

Safe and Quiet Skies Act

Section-by-Section Summary

Section 1 - Short Title

- Safe and Quiet Skies Act

Section 2 – Requirements for Commercial Air Tour Flights

- Prohibits tour flights over military installations, national cemeteries, national wilderness areas, national parks, and national wildlife refuges.
 - Current law has no prohibitions on where tours can fly.
 - Military installations can have flight restrictions imposed based on national security concerns, but this is not uniformly applied or enforced.
 - Current law requires air tour management plans over national parks, but only the Grand Canyon National Park has one.
- Requires Automatic Dependent Surveillance-Broadcast (ADS-B) out equipment on all tour aircraft and to be utilized for the entirety of tour flights. ADS-B is a system for broadcasting and receiving aircraft identification, position, altitude, heading, and speed data derived from on-board navigation systems such as a Global Positioning System (GPS) receiver.
 - Current regulation requires air ADS-B out capability for certain aircraft by 2020 and varies on when the equipment must be in use (usually based on proximity to certain airports).
- Applies the “sterile cockpit rule” to tour flights, which requires that pilots only focus on safely operating the aircraft and would define tour-giving and narrating as outside of the duties required for safe operation.
 - The rule currently applies to commercial airlines, but not tour flights.
- Requires that tour flights always fly above 1,500 feet altitude over actual ground with very limited exceptions for emergencies.
 - Currently, there is a wide variety of regulations on the altitude requirement for tour flights and a significant amount of discretion given to the FAA to allow for deviation from altitude requirements.
- Requires tour flights over occupied areas (including residential, commercial and recreational areas) to be no louder than 55 dbA, the same level of noise commonly allowed for residential areas.
 - Current regulations outline higher noise limit requirements for FAA certification of an aircraft with multiple methods of measurement.

Section 3 – Delegated Authority to State and Local Regulators

- Allows states and localities to impose requirements (in addition to the minimum national requirements of Section 2) on tour flights.
 - FAA takes the position that under current law the scope of a state or locality's ability to impose restrictions on tour flights is very limited.

Section 4 – Public Engagement Throughout Federal and State Regulatory Process

- Requires that all regulations under this act, including updating any Air Tours Common Procedure Manual, includes public engagement.
 - Currently, FAA does not require public comment or engagement on updates to the Air Tours Common Procedures Manual, which is the current de facto regulation for tour flights.

Section 5 – Penalties

- Requires FAA to impose penalties on tour flights that violate this act including revoking certifications and permits to operate tour flights.

Section 6 – Conforming Edits

- Makes edits to current law to implement this act.
- Includes edits to ensure native tribes have the same authority as states and localities under Section 3 of this act.

Section 7 – NTSB Recommendations

- Requires FAA to implement National Transportation Safety Board (NTSB) recommendations regarding Part 135 regulations, which most tour flights fly under.
- Requires all tour flights to fly under Part 135 regulations and prohibits tour flights from flying under less restrictive Part 91 regulations.

Section 8 – Definitions

- Defines terms in the act
- Includes skydiving operations (“intentional parachuting”) under the definition of “commercial air tour.”