



ACCT Position Statement on the FAA Reauthorization of 2016 April 2016

The Association for Critical Care Transport (ACCT) is a patient advocacy association organized for the purpose of assuring access to and supporting the provision of high-level, high-quality critical care and transport, by air and by ground, for critically ill and injured patients.

ACCT supports the timely and comprehensive reauthorization for the Federal Aviation Administration (FAA). The many short term continuing resolutions to fund the FAA delay and prevent much needed enhancements including “Next Gen” capabilities in the National Airspace System (NAS). The purpose of this position statement is to comment on where we believe the current legislation under consideration will be helpful for the safe and effective oversight of the Helicopter Air Ambulance (HAA) industry and which provisions will be unhelpful and possibly detrimental.

Both the House (HR 4441 Federal Aviation Administration Reauthorization Act of 2016) and the Senate (S2658 Federal Aviation Administration Reauthorization Act of 2016) have introduced reauthorization legislation. The legislation differs significantly in a number of areas.

Most significantly, HR4441 seeks to spin off and privatize the Air Traffic Control System supported by user fees. S2658 is silent on privatization of ATC. ACCT opposes the privatization of the Air Traffic Control (ATC) system. The current system of oversight and management by the federal government helps assure an ATC system that works equally well for all aviation operations. An airline dominated private organization will not be able to manage the broad spectrum of FAA navigation responsibilities with respect to the wide area augmentation (WAAS) and global navigation satellite systems (GNSS/ GPS) essential to rural and medical aviation.

In addition to not privatizing ATC, Senate 2658 includes a number of provisions that ACCT supports.

Enhanced State Oversight of HAA

Two amendments offered to the Senate version of the reauthorization allow the States expanded regulatory authority over HAA that is currently preempted by the Airline Deregulation Act (ADA). These amendments have arisen as a result of the rapid increase in pricing by a number of operators and aggressive collections and balance billing policies. ACCT supports the rights of States to oversee the **non-aviation** related operations of HAA, as they currently do with ground ambulance services, including the regulation of rates and services provided within their boundaries. ACCT firmly supports FAA oversight of aviation system safety, further believing the ADA has been used by some operators to the detriment of an effective, safe, efficient, and transparent HAA industry worthy of each patient’s trust.

Tester Amendment (3520)

Senator Tester offered amendment 3520, which directs the Comptroller General of the United States to conduct a study on the costs of HAA, prices charged by providers, methods for consumers to pay for HAA, and solutions to improve the affordability. In addition, the amendment directs the study to look at the coverages of HAA offered under insurance plans, as well as any additional federal or state oversight needed in the areas of rates, routes, and services for HAA. The Comptroller General would have one year from enactment of the legislation to complete the study and report its results to various committees of the Senate and the House of Representatives. ACCT supports the Tester amendment.

Hoeven Amendment (3542)

Senator Hoeven offered amendment 3542, which gives States the authority to regulate prices and services of HAA services provided within their State. ACCT supports the Hoeven amendment.

Sec. 2311: Helicopter Air Ambulance Operations and Data Reports. This section would require the FAA to work with industry to update the heliport data base which has been found to be inaccurate on the location of heliports. This section would also update required safety data reporting to the FAA to improve risk based, data driven safety oversight. ACCT supports more transparency and accountability from all HAA providers, including relevant data collection and quality reporting.

Sec.2401: Automated Weather Observing Systems (AWOS) Policy: The section requires the FAA to update current standards to maximize new technology and enhance the availability of additional weather into the low level prediction system. There are thousands of additional weather stations which could be added to the NADIN and Weather Product. ACCT supports policy changes for improved access to low level weather reporting.

Sec. 2402: Tower Marking. This section mirrors HR 4441 requiring the FAA to issue new regulations on marking towers between 50 and 200' in height. Current regulation only requires lighting of towers more than 200'. These additional marking requirements are essential for the safety of low level operations. ACCT supports marking requirements for currently unmarked towers.

Sec. 2403: Crash resistant fuel systems. This section requires the FAA to evaluate and update the standards for crash-worthy fuel systems in civilian aircraft. ACCT supports updating requirements for crash resistant fuel systems in legacy medical aircraft.

Other provisions:

Both H4441 and S2568 include multiple provisions for unmanned aircraft vehicles and systems (UAV/ UAS) more commonly referred to as drones. Recognizing the importance of this new technology, ACCT believes integration and adoption of this technology requires significant additional safety studies.

The number of near misses continues to rapidly increase and ACCT believes preventable tragedy is inevitable with current voluntary safety of flight by UAS owners unfamiliar with the NAS. It is not possible to develop adequate policy and integration into the NAS until the FAA completes and adopts additional rigorous safety requirements.

Conclusion

ACCT supports the timely and sustained reauthorization for the FAA. Short term fixes and continuing funding resolutions hamper the evolution of the Next Gen aviation system.

ACCT opposes the current H4441 provisions privatizing air traffic control.

ACCT supports improved S2658 amendments and provisions, including improving State oversight of the medical aspects and integration of HAA operations within the emergency care system; improved and required transparent safety data; improved data collection for the heliport data base; improved AWOS policy to allow wider access to available weather; required marking of towers under 200' elevation; and requiring crash resistant fuel systems in legacy aircraft.