

**Statement of Helicopter Association International**  
**Submitted by:**  
**James Viola**  
**President and CEO, Helicopter Association International**

**US House Committee on Transportation and Infrastructure**

**“FAA Reauthorization: Enhancing America's Gold Standard in Aviation Safety”**

**February 7, 2023**

On behalf of the members of the Helicopter Association International (HAI), thank you for the opportunity to provide testimony.

As the professional trade association for the international vertical flight industry, HAI represents more than 1,100 companies and over 16,000 industry professionals in more than 65 countries. Each year, HAI members safely operate more than 3,700 helicopters and remotely piloted aircraft approximately 2.9 million hours. HAI is dedicated to the promotion of vertical flight as a safe, effective method of commerce and to the advancement of the international vertical flight community.

For more than 70 years, HAI has provided support services and set industry safety guidelines for the international vertical aviation community. There is no higher priority than safety for HAI. We appreciate the House Transportation and Infrastructure’s continued focus on safety, and we look forward to continuing to work together on Federal Aviation Administration (FAA) Reauthorization legislation.

In this testimony, I will provide HAI’s position on some of the most pressing safety issues facing the vertical aviation industry today.

**Leadership**

Strong FAA leadership is vital to ensure that the U.S. national airspace system (NAS) remains the envy of the world. Vertical aviation is on the cusp of major technological advancement with the entrance of Advanced Air Mobility (AAM) electric vertical takeoff and landing (eVTOL) aircraft and uncrewed aircraft systems (UAS). Recent progress on policy development is encouraging, but efficiency and interagency coordination remain an issue. We appreciate Congress for acknowledging this issue by passing the AAM Coordination and Leadership Act, and we encourage the committee to remain vigilant on implementation. FAA has not had a confirmed Administrator for far too long. There are more than two dozen leadership positions that remain vacant. It is imperative that effective leaders are appointed to those positions and that sufficient resources are provided.

### **FAA Preemption Authority**

Uniform federal authority is an essential predicate to maintaining safe transportation in the nation's airspace. A critical element of safety in the National Airspace (NAS) is the standardization of aviation regulations — and therefore operational processes and procedures. Federal preemption of aviation regulation designates the FAA as the sole regulatory authority over US aviation. This clearly defined FAA authority has created an operating environment for US aviation that provides a system of safety for all operators of all categories of aircraft.

### **Infrastructure**

FAA recently issued guidance that would limit access to infrastructure for both current and future VTOL aircraft. According to the guidance, AAM aircraft would not have access to heliports, nor would helicopters have access to vertiports. This contradicts previous plans that FAA made public less than a year ago, and it would undoubtedly limit the success of AAM in the U.S. since it will require all new infrastructure to be permitted for operations to begin. There is no inherent safety benefit to arbitrarily restricting access in this manner. Whether or not a VTOL aircraft can take off or land at vertiport or heliport should be based on performance of the aircraft. We urge the committee to ensure FAA maintains access to new and existing infrastructure for both current and future VTOL aircraft.

### **Technology**

The FAA's recent Notice to Airman (NOTAM) system failure has illuminated an issue that has long been a major concern—FAA is working with antiquated technology and must be modernized. We appreciate the recent House passage of the NOTAM Improvement Act of 2023, and we are hopeful to see legislation introduced and passed in the Senate. As the committee continues its work on FAA Reauthorization legislation, HAI urges the prioritization of modernizing other systems and technology.

### **UAS Beyond Visual Line of Sight (BVLOS) Aviation Rulemaking Committee (ARC) Report**

HAI was pleased to serve on the BVLOS ARC, and we remain committed to supporting the safe integration of UAS in the NAS. However, the ARC report included several recommendations that, if enacted, will compromise aviation safety. Primary, among other concerns, were recommendations to establish "Shielded Areas" and to undermine foundational "Right of Way" rules that have protected airspace users for decades. For the sake of safety, we ask the committee to reject the concept of "Shielded Areas" as proposed in the BVLOS ARC Final Report and prevent the segregation of airspace and any fundamental changes to "right-of-way" rules. Performance-based detect and avoid requirements for UAS BVLOS operations is a practical solution that would maintain safety for helicopters and other aircraft that operate in low altitudes across this country.

### **Performance-Based Requirements**

Mandating the use of specific equipment as an answer to industry-wide safety issues is ineffective, potentially hazardous, and prevents the industry from being able to realize the benefits of a holistic approach to safety.

