

MELANIE A. STANSBURY
MEMBER OF CONGRESS

COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE FOR INDIGENOUS PEOPLES
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AND TECHNOLOGY
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SUBCOMMITTEE ON RESEARCH AND TECHNOLOGY

Congress of the United States
House of Representatives
Washington, DC 20515-3101

NEW MEXICO
FIRST CONGRESSIONAL DISTRICT

WASHINGTON, D.C. OFFICE
1421 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-6316

ALBUQUERQUE OFFICE
300 CENTRAL AVENUE NE, SUITE 1300 EAST
ALBUQUERQUE, NM 87102
(505) 346-6781

February 24, 2022

Stephen Dickson
Administrator
Federal Aviation Administration
U.S. Department of Transportation
800 Independence Ave. SW
Washington, D.C. 20591

Stephen J. Bond
Manager
Albuquerque Air Traffic Control Tower
8000 Louisiana Blvd. NE
Albuquerque, NM 87109

Dear Mr. Dickson and Mr. Bond:

We write to express our concern regarding the adverse effects of the application of Federal Aviation Regulation CFR § 91.225 on the Albuquerque ballooning community and to request that the Federal Aviation Administration (FAA) grant a year-round waiver of this rule for hot air balloons flying in the airspace above Albuquerque.

This rule¹ requires aircrafts to carry an Automatic Dependent Surveillance-Broadcast (ADS-B)—essentially, a tracking device—on board in order to fly in Class C airspace. This is problematic for hot air balloons, the electrical structure of which cannot accommodate this type of tracking equipment. The FAA adopted the ADS-B tracking requirement with the intent of improving air safety by decreasing the likelihood of midair collisions. While this is an understandable concern for fixed-wing aircrafts such as planes and helicopters, it is not substantiated for hot air balloons. Since the inception of the Albuquerque Balloon Fiesta nearly 50 years ago, balloon pilots have utilized Visual Flight Rules to keep themselves and their passengers safe. Using these rules, there have been no midair balloon-aircraft collisions in Albuquerque.

Further, this regulation comes at a grave cost to the City of Albuquerque, the international capital for hot air ballooning. In addition to serving as a cultural touchstone for communities across Albuquerque, the hot air balloon industry generates millions of dollars for the City and boosts the economies of neighboring municipal and Tribal communities.

Ballooning in Albuquerque encompasses so much more than the two-week Balloon Fiesta every October. Balloon pilots and local businesses hold year-round events and balloon rides to sustain this thriving local industry. Local companies operate between 150 and 200 balloon rides daily. Hot air balloon clubs must be able to sustain their businesses year-round in order to maintain Albuquerque's status as the international capital of hot air ballooning. The restriction imposed by CFR § 91.225(d) effectively bans hot air balloons from flying over Albuquerque, as they have for

¹ CFR § 91.225(d)

decades. This restriction threatens the livelihoods of hot air balloonists throughout the City, in addition to causing a severe loss of revenue, the cancellation of other events and rides that happen throughout the year to sustain the industry, and the lack of an opportunity for balloon pilots to practice in this airspace ahead of the annual Balloon Fiesta.

Nevertheless, a solution under the existing rule appears within reach. CFR § 91.225(g) permits Air Traffic Control (ATC) the discretion to grant deviations from the ADB-S tracking requirement, stating, “Requests for ATC authorized deviations from the requirements of this section must be made to the ATC facility having jurisdiction over the concerned airspace[.]” Last year, ATC granted a waiver of CFR § 91.225(d) for hot air balloons for the entirety of the two-week Albuquerque Balloon Fiesta. As in years past, the 2021 Albuquerque Balloon Fiesta was a success, with no midair collisions with other aircrafts despite accommodating 588 balloons from around the world, hosting 783,866 attendees, and having an economic impact of approximately \$180 million on the Albuquerque metro area.² There is no reason the waiver granted during the annual Balloon Fiesta should not be extended year-round.

For the foregoing reasons, we request that the FAA grant a permanent waiver of this requirement to the Albuquerque ballooning community, similar to the one the FAA granted to the Colorado Springs ballooning community.³

Sincerely,



Melanie A. Stansbury
Member of Congress



Martin Heinrich
Member of Congress



Ben Ray Lujan
Member of Congress

² While the Economic Impact Report has not yet been published for the 2021 Albuquerque Balloon Fiesta, the previous Fiesta, with 866,414 visitors, had an economic impact of \$186.82 million. See [Balloon Fiesta 2019 Economic Impact Report Final 2 13 2020.pdf](#)

³ See attached Colorado Springs FAA Waiver