

“(4) shall consider excluding towers located in a State that has enacted tower marking requirements according to the Federal Aviation Administration’s recommended guidance for the voluntary marking of meteorological evaluation towers erected in remote and rural areas that are less than 200 feet above ground level to enhance the conspicuity of the towers for low level agricultural operations in the vicinity of those towers.

“(e) PERIODIC REVIEW.—The Administrator shall, in consultation with the Federal Communications Commission, periodically review any regulations or guidance regarding the marking of covered towers issued pursuant to this section and update them as necessary, consistent with this section, and in the interest of safety of low-altitude aircraft operations.

“(f) FCC REGULATIONS.—The Federal Communications Commission shall amend section 17.7 of title 47, Code of Federal Regulations, to require a notification to the Federal Aviation Administration for any construction or alteration of an antenna structure, as defined in section 17.2(a) of title 47, Code of Federal Regulations, that is a covered tower as defined by this section.”

STUDY OF EFFECTS OF NEW CONSTRUCTION OF OBSTRUCTIONS ON MILITARY INSTALLATIONS AND OPERATIONS

Pub. L. 111-383, div. A, title III, §358, Jan. 7, 2011, 124 Stat. 4198, as amended by Pub. L. 112-81, div. A, title III, §331, Dec. 31, 2011, 125 Stat. 1369; Pub. L. 112-239, div. A, title X, §1076(b)(1), Jan. 2, 2013, 126 Stat. 1949; Pub. L. 114-92, div. A, title III, §314, Nov. 25, 2015, 129 Stat. 790, related to study of effects of new construction of obstructions on military installations and operations, prior to repeal by Pub. L. 115-91, div. A, title III, §311(b)(1), Dec. 12, 2017, 131 Stat. 1347. See section 183a of Title 10, Armed Forces.

LANDFILLS INTERFERING WITH AIR COMMERCE

Pub. L. 106-181, title V, §503(a), Apr. 5, 2000, 114 Stat. 133, provided that: “Congress finds that—

“(1) collisions between aircraft and birds have resulted in fatal accidents;

“(2) bird strikes pose a special danger to smaller aircraft;

“(3) landfills near airports pose a potential hazard to aircraft operating there because they attract birds;

“(4) even if the landfill is not located in the approach path of the airport’s runway, it still poses a hazard because of the birds’ ability to fly away from the landfill and into the path of oncoming planes;

“(5) while certain mileage limits have the potential to be arbitrary, keeping landfills at least 6 miles away from an airport, especially an airport served by small planes, is an appropriate minimum requirement for aviation safety; and

“(6) closure of existing landfills (due to concerns about aviation safety) should be avoided because of the likely disruption to those who use and depend on such landfills.”

§ 44719. Standards for navigational aids

The Secretary of Transportation shall prescribe regulations on standards for installing navigational aids, including airport control towers. For each type of facility, the regulations shall consider at a minimum traffic density (number of aircraft operations without consideration of aircraft size), terrain and other obstacles to navigation, weather characteristics, passengers served, and potential aircraft operating efficiencies.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1201.)

HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|---|
| 44719 | 49 App.:1348 (note). | Dec. 30, 1987, Pub. L. 100-223, §308, 101 Stat. 1526. |

The words “Not later than December 31, 1988” are omitted as obsolete.

§ 44720. Meteorological services

(a) RECOMMENDATIONS.—The Administrator of the Federal Aviation Administration shall make recommendations to the Secretary of Commerce on providing meteorological services necessary for the safe and efficient movement of aircraft in air commerce. In providing the services, the Secretary shall cooperate with the Administrator and give complete consideration to those recommendations.

(b) PROMOTING SAFETY AND EFFICIENCY.—To promote safety and efficiency in air navigation to the highest possible degree, the Secretary shall—

(1) observe, measure, investigate, and study atmospheric phenomena, and maintain meteorological stations and offices, that are necessary or best suited for finding out in advance information about probable weather conditions;

(2) provide reports to the Administrator, to persons engaged in civil aeronautics that are designated by the Administrator, and to other persons designated by the Secretary in a way and with a frequency that best will result in safety in, and facilitating, air navigation;

(3) cooperate with persons engaged in air commerce in meteorological services, maintain reciprocal arrangements with those persons in carrying out this clause, and collect and distribute weather reports available from aircraft in flight;

(4) maintain and coordinate international exchanges of meteorological information required for the safety and efficiency of air navigation;

(5) in cooperation with other departments, agencies, and instrumentalities of the United States Government, meteorological services of foreign countries, and persons engaged in air commerce, participate in developing an international basic meteorological reporting network, including the establishment, operation, and maintenance of reporting stations on the high seas, in polar regions, and in foreign countries;

(6) coordinate meteorological requirements in the United States to maintain standard observations, to promote efficient use of facilities, and to avoid duplication of services unless the duplication tends to promote the safety and efficiency of air navigation; and

(7) promote and develop meteorological science and foster and support research projects in meteorology through the use of private and governmental research facilities and provide for publishing the results of the projects unless publication would not be in the public interest.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1201; Pub. L. 118-63, title XI, §1101(n), May 16, 2024, 138 Stat. 1414.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------------------------|---|
| 44720(a) | 49 App.:1351. 49 App.:1655(c)(1). | Aug. 23, 1958, Pub. L. 85-726, §§ 310, 803, 72 Stat. 751, 783. Oct. 15, 1966, Pub. L. 89-670, § 6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, § 7(b), 96 Stat. 2444. |
| 44720(b) | 49 App.:1463. 49 App.:1655(c)(1). | |

In subsection (b), the title “Secretary” [of Commerce] is substituted for “Chief of the Weather Bureau” in section 803 of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 783) because of sections 1 and 2 of Reorganization Plan No. 2 of 1965 (eff. July 13, 1965, 79 Stat. 1318). Before clause (1), the words “In order” and “in addition to any other functions or duties pertaining to weather information for other purposes” are omitted as surplus. In clause (2), the words “forecasts, warnings, and advices” are omitted as being included in “reports”. In clause (3), the words “or employees thereof” and “establish and” are omitted as surplus. The words “with those persons” are added for clarity. In clause (5), the words “departments, agencies, and instrumentalities of the United States Government” are substituted for “governmental agencies of the United States” for consistency in the revised title and with other titles of the United States Code.

Editorial Notes

AMENDMENTS

2024—Subsec. (b)(2). Pub. L. 118-63 substituted “the Administrator, to persons” for “the Administrator to persons” and “the Administrator, and to” for “the Administrator and to”.

Statutory Notes and Related Subsidiaries

ASOS/AWOS SERVICE REPORT DASHBOARD

Pub. L. 118-63, title III, § 332, May 16, 2024, 138 Stat. 1089, provided that:

“(a) IN GENERAL.—The applicable Administrators shall work in collaboration to collect the real-time service status of all automated surface observation systems/automated weather observing systems (in this section referred to as ‘ASOS/AWOS’).

“(b) AVAILABILITY OF RESULTS.—

“(1) IN GENERAL.—In carrying out this section, the applicable Administrators shall make available on a publicly available website the following:

“(A) The service status of all ASOS/AWOS.

“(B) Information on any actions to repair or replace ASOS/AWOS that are out of service due to technical or weather-related events, including an estimated timeline to return the systems to service.

“(C) A portal on such publicly available website for the public to report ASOS/AWOS outages.

“(2) DATA FILES.—The applicable Administrators shall make available the underlying data required under paragraph (1) for each ASOS/AWOS in a machine-readable format.

“(c) APPLICABLE ADMINISTRATORS.—In this section, the term ‘applicable Administrators’ means—

“(1) the Administrator of the FAA [Federal Aviation Administration]; and

“(2) the Administrator of the National Oceanic and Atmospheric Administration.”

PROVIDING NON-FEDERAL WEATHER OBSERVER TRAINING TO AIRPORT PERSONNEL

Pub. L. 118-63, title IV, § 419, May 16, 2024, 138 Stat. 1163, provided that: “The Administrator [of the Federal Aviation Administration] may take such actions as are necessary to provide training that is easily accessible and streamlined for airport personnel to become cer-

tified as non-Federal weather observers so that such personnel can manually provide weather observations in any case in which automated surface observing systems and automated weather observing systems experience outages and errors to ensure operational safety at airports.”

IMPROVED SAFETY IN RURAL AREAS

Pub. L. 115-254, div. B, title III, § 322, Oct. 5, 2018, 132 Stat. 3270, as amended by Pub. L. 118-63, title III, § 339(a), May 16, 2024, 138 Stat. 1093, provided that: “The Administrator [of the Federal Aviation Administration] shall permit an air carrier operating pursuant to part 135 of title 14, Code of Federal Regulations, to operate to a destination with a published approach, in a noncontiguous State under instrument flight rules and conduct an instrument approach without a destination Meteorological Aerodrome Report (METAR) if a current Area Forecast, supplemented by noncertified local weather observations (such as weather cameras and human observations) is available, and an alternate airport that has a weather report is specified. The operator shall have approved procedures for departure and en route weather evaluation.”

[Pub. L. 118-63, title III, § 339, May 16, 2024, 138 Stat. 1093, provided that, effective 12 months after May 16, 2024, section 322 of Pub. L. 115-254, set out above, is amended to read as follows:

[“(a) In General.—The Administrator [of the Federal Aviation Administration] shall permit an air carrier operating pursuant to part 135 of title 14, Code of Federal Regulations—

[“(1) to operate under instrument flight rules (in this section referred to as ‘IFR’) to a destination in a noncontiguous State that has a published instrument approach but does not have a Meteorological Aerodrome Report (in this section referred to as ‘METAR’); and

[“(2) to conduct an instrument approach at such destination if—

[“(A) a current Area Forecast, supplemented by noncertified destination weather observations (such as weather cameras and other noncertified observations), is available, and, at the time of departure, the combination of the Area Forecast and noncertified observation indicates that weather is expected to be at or above approach minimums upon arrival;

[“(B) prior to commencing an approach, the air carrier has a means to communicate to the pilot of the aircraft whether the destination weather observation is either at or above minimums for the approach to be flown; and

[“(C) in the event the destination weather observation is below such minimums, a suitable alternate airport that has a METAR is specified in the IFR flight plan.

[“(b) Application Template.—

[“(1) In general.—The Administrator shall develop an application template with standardized, specific approval criteria to enable FAA [Federal Aviation Administration] inspectors to objectively evaluate the application of an air carrier to operate in the manner described in subsection (a).

[“(2) Requirements.—The template required under paragraph (1) shall include a place in such template for an air carrier to describe—

[“(A) how any non-certified human observations will be conducted; and

[“(B) how such observations will be communicated—

[“(i) to air carriers prior to dispatch; and

[“(ii) to pilots prior to approach.

[“(3) Response to application.—

[“(A) Timeline.—The Administrator shall ensure—

[“(i) that the Administrator has the ability to respond to an application of an air carrier not later than 30 days after receipt of such application; and

[“(ii) in the event the Administrator cannot respond within 30 days, that the Administrator informs the air carrier of the expected response time with respect to the application of the air carrier.

[“(B) Rejection.—In the event that the Administrator rejects an application of an air carrier, the Adminis-

trator shall inform the air carrier of the specific criteria that were the cause for rejection.”]

[Pub. L. 118-63, title III, § 339(b), May 16, 2024, 138 Stat. 1094, provided that: “The amendments made by this section [amending section 322 of Pub. L. 115-254, set out above] shall take effect on the date that is 12 months after the date of enactment of this Act [May 16, 2024].”]

TERMINAL AERODROME FORECAST

Pub. L. 115-254, div. B, title V, § 516, Oct. 5, 2018, 132 Stat. 3358, provided that:

“(a) IN GENERAL.—The Administrator [of the Federal Aviation Administration] shall permit a covered air carrier to operate to or from a location in a noncontiguous State without a Terminal Aerodrome Forecast or Meteorological Aerodrome Report if—

“(1) such location is determined to be under visual meteorological conditions;

“(2) a current Area Forecast, supplemented by other local weather observations or reports, is available; and

“(3) an alternate airport that has an available Terminal Aerodrome Forecast and weather report is specified.

“(b) PROCEDURES.—A covered air carrier shall—

“(1) have approved procedures for dispatch or release and enroute weather evaluation; and

“(2) operate under instrument flight rules enroute to the destination.

“(c) LIMITATION.—Without a written finding of necessity, based on objective and historical evidence of imminent threat to safety, the Administrator shall not promulgate any operation specification, policy, or guidance document pursuant to this section that is more restrictive than, or requires procedures that are not expressly stated in, the regulations.

“(d) COVERED AIR CARRIER DEFINED.—In this section, the term ‘covered air carrier’ means an air carrier operating in a noncontiguous State under part 121 of title 14, Code of Federal Regulations.”

AUTOMATED WEATHER OBSERVING SYSTEMS POLICY

Pub. L. 115-254, div. B, title V, § 553, Oct. 5, 2018, 132 Stat. 3379, provided that:

“(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall—

“(1) update automated weather observing systems standards to maximize the use of new technologies that promote the reduction of equipment or maintenance cost for non-Federal automated weather observing systems, including the use of remote monitoring and maintenance, unless demonstrated to be ineffective;

“(2) review, and if necessary update, existing policies in accordance with the standards developed under paragraph (1); and

“(3) establish a process under which appropriate on-site airport personnel or an aviation official may, with appropriate manufacturer training or alternative training as determined by the Administrator, be permitted to conduct the minimum triannual preventative maintenance checks under the advisory circular for non-Federal automated weather observing systems (AC 150/5220-16E) and any other similar, successor checks.

“(b) PERMISSION.—Permission to conduct the minimum triannual preventative maintenance checks described under subsection (a)(3) and any similar, successor checks shall not be withheld but for specific cause.

“(c) STANDARDS.—In updating the standards under subsection (a)(1), the Administrator shall—

“(1) ensure the standards are performance-based;

“(2) use risk analysis to determine the accuracy of the automated weather observing systems outputs required for pilots to perform safe aircraft operations; and

“(3) provide a cost-benefit analysis to determine whether the benefits outweigh the cost for any requirement not directly related to safety.

“(d) AIP ELIGIBILITY OF AWOS EQUIPMENT.—

“(1) IN GENERAL.—Notwithstanding any other law, the Administrator is authorized to and shall waive any positive benefit-cost ratio requirement for automated weather-observing system equipment under subchapter I of chapter 471, of title 49, United States Code, if—

“(A) the airport sponsor or State, as applicable, certifies that a grant for such automated weather observing systems equipment under that chapter will assist an applicable airport to respond to regional emergency needs, including medical, fire-fighting, and search and rescue needs;

“(B) the Secretary determines, after consultation with the airport sponsor or State, as applicable, that the placement of automated weather-observing equipment at the airport will not cause unacceptable radio frequency congestion; and

“(C) the other requirements under that chapter are met.

“(2) APPLICABILITY TO LOW POPULATION DENSITY STATES.—This subsection is applicable only to airports located in states with a population density, based on the most recent decennial census, of 50 or fewer persons per square mile.

“(e) REPORT.—Not later than September 30, 2025, the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on the implementation of the requirements under this section.”

AUTOMATED SURFACE OBSERVATION SYSTEM STATIONS

Pub. L. 106-181, title VII, § 728, Apr. 5, 2000, 114 Stat. 168, provided that: “The Administrator [of the Federal Aviation Administration] shall not terminate human weather observers for Automated Surface Observation System stations until—

“(1) the Administrator determines that the system provides consistent reporting of changing meteorological conditions and notifies Congress in writing of that determination; and

“(2) 60 days have passed since the report was transmitted to Congress.”

§ 44721. Aeronautical charts and related products and services

(a) PUBLICATION.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may arrange for the publication of aeronautical maps and charts necessary for the safe and efficient movement of aircraft in air navigation, using the facilities and assistance of departments, agencies, and instrumentalities of the United States Government as far as practicable.

(2) NAVIGATION ROUTES.—In carrying out paragraph (1), the Administrator shall update and arrange for the publication of clearly defined routes for navigating through a complex terminal airspace area and to and from an airport located in such an area, if the Administrator decides that publication of the routes would promote safety in air navigation. The routes shall be developed in consultation with pilots and other users of affected airports and shall be for the optional use of pilots operating under visual flight rules.

(b) INDEMNIFICATION.—The Government shall make an agreement to indemnify any person that publishes a map or chart for use in aero-