

02/17/04

SUBJ: PERFORMANCE-BASED OPERATIONS AVIATION RULEMAKING COMMITTEE

- 1. PURPOSE.** This order establishes the Performance-based Operations Aviation Rulemaking Committee according to the Administrator's authority under 49 USC 106(p)(5).
- 2. DISTRIBUTION.** This order is distributed to the director level in the Offices of Rulemaking; International Aviation; Chief Counsel; Airport Safety and Standards; Airport Planning and Programming; Aviation Research; Budget; Financial Management; Cost and Performance Management; Communications, Navigation, and Surveillance Systems; the Air Traffic, Flight Standards, and Aircraft Certification Services; and the Aviation Systems Standards.
- 3. BACKGROUND.** The FAA has committed to implementing performance-based airspace operations. Given this commitment, there exist significant issues with Industry dynamics; new technologies; new aircraft types/capabilities and configurations and current operations; airspace use; airports; infrastructure; economics; and the environment. These complex issues mandate a comprehensive review and possible revision of existing regulatory criteria and guidance materials. Where existing criteria and guidance is inadequate or nonexistent, there will be the requirement to develop and implement new regulatory criteria and the guidance material needed by all stakeholders. Issues under review include:
 - a. Expedient development of performance-based criteria and standards.
 - b. Implementation of airspace and procedure improvements.
 - c. Integration of airspace operations with airport and surface operations.
 - d. Supporting the implementation dates for performance-based navigation for selected airspace, routes and procedures.
 - e. Facilitating the maximum or ideal use of modern communication, navigation and surveillance equipment and capabilities (including the Global Positioning System) found in today's large base of qualified aircraft.
 - f. Supporting the reduction of risk from Controlled Flight Into Terrain (CFIT) and approach and landing accidents as identified by the Commercial Aviation Safety Team (CAST).
 - g. Addressing improvements in terminal area operations to support the relief of airport capacity constraints and associated delays.

h. Evolving technologies and potential equipment upgrades provide increased operational and safety benefits that may not be realized unless a practical means is established to prioritize, direct, and facilitate new criteria and implementation.

i. Harmonization of operations, procedures, and ICAO standards to support and facilitate the global aspects of aviation operations and aircraft production.

4. OBJECTIVES AND SCOPE OF THE COMMITTEE. This committee will provide a forum for the U.S. aviation community to discuss, prioritize, and resolve issues provide direction for U.S. flight operations criteria and produce U.S. consensus positions for global harmonization. The general objectives and scope are to:

a. Develop means to implement improvements in the National Airspace System (NAS) operations that address safety, capacity, and efficiency objectives, as tasked, consistent with global implementation.

b. Discuss issues and develop resolutions and processes to promote the evolution of safe and efficient NAS operations.

c. Address international harmonization and ICAO standards.

d. Coordinate the resolution of any comments on related proposed rulemaking.

e. Develop draft AC language and a strategy, process, and schedule for the implementation of new or revised criteria.

f. Develop or update guidance material, notices, handbooks, and other relevant materials for performance-based operations.

g. Make recommendations, including necessary rulemaking and additional tasking, to the Administrator through the Associate Administrator for Regulation and Certification.

5. COMMITTEE PROCEDURES.

a. The committee provides advice and recommendations to the Associate Administrator for Regulation and Certification. The committee acts solely in an advisory capacity.

b. The committee will discuss and present information, guidance, and recommendations the members of the committee consider relevant to disposing of issues. Discussion will include, but is not limited to, the following:

(1) Operational objectives, recommendations, and requirements.

(2) Airworthiness criteria and means of compliance to meet the operational objectives.

(3) Recommendations for rulemaking necessary to meet objectives.

- (4) Guidance material and the implementation processes.
- (5) Global harmonization issues and recommendations.
- (6) Documentation and technical information to support recommendations.
- (7) The formation and committee oversight of specialized work groups to research, document, and make recommendations on specific, assigned topics.

c. The committee's initial task will focus on the applicability, operational approval standards, operating procedures, aircraft capability, and guidance material for performance-based operations. Initial attention will be to area navigation, required navigation performance, and Global Positioning System utilization. Follow-on tasks will address operations and issues considering communication, surveillance and air traffic management. The committee will develop a work plan for each task or issue and an implementation plan for each recommendation. The committee will recommend timelines based on the complexity and priority of its recommendations. Recommendations should take the form of documented issue resolutions, recommended policy decisions, draft guidance material, or proposed rulemaking, as needed. The committee will develop and propose specific implementation planning and processes to ensure that recommendations meet these objectives. The committee will provide reports with written recommendations to the Administrator through the Associate Administrator for Regulation and Certification, as appropriate.

6. ORGANIZATION AND ADMINISTRATION.

a. The FAA will set up a committee representing the various parts of the industry and government. The committee may set up specialized work groups that will include at least one committee member and invited subject matter experts from industry and government, where necessary.

b. The Associate Administrator for Regulation and Certification will have the sole discretion to appoint members or organizations to the committee. The committee will consist of members of the aviation community, including the public and/or other Federal Government entities representative of various viewpoints. The FAA will provide participation and support from all affected lines-of-business.

c. The Associate Administrator for Regulation and Certification will receive all committee recommendations and reports. The Associate Administrator, through the Flight Standards Service, will also be responsible for providing administrative support for the committee.

d. The Associate Administrator for Regulation and Certification is the sponsor of the committee, and will select an industry chair from the membership of the committee. Also, the Associate Administrator will select the FAA designated representative for the committee. Once appointed, the chair will:

(1) Determine, in coordination with the other members of the committee, when a meeting is required.

(2) Arrange notification to all committee members of the time and place for each meeting.

(3) Draft an agenda for each meeting and conduct the meeting.

e. Minutes of committee meetings will be kept.

f. Although a quorum is desirable at committee meetings, it is not required.

7. MEMBERSHIP.

a. The committee will consist of approximately 15 members, selected by the FAA, representing aviation associations, representatives of industry operators, manufacturers, employee groups or unions, FAA and other government entities, and other aviation industry participants.

b. The membership will be balanced in points of view, interests, and knowledge of the objectives and scope of the committee. Each member or participant on the committee should represent an identified part of the aviation community and have the authority to speak for that part. Membership on the committee will be limited to promote discussions. Active participation and commitment by members will be essential for achieving the committee objectives and for continued membership on the committee. The committee may invite additional participants as subject matter experts to support specialized work groups.

8. COST AND COMPENSATION. The estimated cost to the Federal Government of the Performance-based Aviation Rulemaking Committee is \$20,000 annually. Non-Government representatives serve without Government compensation and bear all costs related to their participation on the committee.

9. PUBLIC PARTICIPATION. Persons or organizations that are not members of this committee and are interested in attending a meeting must request and receive approval in advance of the meeting from the committee Chairperson or the designated Federal representative.

10. AVAILABILITY OF RECORDS. Under the Freedom of Information Act, 5 U.S.C. Section 522, records, reports, agendas, working papers, and other documents that are made available to or prepared for or by the committee will be available for public inspection and copying at the FAA Flight Standards Service, 800 Independence Avenue, S.W. Washington, D.C. 20591. Fees will be charged for information furnished to the public according to the fee schedule published in part 7 of title 49, