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2021-2022 INITIATIVES: DOT, FAA, TSA, and NTSB

David K. Tochen

dtochen@foxrothschild.com

202.794.1217

Presented By



David K. Tochen
Counsel, Fox Rothschild LLP

dtochen@foxrothschild.com
202.794.1217



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Overarching Aviation Issues

- Pending Aviation Legislation
- Promoting Competition
- Certification
- Safety
- Cybersecurity
- Regulatory Activities
- Commercial Space



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Pending Aviation Legislation

Bipartisan Infrastructure Deal, H.R. 3684, Infrastructure Investments and Jobs Act

\$25 billion(b) for airports and FAA Facilities and Equipment:

- \$15b for Airport Infrastructure Grants
- \$5b for Airport Terminal Development Grants to address aging airport infrastructure (competitive grant program)
- \$5b to replace and modernize aging FAA facilities and equipment
 - FAA has a backlog of \$5b in upgrade and modernization improvements for its facilities



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Pending Aviation Legislation (cont.)

- Notice to Airmen Improvement Act, H.R. 1262, introduced 2/23/21. [Note: this bill is identical to a bill, H.R. 1775, as reported by the Committee on Transportation and Infrastructure (H. Rpt. 116-67) and passed by the House of Representatives on 10/29/19]
 - This bill would establish a Federal Aviation Administration (FAA) taskforce to determine what improvements should be made to the Notice to Airmen (NOTAM) system, which alerts pilots of potential hazards along a flight route or at a location that could affect the safety of the flight.



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Pending Aviation Legislation (cont.)

- Advanced Air Mobility Coordination and Leadership Act, S. 516, introduced 3/1/21
 - The bill would require the Secretary of Transportation to establish an Advanced Air Mobility (AAM) interagency working group comprised of members from nine Federal agencies to “engage with aviation industry and labor stakeholders, certifying organizations, and others determined appropriate by the Secretary of Transportation” to develop an AAM National Strategy



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Pending Aviation Legislation (cont.)

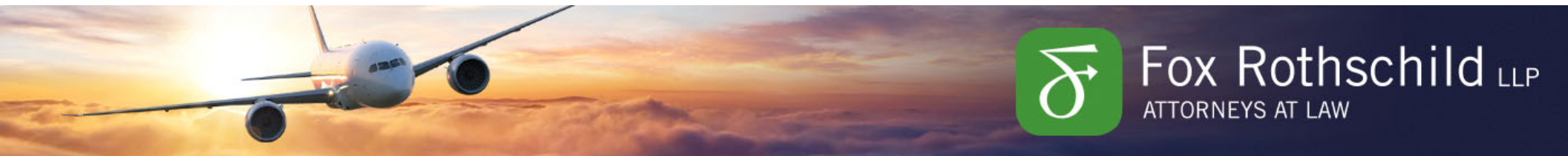
- Drone Integration and Zoning Act, S. 600, introduced 3/4/21
 - The bill would protect the authority of the states to issue time, place, and manner restrictions, while not unreasonably prohibiting access to the federal “navigable airspace”; and would protect the local zoning authority of state, local, or tribal governments to designate commercial drone take-off and landing zones, while still allowing for interstate commerce



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CLE Code #1

- Drone



Promoting Competition

Executive Order 14036, Promoting Competition in the American Economy, July 9, 2021
(published at 86 Fed. Reg. 36987, July 14, 2021)

>Section 5(m) directs the Secretary of Transportation, *inter alia*, to:

- enhance consumer access to airline flight information
- ensure that consumers are not exposed to unfair or deceptive advertising, marketing, or pricing policies or charges
- provide consumers with more flight options
- convene a working group “to evaluate the effectiveness of existing commercial aviation programs, consumer protections, and rules of the Federal Aviation Administration”



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Certification

- Aircraft Certification, Safety, and Accountability Act, Pub. L. 116-260, Dec. 27, 2019, division V:
- Includes more than one hundred unique requirements, including:
 - Reforms to the oversight of the FAA's Organizational Designation Authorization (ODA) program
 - Enhancing aircraft pilot interfaces to account for human factors and human systems integration
 - Improving domestic and international pilot training.



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Certification (cont.)

FAA progress in implementing the Act's requirements:

- FAA is standing up an expert panel to conduct a review of ODAs for transport airplanes
- As required by the FAA Reauthorization Act of 2018, FAA previously established an ODA Office to provide oversight of the FAA's audit functions under the ODA program



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Certification (cont.)

- FAA progress in implementing the Act's requirements:
- Initiated a rulemaking that will contemplate requiring aircraft manufacturers that hold both a type certificate and a production certificate to adopt safety management systems, consistent with international standards and practices
- As part of this rulemaking, FAA will evaluate SMS requirements for repair stations, charter operators, and certain air tour operators
 - FAA is also working with the aviation industry to encourage voluntary adoption of SMS programs



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Certification (cont.)

- FAA progress in implementing the Act's requirements (cont.):
- System Safety and Human Factors
 - FAA has initiated the rulemaking to standardize regulations and guidance for conducting system safety assessments on transport category airplanes.
- Risk Assessments and Type Certification Review
 - National Academies of Sciences developing a report regarding the methodology and effectiveness of the Transport Airplane Risk Assessment Methodology process used by the FAA.



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Certification (cont.)

- FAA progress in implementing the Act's requirements:
 - Recruitment, Retention, and Review of Certification Oversight Staff
 - FAA taking steps to improve the recruitment and retention of engineers, safety inspectors, system safety specialists, and other qualified technical experts



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Certification (cont.)

MOSAIC (Modernization of Special Airworthiness Certificate Program):

- Program designed to improve and simplify approvals for GA aircraft and modifications
- Expected to include language for light-sport reform along with a new Light Personal Aircraft (LPA) category
- According to a statement by the FAA Administrator at EAA AirVenture on July 29, 2021, the MOSAIC rulemaking “will be released in September 2023.”



Safety

- NTSB 2021-2022 Most Wanted List of Aviation Safety Improvements
- [Require and Verify the Effectiveness of Safety Management Systems in all Revenue Passenger-Carrying Aviation Operations](#)
- [Install Crash-Resistant Recorders and Establish Flight Data Monitoring Programs](#) (in all passenger-carrying commercial aircraft)



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Safety (cont.)

- NTSB Recommendation to the FAA resulting from its investigation of the Rapid Descent Into Terrain Island Express Helicopters Inc. Sikorsky S-76B, Calabasas, California January 26, 2020 (the Kobe Bryant crash)
 - Convene a multidisciplinary panel of aircraft performance, human factors, and aircraft operations specialists to evaluate spatial disorientation simulation technologies to determine which applications are most effective for training pilots to recognize the onset of spatial disorientation and successfully mitigate it, and make public a report on the committee's findings. (Recommendation A-21-006)



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Safety (cont.)

- NTSB Recommendation to the FAA resulting from its investigation of the Rapid Descent Into Terrain Island Express Helicopters Inc. Sikorsky S-76B, Calabasas, California January 26, 2020 (the Kobe Bryant crash):
 - FAA Response (April 29, 2021): “The [FAA] is determining the necessary objectives, Work Statement, and selecting the appropriate experts, and once complete will task the Air Carrier Training Aviation Rulemaking Committee to address [this and other] safety recommendations. The FAA anticipate[s]providing an update by May 31, 2022.”



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Safety (cont.)

- Current DOT Office of Inspector General Aviation Audits:
 - DOT's Tracking of Imported Aviation Parts and Components
 - FAA's Oversight of Boeing 737 MAX Return to Service
 - FAA's Unmanned Aircraft Systems Traffic Management



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CLE Code #2

- Safety



Cybersecurity

- Executive Order 14028, Improving the Nation’s Cybersecurity, May 12, 2021, (published at 86 Fed. Reg. 26633, May 12, 2021)
- FAA:
 - has adopted a “Zero Trust” approach to reduce cybersecurity risks and improve cyber resilience in the NAS
 - is partnering with DOD and DHS on an Aviation Security Initiative
 - is working with industry and international aviation organizations to ensure that cybersecurity protocols and processes are in place
 - has established an Aviation Cyber Initiative
 - as part of its Cyber Testing program, FAA conducts independent security and vulnerability assessments and reports on the security posture of all Air Traffic Organization systems



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Cybersecurity (cont.)

- DHS:
 - The Cybersecurity and Infrastructure Security Agency (CISA) is the federal lead for civilian network defense and lead agency for the U.S.’s critical infrastructure (including transportation)
 - Currently engaging in a Department-wide “60-day sprint” dedicated to fighting ransomware.
- TSA:
 - In coordination with CISA, provides cybersecurity assessments and engagements; stakeholder education; and publishes cybersecurity guidance and best practices.



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Regulatory Activities

- See Attachment entitled “Aviation Rulemaking Activities”
 - Part I - Spring 2021 Unified Agenda of Regulatory and Deregulatory Actions Active DOT Office of the Secretary, FAA, and TSA Regulatory Actions Related to Aviation
 - Part II - Active FAA Advisory and Rulemaking Committees with Current Regulatory Activities
 - Part III - NTSB Regulatory Activities



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Commercial Space

- Statutory “Learning Period” (51 U.S.C. § 50905(c)(9)):
- Precludes DOT/FAA from proposing regulations to ensure the safety of space flight participants prior to October 1, 2023
- The likelihood of DOT/FAA rulemaking to address the safety of space flight participants is high
- Explicit statutory authority for the NTSB to investigate a commercial space transportation accident
 - A bill was introduced in the 116th Congress to provide this authority. It is highly likely that a similar provision will be included in the next NTSB reauthorization bill in 2022.



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Thank You

If you have any questions, please contact us:

David K. Tochen
Fox Rothschild, LLP

2020 K Street N.W.
Suite 500
Washington, DC 20006

dtochen@foxrothschild.com
202.794.1217



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AVIATION RULEMAKING ACTIVITIES – DOT, FAA, TSA, and NTSB

Part I

Spring 2021 Unified Agenda of Regulatory and Deregulatory Actions Active DOT Office of the Secretary, FAA, and TSA Regulatory Actions Related to Aviation

See Link: [Current Unified Agenda of Regulatory and Deregulatory Actions \(reginfo.gov\)](https://www.reginfo.gov/public/default.do?method=home.home)

<u>Agency</u>		<u>Title</u>	<u>RIN</u>
DOT/OST	Prerule Stage	Appeal Process for Employer-Decided Drug or Alcohol Test Refusals	2105-AE93
DOT/OST	Proposed Rule Stage	Accessible In-Flight Entertainment	2105-AE32
DOT/OST	Proposed Rule Stage	Updates to the Origin--Destination Survey of Airline Passengers	2105-AE45
*DOT/OST	Proposed Rule Stage	Refunding Fees for Delayed Checked Bags and Unused Ancillary Services (Note: Notice of Proposed Rulemaking published on July 21, 2021, 86 Fed. Reg. 38420).	2105-AE53
DOT/OST	Proposed Rule Stage	Accessible Lavatories on Single-Aisle Aircraft: Part II	2105-AE89
DOT/OST	Proposed Rule Stage	Procedures for Transportation Workplace Drug and Alcohol Testing Program: Addition of Oral Fluid Specimen Testing for Drugs	2105-AE94
DOT/OST	Proposed Rule Stage	Ensuring Prompt Assistance for Passengers with Disabilities in Moving Within the Airport	2105-AE95
DOT/OST	Proposed Rule Stage	Reporting of Data on Number of Passengers Transported and/or Enplaned on Branded Codeshare Flights of U.S. Air Carriers	2105-AF02
DOT/OST	Proposed Rule Stage	Amendments to Department's Procedures in Regulating Unfair and Deceptive Practices	2105-AF03
DOT/OST	Proposed Rule Stage	Airline Ticket Refunds	2105-AF04
DOT/OST	Final Rule Stage	Tarmac Delay Rule (Note: Final Rule published on May 3, 2021, 86 Fed. Reg. 23260).	2105-AE47
DOT/OST	Final Rule Stage	Modernizing Payment of Denied Boarding Compensation	2105-AE67
N=12			
DOT/FAA	Prerule Stage	Applying the Flight, Duty, and Rest Requirements to Ferry Flights That Follow Domestic, Flag, or Supplemental All-Cargo Operations (Reauthorization)	2120-AK22
DOT/FAA	Prerule Stage	Applying the Flight, Duty, and Rest Requirements to Ferry Flights That Follow Commuter or On-Demand Operations (FAA Reauthorization)	2120-AK26
DOT/FAA	Prerule Stage	Safety Management System for Part 21, 91, 135, and 145	2120-AL60
DOT/FAA	Proposed Rule Stage	Airspace Actions	2120-AA66

DOT/FAA	Proposed Rule Stage	System Safety Assessment	2120-AJ99
DOT/FAA	Proposed Rule Stage	Drug and Alcohol Testing of Certain Maintenance Provider Employees Located Outside of the United States	2120-AK09
DOT/FAA	Proposed Rule Stage	Requirements to File Notice of Construction of Meteorological Evaluation Towers and Other Renewable Energy Projects	2120-AK77
DOT/FAA	Proposed Rule Stage	Orbital Debris Mitigation Methods for Launch Vehicle Upper Stages (Orbital Debris)	2120-AK81
DOT/FAA	Proposed Rule Stage	Alternative Methods of Compliance (AMOC)	2120-AL13
DOT/FAA	Proposed Rule Stage	Flight Simulation Training Device Usage in Training Programs	2120-AL14
DOT/FAA	Proposed Rule Stage	Single-engine Turbine-powered Aircraft Inspection Program Modernization	2120-AL20
DOT/FAA	Proposed Rule Stage	Update to Definitions of Air Carrier Operations	2120-AL21
DOT/FAA	Proposed Rule Stage	Training Center Harmonization Rulemaking	2120-AL24
DOT/FAA	Proposed Rule Stage	Removal of the Expiration Date on a Flight Instructor Certificate	2120-AL25
DOT/FAA	Proposed Rule Stage	Safe and Secure Operations of Small Unmanned Aircraft Systems	2120-AL26
DOT/FAA	Proposed Rule Stage	Domestic Noise Certification of Supersonic Aircraft	2120-AL29
DOT/FAA	Proposed Rule Stage	Prohibit or Restrict the Operation of an Unmanned Aircraft in Close Proximity to a Fixed Site Facility	2120-AL33
DOT/FAA	Proposed Rule Stage	Civil Aircraft Operations Conducted With Use of Supplemental Restraint Systems, Including With Doors Opened or Removed	2120-AL37
DOT/FAA	Proposed Rule Stage	Flight Attendant Duty Period Limitations and Rest Requirements	2120-AL41
DOT/FAA	Proposed Rule Stage	Transport Airplane Certification Streamlining	2120-AL42
DOT/FAA	Proposed Rule Stage	Increase the Duration of Aircraft Registration Registered Under Part 47	2120-AL45
DOT/FAA	Proposed Rule Stage	Modernization of Special Airworthiness Certification	2120-AL50
DOT/FAA	Proposed Rule Stage	Medical Certification Standards for Commercial Balloon Operations	2120-AL51
DOT/FAA	Proposed Rule Stage	Prohibition Regarding Weapons	2120-AL52
DOT/FAA	Proposed Rule Stage	Airplane Fuel Efficiency Certification	2120-AL54
DOT/FAA	Proposed Rule Stage	Secondary Flightdeck Barriers	2120-AL59
DOT/FAA	Final Rule Stage	Part 95 Instrument Flight Rules	2120-AA63
DOT/FAA	Final Rule Stage	Airworthiness Directives	2120-AA64
DOT/FAA	Final Rule Stage	Standard Instrument Approach Procedures	2120-AA65
DOT/FAA	Final Rule Stage	Airport Safety Management System	2120-AJ38

DOT/FAA	Final Rule Stage	Pilot Records Database (HR 5900) (Note: Final Rule published on June 10, 2021, 86 Fed. Reg. 31006).	2120-AK31
DOT/FAA	Final Rule Stage	Interior Parts and Components Fire Protection for Transport Category Airplanes	2120-AK34
DOT/FAA	Final Rule Stage	Miscellaneous Rotorcraft Regulations (Misc. Parts 27 and 29 Regs.)	2120-AK80
DOT/FAA	Final Rule Stage	Registration and Marking Requirements for Small Unmanned Aircraft	2120-AK82
DOT/FAA	Final Rule Stage	Medium Flocking Bird Test at Climb Condition	2120-AK83
DOT/FAA	Final Rule Stage	Yaw Maneuver Conditions--Rudder Reversals (Formerly Vertical Stabilizer Loads for Transport Category Airplanes)	2120-AK89
DOT/FAA	Final Rule Stage	Update to Investigative and Enforcement Procedures (Part 13 Update)	2120-AL00
DOT/FAA	Final Rule Stage	Removal of the Date Restriction for Flight Training in Experimental Light Sport Aircraft (E-LSA))	2120-AL09
DOT/FAA	Final Rule Stage	Foreign Civil Aviation Authority Certifying Statement for Type Validation Projects (TVP)	2120-AL10
DOT/FAA	Final Rule Stage	Decompression Criteria for Interior Compartments	2120-AL11
DOT/FAA	Final Rule Stage	Removal of Check Pilot Medical Certificate Requirement	2120-AL12
DOT/FAA	Final Rule Stage	High Elevation Airport Operations	2120-AL15
DOT/FAA	Final Rule Stage	Removal of Training Requirements for an Airline Transport Pilot Certificate Issued Concurrently With a Single-Engine Airplane Type Rating	2120-AL23
DOT/FAA	Final Rule Stage	External Marking Requirement for Small Unmanned Aircraft	2120-AL32
DOT/FAA	Final Rule Stage	Prohibition Against Certain Flights in the Territory and Airspace of Venezuela	2120-AL48
DOT/FAA	Final Rule Stage	Miscellaneous Amendments Rule	2120-AL53
DOT/FAA	Final Rule Stage	Promoting Aviation Regulations for Technical Training	2120-AL67
DOT/FAA	Final Rule Stage	Extension of the Prohibition Against Certain Flights in Specified Areas of the Dnipropetrovsk Flight Information Region (FIR) (UKDV)	2120-AL68
DOT/FAA	Final Rule Stage	Extension of the Prohibition Against Certain Flights in Specified Areas of the Sanaa Flight Information Region (FIR) (OYSC)	2120-AL69
N=49			
DHS/TSA	Proposed Rule Stage	Amending Vetting Requirements for Employees With Access to a Security Identification Display Area (SIDA)	1652-AA70
DHS/TSA	Proposed Rule Stage	Indirect Air Carrier Security	1652-AA72
DHS/TSA	Final Rule Stage	Flight Schools	1652-AA35

N=3

Part II – Active FAA Advisory and Rulemaking Committees with Current Regulatory Activities:

- Air Carrier Training ARC
- Aviation Rulemaking Advisory Committee (ARAC)
- Commercial Space Transportation Advisory Committee (COMSTAC)
- Flight Standards Transparency, Performance, Accountability, Efficiency Aviation Rulemaking Committee (FST PAcE ARC)
- National Park Services Overflights Advisory Group ARC
- Part 135 Pilot Rest and Duty Rules Aviation Rulemaking Committee
- Performance Based Operations ARC (PARC)
- Safety Oversight and Certification Advisory Committee (SOCAC)
- Unmanned Aircraft Systems (UAS) Beyond Visual Line-of-Sight (BVLOS) Operations Aviation Rulemaking Committee (ARC)
- Women in Aviation Advisory Board
- Youth Access to American Jobs in Aviation Task Force (YIATF)

Part III – NTSB Regulatory Activities

1. Notice of Proposed Rulemaking, Amendment to the Definition of Unmanned Aircraft Accident, May 21, 2021, 86 Fed. Reg. 27550. (Would amend the definition of “Unmanned aircraft accident” in 49 CFR § 830.2 by removing the phrase “has a maximum gross takeoff weight of 300 pounds or greater” and adding in its place “holds an airworthiness certificate or approval.”)
2. Paperwork Reduction Act Request for Comment on an Information Collection Request, May 4, 2021, 86 Fed. Reg. 23745. (Would amend NTSB Form 6120.1, *Pilot/Operator Aircraft Accident/Incident Report*)