title III, insert the following:
2

3 **SEC. ____ . IMPROVED SAFETY IN RURAL AREAS.**

4 (a) IN GENERAL.—Subtitle A of title III of the FAA
5 Reauthorization Act of 2018 (49 U.S.C. 44701 note) is
6 amended by striking section 322 and inserting the following:
7

1 **“SEC. 322. IMPROVED SAFETY IN RURAL AREAS.**

2 “(a) IN GENERAL.—The Administrator shall permit
3 an air carrier operating pursuant to part 135 of title 14,
4 Code of Federal Regulations, to operate under instrument
5 flight rules (in this section referred to as ‘IFR’) to a des-
6 tination in a noncontiguous State that has a published in-
7 strument approach, but that does not have a Meteorolog-
8 ical Aerodrome Report (in this section referred to as
9 ‘METAR’), and then to conduct an instrument approach
10 at that destination if—

11 “(1) a current Area Forecast, supplemented by
12 noncertified destination weather observations (such
13 as weather cameras and other noncertified observa-
14 tions), is available, and, at the time of departure,
15 the combination of the Area Forecast and noncer-
16 tified observation indicates that weather is expected
17 to be at or above approach minimums upon arrival;

18 “(2) upon arrival and prior to commencing the
19 approach, the air carrier has a means to commu-
20 nicate to the pilot of the aircraft whether the des-
21 tination weather observation is either at or above
22 minimums for the approach to be flown; and

23 “(3) if the destination weather observation is
24 below minimums, a suitable alternate airport that
25 has a METAR is specified in the IFR flight plan.

26 “(b) APPLICATION TEMPLATE.—

1 “(1) IN GENERAL.—The Administrator shall
2 develop an application template with standardized,
3 specific approval criteria to enable FAA inspectors
4 to evaluate the application of an air carrier objec-
5 tively.

6 “(2) REQUIREMENTS.—The template required
7 by paragraph (1) shall include an area for an air
8 carrier to describe—

9 “(A) how any non-certified human observa-
10 tions will be conducted; and

11 “(B) how such observations will be commu-
12 nicated—

13 “(i) to air carriers prior dispatch; and

14 “(ii) to pilots prior to approach.

15 “(3) RESPONSE TO APPLICATION.—

16 “(A) TIMELINE.—The Administrator shall
17 ensure—

18 “(i) that the FAA has the ability to
19 respond to an application of an air carrier
20 not later than 30 days after receipt of such
21 application; and

22 “(ii) in the event the FAA cannot re-
23 spond within 30 days, that the FAA in-
24 forms the air carrier of the expected re-

1 sponse time with respect to the application
2 of the air carrier.

3 “(B) REJECTION.—In the event that the
4 FAA rejects an application of an air carrier, the
5 FAA shall inform the air carrier of the specific
6 criteria that were the cause for rejection.”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect on the date that is 60 days
9 after the date of enactment of this section.