



SUBJECT: Commercial Air Tour Aviation Rulemaking Committee Charter

- 1. PURPOSE.** This charter establishes the Commercial Air Tour Aviation Rulemaking Committee (ARC) in accordance with the Administrator’s authority under Title 49 of the United States Code (49 U.S.C. § 106(p)(5)) and as mandated by the Federal Aviation Administration (FAA) Reauthorization Act of 2024, Public Law (Pub. L.) 118-63. The sponsor of the ARC is the Associate Administrator for Aviation Safety. This charter outlines the Commercial Air Tour ARC’s organization, responsibilities, and tasks.
- 2. BACKGROUND.** Pub. L. 118-63 mandates the Administrator to convene an ARC to review and develop findings and recommendations to increase the safety of commercial air tours.
- 3. OBJECTIVES OF THE ARC.** The Commercial Air Tour ARC will provide a forum for the United States aviation community to review and develop findings and recommendations to increase the safety of commercial air tours.
- 4. TASKS OF THE ARC.**
 - a. The tasks of the ARC are to develop findings and provide recommendations that consider:
 1. Potential changes to operations regulations or requirements for commercial air tours, including requiring—
 - i. The adoption of pilot training standards that are comparable, as applicable to the standards under subpart H of part 135 of Title 14, Code of Federal Regulations; and
 - ii. The adoption of maintenance standards that are comparable, as applicable to the standards under subpart J of part 135 of Title 14, Code of Federal Regulations;
 2. Establishing a performance-based standard for flight data monitoring for all commercial air tour operators that reviews all available data sources to identify deviations from established areas of operation and potential safety issues;
 3. Requiring all commercial air tour operators to install flight data recording devices capable of supporting collection and dissemination of the data incorporated in the Flight Operational Quality Assurance Program under § 13.401 of Title 14, Code of Federal Regulations (or, if an aircraft cannot be retrofitted with such equipment, requiring the commercial air tour operator for such aircraft to collect and maintain flight data through alternative methods);

4. Requiring all commercial air tour operators to implement a flight data monitoring program, such as a Flight Operational Quality Assurance Program;
5. Establishing methods to provide effective terrain awareness and warning; and
6. Establishing methods to provide effective traffic avoidance in identified high-traffic tour areas, such as requiring commercial air tour operators that operate within such areas be equipped with an automatic dependent surveillance-broadcast out- and in-supported traffic advisory system that—
 - i. Includes both visual and aural alerts;
 - ii. Is driven by an algorithm designed to eliminate nuisance alerts; and
 - iii. Is operational during all flight operations.
- b. When developing findings and recommendations related to the matters identified in paragraphs 4(a)-(f) of this Charter, the ARC must consider the following:
 - 1) Recommendations of the National Transportation Safety Board;
 - 2) Recommendations of previous aviation rulemaking committees that reviewed flight data monitoring program requirements for commercial operators under part 135 of Title 14, Code of Federal Regulations;
 - 3) Recommendations from industry safety organizations, including the Vertical Aviation Safety Team, the General Aviation Joint Safety Committee, and the United States Helicopter Safety Team;
 - 4) Scientific data derived from a broad range of flight data recording technologies capable of continuously transmitting and that support a measurable and viable means of assessing data to identify and correct hazardous trends;
 - 5) Appropriate use of data for modifying behavior to prevent accidents;
 - 6) The need to accommodate technological advancements in flight data recording technology;
 - 7) Data gathered from aviation safety reporting programs;
 - 8) Appropriate methods to provide effective terrain awareness and warning system protections while mitigating nuisance alerts for aircraft;
 - 9) The need to accommodate the diversity of airworthiness standards under part 27 and part 29 of Title 14, Code of Federal Regulations;

- 10) The need to accommodate diversity of operations and mission sets;
 - 11) Benefits of third-party data analysis for large and small operations;
 - 12) Accommodations necessary for small businesses; and
 - 13) Other issues, as necessary.
- c. Provide information on the costs of the recommendations, where appropriate.
 - d. The FAA may assign additional taskings related to commercial air tours operations.
 - e. Submit a findings and recommendation report to the FAA by September 22, 2025.
 - 1) The Industry Co-Chair sends the recommendation report to the FAA Co-Chair and the Executive Director of the Office of Rulemaking.
 - 2) The FAA Co-Chair determines when the recommendation report and records, pursuant to paragraph (8), will be made available for public release.

