

## Aviation Regulatory Update

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### DOT EXTENDS ENFORCEMENT DATE ON WHEELCHAIR RULE

On June 2, 2025, the U.S. Department of Transportation [announced](#) that it will not enforce the [Ensuring Safe Accommodations for Air Travelers with Disabilities Using Wheelchairs](#) rulemaking (the "Wheelchair Rule") before August 1, 2025. This delay will allow newly appointed DOT officials time to review the rulemaking and understand its broader impact on industry stakeholders. The Wheelchair Rule, which became effective January 16, 2025, was promulgated by the Biden administration to increase safety and dignity of passengers with disabilities who need wheelchair assistance. The final rule established new regulatory requirements in various areas, including training for airline personnel and contractors, aiding passengers who use wheelchairs while embarking and disembarking from aircraft and moving within the airport terminal, and airline obligations should wheelchairs or scooters be mishandled. Please note that this enforcement delay pertains only to the new or revised requirements imposed by the Wheelchair Rule and does not otherwise excuse noncompliance with the existing requirements codified in 14 C.F.R. Part 382.

### AUGUST 2025 FAMILY ASSISTANCE COURSE IN WASHINGTON, D.C.

The National Transportation Safety Board's ("NTSB") Transportation Disaster Assistance Division ("TDA") will be conducting a tuition-free in-person course on transportation accident family assistance operations over the course of three days, August 26 – 28, 2025, from 8:00 a.m. to 4:30 p.m. ET at the NTSB Boardroom and Conference Center located at 429 L'Enfant Plaza SW, Washington, DC 20594. The course is highly interactive, requiring participants to remain engaged for the entire three days. Through a combination of lectures, group discussions, and hands-on activities, participants will gain a better understanding of the TDA family assistance concept of operations and will have an opportunity to interact with other family assistance professionals from all walks of life, including transportation companies (aviation, rail, marine, highway, and pipeline); federal, local, state, or tribal agencies; non-government organizations; hospitals; first responders, and many more. Throughout the course, participants will engage in a tabletop exercise that reinforces the concepts presented. The course culminates in a mock family briefing delivered by TDA staff. If interested in attending, you must apply for a spot in the course by completing the required form that can be found [here](#). **The deadline**

to apply for the course is 5:00 p.m. ET on Monday, July 7, 2025, and the deadline will not be extended. Due to capacity restrictions, the class size is limited to 50 participants, and because the course is very popular, completing the application does not guarantee that the applicant will be selected for the course.

## **SPIRIT FILES PETITION AGAINST “BLUE SKY” PARTNERSHIP CITING COMPETITION CONCERNS**

On June 24, 2025, Spirit Airlines filed a complaint with the U.S. Department of Transportation requesting that the regulatory review period of the joint-venture agreement between JetBlue and United be extended for an additional 60 days. The two U.S. airlines announced the [Blue Sky](#) partnership last month which provides, among other things, United with access to slots at John F. Kennedy International Airport (“JFK”) beginning in early 2027 at which time United plans to offer up to seven daily round-trip flights out of JFK. Since the Department is authorized to investigate complaints by air carriers to determine whether another air carrier is engaging in unfair competition, Spirit requested an extended review period so that DOT can thoroughly investigate whether the JetBlue/United partnership raises antitrust concerns. Specifically, Spirit worries that JetBlue and United will no longer be incentivized to aggressively compete within overlapping markets such as Boston and New York but rather that the partners will divert traffic from low-cost carriers like Spirit, Frontier, and Allegiant. In other words, Spirit makes the case on behalf of other low-cost carriers that United, through this partnership with JetBlue, seeks to drive them out of business and further consolidate the U.S. airline market. Like the failed Northeast Alliance between American and JetBlue, Spirit’s complaint also raises concerns that if DOT does not extend the regulatory review period and thoroughly scrutinize the partnership, JetBlue and United will be permitted to dominate the Northeast market in short order. According to Spirit, doing so will further entrench United and neutralize existing competition in the Northeast market from JetBlue, especially since the Blue Sky partnership affords United with coveted slot access at JFK. United will likely retort that Spirit, emerging from its recent bankruptcy proceeding, is merely expressing pent-up frustration over the fact that the Biden administration blocked its merger with JetBlue. No matter Spirit’s motives, the complaint could delay Blue Sky implementation which the parties planned to roll out later this year.

