

May 22, 2012

The Honorable Barbara Boxer  
Chairman  
Committee on Environment  
and Public Works  
410 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable John Mica  
Chairman  
Committee on Transportation  
& Infrastructure  
2165 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Boxer and Chairman Mica:

We write in opposition to Section 100301 of S. 1813, the *Moving Ahead for Progress in the 21<sup>st</sup> Century Act*. We appreciate your attention to this matter.

The Federal Aviation Administration (FAA) is the agency responsible for regulating air tour operators, certificated air carriers, and ensuring our airspace is safe -- not the National Park Service (NPS). Section 100301 gives unprecedented authority to the NPS to regulate air tour operators and the airspace over national parks and tribal lands. This is a step backward in aviation safety and should be rejected in any surface transportation conference agreement.

Following a fatal accident over the Grand Canyon National Park in 1986, the National Transportation Safety Board (NTSB) determined that the FAA failed to exercise appropriate oversight over air tour operations in park airspace. Further, the NTSB determined that the NPS had inappropriately influenced the selection of air tour routes. In response, Congress enacted legislation to both protect our national parks and ensure a safe and viable air tour industry. Section 100301 would weaken this appropriate balance. While coordination between the FAA and NPS has been difficult, it is necessary to regulate the air tour industry. However, marginalizing the role of the FAA in air tour operations because they occur over park and tribal airspace is a mistake.

Section 100301 is nothing more than a biased judgment on how best to experience our national parks. Unfortunately, it will effectively eliminate the air tour industry. The end result will be lost jobs for pilots, drivers, tour guides, support staff, and local businesses and adversely impact the helicopter manufacturing, maintenance, and parts industries. Section 100301 also disregards the fact that the air tour industry is heavily investing in the latest technology, specifically including FAA-defined Quiet Technology engines and designs. This investment, and a viable air tour industry, benefits other users of helicopters, including local EMS, fire departments, police departments, and government agencies.

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Regulating an industry out of existence based on a biased judgment, regardless of the state of our economy, is unacceptable. While the title of Section 100301 merely claims to make “technical corrections” to the oversight of the air tour industry, it is nothing short of a full-scale, twenty-six page (26) rewrite of existing law. We strongly urge you to reject this provision.

Again, we appreciate your attention to this matter and consideration of our request. Please feel free to contact us directly or Mike Matousek (Rep. Sam Graves) at 202-225-7041 or Brandon Webb (Rep. John Barrow) at 202-225-2823 should you have any questions or require additional information.

Sincerely,

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Sam Graves  
Member of Congress

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John Barrow  
Member of Congress

Cc: House and Senate Conferees, Surface Transportation Reauthorization