HAI supports the Vertical Aviation Safety Team (VAST) and the US Helicopter Safety Team (USHST) in the vision of a US helicopter community with zero fatal accidents. To support this vision, safety solutions need to be performance based and considerate of the diverse set of aircraft mission profiles, as well as the complexity of installation requirements for varying aircraft makes, current and future.

Prescriptive legislation and regulations do not support the flexibility necessary for the industry to leverage the advantages of all safety technologies and may close the door to the development and implementation of future innovative safety technologies.

As aviation is an international industry, it is also important to take into consideration the regulatory approach of other countries. The European Aviation Safety Agency (EASA) and the International Civil Aviation Organization (ICAO) are changing to focus on performance-based regulation.

### **Airspace**

Airspace congestion resulting in reduced access to low-level instrument flight rules (IFR) routes is of serious concern for current helicopter operations and future AAM operations. Aircraft, communication, and navigation technology advancement has far outpaced the development of vertical aviation IFR routes. Helicopter operators and pilots struggle to find direct, safe, reliable routes that address the specific needs and capabilities of rotorcraft. Increasing the number of low-level IFR routes will serve helicopters and future AAM and provide spacing from higher level IFR fixed wing traffic.

### **Spectrum Policy**

Prior to deployment, safety concerns over 5G interference with radio altimeters were raised by industry, multiple agencies, and Congress. FAA Airworthiness Directive (AD) 2021-23-13 places restrictions on rotorcraft operations that are required to have a radio altimeter. The restrictions apply to part 135 rotorcraft operations and part 91 night vision goggle (NVG) operations. FAA approved a petition for exemption submitted by HAI that enables NVG operations for helicopter air ambulances. Unlike part 121 operations, helicopter operators have not been required to retrofit or replace radio altimeters, but we understand that FAA may reevaluate the restrictions in the AD after July 2023 when additional 5G providers enter the market and power levels increase. We encourage the committee to ensure FAA has sufficient authority to provide waivers and exemptions. Should FAA determine that radio altimeter retrofits and replacements are necessary for rotorcraft, we request the committee consider funding for operators to cover related equipage costs. We would also request that the committee ensure that any equipage required by FAA is implemented in a manner that is respectful of the practical considerations of development, manufacturing and availability of instruments that are not affected by 5G cell tower signals.

### **National Parks Overflights Advisory Group (NPOAG)**

HAI has grave concern with how the FAA and the National Park Service (NPS) is handling the implementation of the air tour management plans (ATMPs) for 23 eligible national parks areas.

Our concerns relate specifically to the transparency of the completion process, operational safety, and lack of economic considerations. HAI firmly believes congressional engagement with FAA and the NPS is needed to ensure National Park Oversight and Advisory Group (NPOAG) involvement on the development of these plans. Industry is willing to work with other stakeholders, the FAA, and the NPS to develop a plan that benefits all involved.

### **Workforce Development**

Due to pandemic-related economic disruptions, many seasoned pilots and technicians retired early over the past year. This has only exacerbated the shortage of the skilled personnel the industry needs to operate safely and efficiently. We appreciate Congress setting up the Aviation Workforce Development Grants programs in the 2018 Reauthorization Act and likewise express gratitude for the funds made available for the programs. The grants have encouraged collaboration between schools, aviation companies, unions, and government to find new solutions to overcome the existing skills gap and help more Americans pursue aviation careers. HAI strongly encourages continued support of the grant programs including expanding the eligibility of the program to include innovate state programs that enable outreach and education to students to get started in the aviation industry.

### **Commitment to Safety**

Ensuring the safety of those who fly—whether pilots, crews, or passengers—is always HAI’s top priority. HAI has worked with safety advocates worldwide to address continued safety improvements for the vertical flight industry. The following is an overview of the initiatives that HAI has established for the important work of safety.

#### Safety Management System

HAI’s Safety Management System (SMS) Program allows operators and maintenance providers to elevate their safety—effectively and affordably. A SMS is a formal approach to managing safety and risk, including organizational structures, accountabilities, policies, and procedures to identify and control risk. The four components of an SMS—safety policy, safety risk management, safety assurance, and safety promotion—work together in providing a safety culture. An SMS is vital to reducing the number of accidents in our industry, ensuring that every person in an organization, agency, or business understands that they are responsible for safety.

HAI’s SMS Program services allow users to verify their compliance with current and future international and domestic regulations. While not all civil aviation authorities currently require SMS programs for all operators and maintenance providers, HAI and the National Transportation Safety Board (NTSB) have recommended the development and adoption of safety reporting systems that allow for data to be collected and analyzed and corrective action taken where necessary.