## **DISCLOSING PRIVATE AIRCRAFT INFORMATION RAISES CONFLICTING DATA PRIVACY AND TRANSPARENCY CONCERNS**

On June 4, 2025, industry participants including the Aircraft Owners and Pilots Association (“AOPA”) and Airports Council International – North America (“ACI-NA”) submitted comments to the FAA’s [Request for Comment To Withhold Certain Aircraft Registration Information From Public Dissemination](#). By way of background, the FAA sought comments on the impact of removing certain aircraft registration data from public display and establishing a process by which private aircraft owners can request their personal data (e.g., name and address) be withheld from public dissemination. Several hundred comments were submitted, and opinions varied widely with some data privacy advocates championing the move while others expressed worry that withholding certain aircraft registration information could thwart legitimate interests of airport operators. For instance, ACI-NA notes that withholding certain aircraft registration information would make aircraft ownership less transparent and hinder airport operations such as emergency response, noise management, and the ability to accurately assess/collect user fees. If the FAA proceeds as planned, airport operators asked the FAA to establish and maintain a secure database for verified airport staff to continue to access aircraft registration data. On the other hand, AOPA does not believe in granting any entity, aside from

applicable federal regulators and law enforcement agencies, access to private aircraft registration information. Citing data protection concerns, AOPA reasons that private aircraft registration information should be concealed by default such that private aircraft owners and operators do not have to undergo unnecessary steps to conceal their information.

## **AIRLINES FOR AMERICA SEEKS DELAY FOR SECONDARY COCKPIT RULE**

Airlines for America recently filed a Petition urging the FAA to delay by two years the secondary cockpit requirement set to take effect on August 25, 2025. The [final rule](#), which dates back to 2023, would require covered air carriers to install and operate Installed Physical Secondary Barriers (“IPSB”) to better protect against unauthorized flightdeck intrusions. Importantly, the final rule only covers Part 121 operators and would apply most directly to aircraft manufactured after August 25, 2025. Aircraft manufactured prior to this date will not need to be retrofitted with a secondary barrier. The final rule further requires that the barrier would need to be deployed when the cockpit door is open during flight with additional requirements for airline personnel to verify compliance. A4A warns in its Petition that the entire process, from equipment certification to crew training, could take up to 24 months to effectively implement. Since the FAA has neither approved of a secondary cockpit barrier, nor produced manuals, procedures, or training on this matter, A4A contends that it would be difficult for covered air carriers to meet the current compliance timeline. In response, the Association of Flight Attendants-CWA (“AFA”) and others filed [comments](#) on June 23, 2025, arguing that A4A was stalling without sufficient justification. Opponents of A4A’s position urge the FAA to immediately deny the Petition and proceed with swift implementation of IPSB on new commercial aircraft.

## **LOW-COST AND ULTRA LOW-COST CARRIERS CREATE NEW TRADE ASSOCIATION: THE ASSOCIATION OF VALUE AIRLINES**

In early June 2025, five U.S. low-cost and ultra low-cost carriers came together to form the newest airline lobbying group, [Association of Value Airlines](#) (“AVA”). Those founding member airlines include Allegiant, Avelo, Frontier, Spirit, and Sun Country. In response to a changing aviation landscape, budget airlines have banded together with a focus to “ensure that affordable, reliable air travel remains a national priority—particularly for working families, small businesses, and underserved communities.” AVA members, representing 14.5 percent of the U.S. airline market, are working to ensure fair competition, regulatory reform, and workforce training. Like the efforts of A4A on behalf of major U.S. air carriers, AVA will advocate for policy and regulatory changes which empower low-cost air carriers to compete in the marketplace while offering passengers affordable options. To ensure robust competition, AVA is encouraging fair allocation of airport slots and gates, monitoring and addressing noncompetitive practices by entrenched airlines, and advocating for expanded access to international routes.

## **FAA RENEWS COMMENT PERIOD FOR EXPERIMENTAL AIRCRAFT PROGRAM**

The FAA reopened the comment period for the Experimental Aircraft “All Makes and Models” Program which was initially [published](#) on May 9, 2025. The program allows experienced pilots to operate multiple experimental aircraft with fewer procedures and less documentation. Pilots who hold three Authorized Experimental Aircraft (“AEA”) authorizations in high-performance piston aircraft can operate additional experimental aircraft by completing aircraft-specific ground and flight training without taking a practical test. Previously, pilots were required to submit formal applications and documentation to the FAA for each additional experimental aircraft they wished to pilot. This change

allows for a streamlined process by permitting flight instructor sign-off on the above-mentioned training. Public comments must be received on or before **July 9, 2025**.