5. ARC PROCEDURES.

- a. The ARC acts solely in an advisory capacity by advising and providing written recommendations to the FAA Co-Chair.
- b. The ARC may propose related follow-on tasks outside the stated scope of the ARC to the FAA Co-Chair.
- c. The ARC may reconvene following the submission of the recommendation report for the purposes of providing advice and assistance to the FAA, at the discretion of the FAA Co-Chair, provided the charter is still in effect.

6. ARC ORGANIZATION, MEMBERSHIP, AND ADMINISTRATION. As prescribed in section 363 of Pub. L. 118-63, the Administrator will appoint members that are:

- a. Representatives of industry, including manufacturers of aircraft and aircraft technologies;
- b. Air tour operators or organizations that represent such operators; and
- c. Aviation safety experts with specific knowledge of safety management systems and flight data monitoring programs under part 135 of Title 14, Code of Federal Regulations.

The provisions of the August 13, 2014, Office of Management and Budget (OMB) guidance, “Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions” (79 FR 47482), continue the ban on registered lobbyists participating on Agency Boards and Commissions if participating in their “individual capacity.” The revised guidance allows registered lobbyists to participate on Agency Boards and Commissions in a “representative capacity” for the “express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry, sector, labor unions, or environmental groups, etc.) or state or local government.” For further information, refer to the OMB Guidance at 79 FR 47482.

Membership is limited to promote discussion. Attendance, active participation, and commitment by members is essential for achieving the objectives and tasks. In general, Commercial Air Tour ARC members shall be appointed for the duration of the Commercial Air Tour ARC. When necessary, the ARC may set up specialized and temporary working groups that include at least one ARC member and invited subject matter experts from industry and government.

FAA and other Federal government agency subject matter experts may be requested to participate as Observers and to provide technical support to the ARC members.

- a. The Sponsor, the Associate Administrator for Aviation Safety, will designate the ARC’s FAA Co-Chair who will:
 - 1) Select and appoint industry members and the FAA participants;
 - 2) Select the ARC’s Industry Co-Chair from the membership;
 - 3) Ensure FAA participation and support from all affected lines of business;
 - 4) Notify members of the time and place for each meeting; and
 - 5) Receive any status report and the recommendations report.
- b. The Industry Co-Chair will be appointed from the aviation community. Once appointed, the Industry Co-Chair will:
 - 1) Coordinate required ARC meetings in order to meet the objectives and timelines;
 - 2) Establish and distribute meeting agendas in a timely manner;
 - 3) Keep meeting notes, if deemed necessary;
 - 4) Perform other responsibilities as required to ensure the objectives are met;
 - 5) Provide status reports, as requested, in writing to the FAA Co-Chair; and
 - 6) Submit the recommendation report to the FAA Co-Chair and the Executive Director of the Office of Rulemaking.

7. **PUBLIC PARTICIPATION.** Meetings are not open to the public. Persons or organizations outside the ARC who wish to attend a meeting must get approval in advance of the meeting from the Industry Co-Chair and the FAA Co-Chair.
8. **AVAILABILITY OF RECORDS.** Subject to applicable Freedom of Information Act Exemptions pursuant to Title 5, U.S.C., § 552, the FAA will make records provided by the ARC to the FAA available for public inspection and copying. Available records will be located at the Office of Flight Standards Service, FAA Headquarters, 800 Independence Ave. SW, Washington, D.C. 20591. Fees will be charged for information furnished to the public according to the fee schedule published in Title 49 of the Code of Federal Regulations, part 7.
- You can find this charter on the FAA Committee Database website at:
http://www.faa.gov/regulations_policies/rulemaking/committees/documents/.
9. **DISTRIBUTION.** This charter is distributed to the Office of the Associate Administrator for Aviation Safety, the Office of the Chief Counsel, the Office of Assistant Administrator for Policy, International Affairs, and Environment, and the Office of Rulemaking.
10. **EFFECTIVE DATE AND DURATION.** The ARC is effective upon issuance of this charter and will remain in existence for a maximum of 24 months unless the Administrator suspends, terminates, or extends the charter earlier.

Issued in Washington, D.C. on January 14, 2025.



Michael G. Whitaker
Administrator