HAI has partnered with providers to offer scalable SMS solutions to member businesses. Additionally, the association supports requiring SMS programs for all operations carrying passengers for hire. HAI strongly recommends that all aviation operations, not just those

carrying paying passengers, implement an SMS program. HAI is pleased to have expanded the scope of its SMS Program by partnering with the Aircraft Electronics Association (AEA) to provide the latter's SMS for aircraft maintenance at no additional cost to HAI members.

#### Aviation Safety Action Program

An ASAP helps flight operators identify and reduce possible flight safety concerns and mitigate risks. It's an easy, open, self-reporting initiative offering third-party facilitation, tracking, and recommendations for corrective action so operators can enhance their overall safety culture. HAI enjoys a partnership with the Air Charter Safety Foundation to make the foundation's ASAP available to HAI members.

#### Flight Risk Assessment Tool

When implementing a SMS, one of the most critical components to develop is a Flight Risk Assessment Tool (FRAT). Because every flight has some level of risk, it is critical that pilots can differentiate, in advance, between a low-risk flight and a high-risk flight, and then establish a review process and develop risk mitigation strategies. A FRAT enables proactive hazard identification, is easy to use, and can visually depict risk. It is an invaluable tool in helping pilots make better go/no-go decisions.

HAI has a partnership with Swiss company NGFT Solutions to offer a FRAT module to HAI members. This safety tool's simple question-and-answer format is designed to help operators objectively and truthfully evaluate the potential risks of an upcoming flight and any aerial work sites. Once the possible risks are identified, mitigation prompts help operators think through strategies to reduce the risk and make flying safer.

#### Land and Live

HAI promotes the Land and Live program to encourage pilots to execute precautionary landings when continued safety of flight is in perceived or actual jeopardy. Examples of situations include, but are not limited to, deteriorating or unsafe weather conditions, uncertainty of aircraft integrity, or potential incapacitation of a required crew member.

HAI worked with the US Helicopter Safety Team to produce the award-winning "56 Seconds to Live" education program. This program provides pilots with real world examples to encourage pilots to make precautionary landings when flight conditions deteriorate.

#### Vertical Aviation Safety Team

One of the most significant safety projects HAI undertook is co-leading the Vertical Aviation Safety Team (VAST). I'm honored to serve as a co-advisor for this group with Miguel Marin, representing the International Civil Aviation Organization (ICAO). VAST is a public-private initiative to enhance worldwide flight-operations safety in all segments of the vertical flight industry. Team members comprise international regional safety teams; safety authorities, including civil aviation authorities (CAAs); and other industry

stakeholders that work to improve global vertical flight safety. VAST's vision is a global vertical flight community with zero fatal accidents achieved through cooperation and collaboration.

In the past, international aviation safety information has tended to stay within separate organizational and national silos. VAST intends to break down these silos so that aviation safety information can flow freely globally. To achieve this end, VAST is engaging its regional safety teams to receive, integrate, harmonize, and distribute aviation safety data, programs, and recommendations worldwide. Additionally, VAST serves as an arbiter between the regional safety teams to ensure collaboration on and coordination of these initiatives, as well as the sharing of final output.

International regional safety teams, which consist of national and industry stakeholders, are formed to improve the safety of civil vertical takeoff and landing (VTOL) operations in their respective national airspace systems.

In addition to national civil aviation authorities such as the US FAA and the CAAs of the United Kingdom, Sudan, and Colombia, aviation safety authorities include jurisdictional agencies, such as ICAO and the European Union Aviation Safety Agency (EASA), and nationally recognized safety organizations such as the NTSB in the United States, the Transportation Safety Board of Canada, and the Transport Accident Investigation Commission in New Zealand.

Other industry stakeholders include original equipment manufacturers (OEMs), training providers, aircraft operators, service providers, and vertical flight industry associations such as HAI, the European Helicopter Association, and the Association for Uncrewed Vehicle Systems International.

VAST has five chief goals:

1. Establish the organization as the world's most trusted source for vertical flight safety information and resources
2. Establish working groups to represent key segments and issues relevant to the global VTOL industry
3. Formalize leadership positions, working groups, and advisory roles for participating organizations and individuals
4. Identify, collect, harmonize, and deliver centralized access to safety information and resources from participating stakeholder entities
5. Provide and coordinate a forum where regional safety teams, safety authorities, and other industry stakeholders work together on vertical flight safety issues.

## **Conclusion**

I thank the committee for the opportunity to provide the perspective of the vertical flight industry and look forward to continuing our work together on these important issues.