## **HOUSE ADVANCES BILLS ON FLIGHT DELAYS AND AVIATION MENTAL HEALTH**

On June 11, 2025, the U.S. House Transportation and Infrastructure Committee advanced two legislative initiatives — one aiming to reduce flight delays and cancellations and another seeking to improve mental health within the aviation industry. The first bill, [Ensuring Airline Resiliency to Reduce Delays and Cancellations Act](#), would direct the Department to require U.S. air carriers to develop and regularly update “operational resiliency” strategies to mitigate flight disruptions in the event of issues (e.g., severe weather). In light of several recent computer outages which left millions of passengers stranded, a covered air carrier’s operational resiliency strategy would be required to explain the extent to which the airline addresses known cybersecurity risks and information technology deficiencies. If enacted, the flight disruption legislation would also authorize the U.S. Comptroller General to conduct periodic audits of airline operational resiliency strategies to evaluate effectiveness and compliance with applicable federal regulations. The [Mental Health in Aviation Act](#) would provide funding for the FAA to recruit additional aviation medical examiners and clear a backlog of “special issuance” requests. Advocates are concerned that pilots and air traffic controllers seeking mental health care are unfairly penalized under the current system such that FAA regulations should be revised to bolster access to mental health care for pilots and air traffic controllers.

## **NEW SAFETY REFORM BILL MANDATES ADS-B FOR COMMERCIAL AIRCRAFT**

On June 5, 2025, lawmakers introduced the [Safe Operations of Shared Airspace Act](#) in response to the mid-air collision at Ronald Reagan Washington National Airport earlier this year. The legislation mandates that safety-enhancing Automatic Dependent Surveillance-Broadcast (“ADS-B”) technology (i.e., radio systems that aircraft use to share their positions with each other and with air traffic control) must be installed on covered aircraft. Air carriers operating scheduled service under Part 121 or Part 135 would be required to have ADS-B technology operational within four years. While not directly applicable to Part 129 carriers at this time, please note the ADS-B requirement on aircraft continues to be a priority among lawmakers and regulators. For instance, the FAA issued a [Request for Comments](#) on June 25, 2025, soliciting public input on ADS-B matters including installation, maintenance, and inspection. If lawmakers proceed with ADS-B requirements for commercial aircraft, additional air carriers could be covered by the subsequent regulatory framework. Additionally, the bill seeks to codify the FAA’s [Enhanced Air Traffic-Collegiate Training](#) program and establish a new FAA outreach program recruiting experienced controllers approaching retirement to become instructors at understaffed air traffic facilities. Lawmakers cite the installation of ADS-B technology on commercial aircraft and the continued investment in air traffic controller hiring/retention as critical aviation safety measures.

**PRESIDENT TRUMP FAST TRACKS CIVIL SUPERSONIC AIRCRAFT**

On June 6, 2025, the Trump administration issued an [executive order](#) (“EO”) directing the FAA to take immediate action to lift the ban on civil supersonic flights over the U.S. Of note, the EO directs FAA regulators to issue a Notice of Proposed Rulemaking (“NPRM”) to establish a standard for supersonic aircraft noise certification which will set limits on acceptable noise thresholds for takeoff, landing, and other supersonic operations. The EO further instructs the FAA to repeal the prohibition within 180 days and establish an interim noise-based certification standard with the NPRM set to be finalized within 24 months of the date of the EO. President Trump’s EO follows the recently introduced [Supersonic Aviation Modernization Act](#) (“the Act”) which would direct the FAA to revise regulations to allow for the operation of civil aviation aircraft at speeds of Mach 1 without special authorization. The [current law](#), enacted in 1973, mandates that no civil aircraft may be operated at speeds of Mach 1 or higher, essentially prohibiting non-military-related supersonic flight in the United States. If enacted, the Act would allow supersonic operators to fly at Mach 1 or higher, so long as no sonic boom reaches the ground. Supporters of President Trump’s EO and the Act, including supersonic aircraft manufacturer Boom, reason that repealing the 52-year ban on civil supersonic flight will save coast-to-coast travelers up to 90 minutes per flight and foster technological advancement permitting such speeds without an audible sonic boom.

***\*Editor’s Note: Special thanks to Summer Associate Julia Kilroy for her contribution to this Aviation Regulatory Update.***