Final Aviation Safety Legislation Must Include ADSB-In to Close the Safety Gap in the Mid-Air Collision over the Potomac

On January 29, 2025, a U.S. Army Black Hawk helicopter collided with PSA Flight 5342 over the Potomac River in Washington, DC. The crash – the first major commercial airline accident in nearly 16 years – claimed the lives of 67 people, including two pilots, two flight attendants, and 60 passengers aboard the airplane and all 3 crew members aboard the helicopter. In the aftermath, a lengthy NTSB investigation informed the Senate and House to move major aviation safety bills, the ROTOR Act (S. 2503) and ALERT Act (H.R. 7613), respectively. Transportation labor thanks each chamber for approaching this crash with the seriousness and detail befitting such a catastrophic and preventable event and urges leadership to adopt the best of both bills into the final legislation.

Transportation labor lost four of our own that tragic day and have worked with the family members of the victims of the crash to ensure the *highest* safety standard is set to prevent future crashes and further improve aviation safety. Such improvements must include requirements for commercial aircraft to equip with integrated Automatic Dependent Surveillance-Broadcast (ADS-B) In technology, with clear performance standards that provide situational awareness and alerting capabilities. This kind of comprehensive ADS-B In system improves situational awareness for pilots and enhances safety beyond existing and planned collision avoidance technologies. Additionally, we believe the final legislation should have clear, statutory nationwide standards for equipage and operation of ADS-B Out broadcasting for military aircraft. Each of these measures will create the highest safety standards, appropriately and comprehensively respond to the crash, and prevent future midair collisions.

The midair collision exposed a specific safety gap: the lack of integrated ADS-B In with appropriate alerting on the PSA jet forced pilots to rely on existing near-imminent collision avoidance technology called TCAS, which offers limited alerting time, insufficient "call out" information about the location of nearby aircraft, and is suppressed in the airport environment. Section 4 of the ROTOR Act, introduced by Commerce Committee Chair Ted Cruz (R-TX) and Ranking Member Maria Cantwell (D-WA), addresses these deficiencies through its integrated ADS-B In requirement that increases the length of alerting time for pilots, provides directional traffic symbols on a display, has surface applications to prevent traffic conflicts in the airport environment, and generates aural alerts indicating the clock position, relative altitude, range, and vertical tendency of nearby traffic. Collectively, these standards will enable pilots to have optimal situational awareness and the ability to more quickly identify potential conflicting aircraft and take evasive action. Such standards likely would have saved 67 lives on January 29, 2025.

ADS-B In has long been recommended by the NTSB, is a proven technology, and has the benefit of quicker adoption to improve safety. Manufacturers have successfully developed fully integrated systems for commercial aircraft, retrofits for several aircraft types, including regional jet aircraft, and low-cost options for general aviation. The next generation of TCAS collision avoidance

technology, called ACAS-Xa, is currently suppressed in the airport environment, does not have directional traffic symbols, and sufficient call-out information for pilot notification. Even if modifications to ACAS-Xa are possible, such changes will take substantial time, and the technology still cannot offer pilots the additional alerting *time* and surface protections provided by a full suite of ADS-B In technology as provided for in the ROTOR Act. NTSB simulations show that on January 29, 2025, there would have been approximately 40 more seconds of alerting time available to the pilots – a potentially lifesaving difference.

In addition, we remain concerned about potential conflicts between military and civilian aircraft and the need for brightline standards for helicopter traffic in high-density airspace. The ROTOR Act provides statutory requirements for helicopter equipage and nationwide ADS-B Out transmission requirements to vastly improve aviation safety. This approach is necessary to ensure aviation safety is not subject to discretionary agency authority. On January 29, 2025, the U.S. Army Black Hawk helicopter was not broadcasting ADS-B out. We cannot afford to repeat the same mistakes. The ALERT Act requires a Memorandum of Agreement between the Department of Transportation and Department of Defense and grants the military sole discretion over equipage and operational usage of broadcasting ADS-B out both within in the National Capitol Region and at other high-density, mixed traffic airspace nationwide. This level of deference and lack of clear, statutory standards will not sufficiently reduce risk in shared airspace for both civil aircraft and military aircraft, particularly as the airspace gets more complex with the growth of new entrant operations. Therefore, we believe Section 3 of the ROTOR Act provides the proper balance of safety and security.

The ALERT Act provides a comprehensive approach to the crash, including responding to many of the NTSB's recommendations. We commend Transportation and Infrastructure Chairman Sam Graves (R-MO), Ranking Member Rick Larsen (D-WA), Armed Services Chair Mike Rodgers (R-AL) and Ranking Member Adam Smith (D-WA) for their work to improve aviation safety for airspace, air traffic, and defense related matters. We are supportive of their efforts and expect many of their provisions to be retained in any final aviation safety legislation. The final legislation should contain the best of both bills.

The 67 lives lost near DCA on January 29, 2025, and recent mid-air close calls involving commercial airliners underscore the urgency for Congress to enact the strongest pro-safety legislation to protect our nation's airspace. We will continue to insist that any final legislation enacted into law appropriately requires the use of integrated ADS-B In beyond its current use in TCAS/ACAS to strengthen aviation safety and ensure that military aircraft are similarly equipped and broadcast their position in high-traffic civilian airspace nationwide to reduce the risk of future accidents.

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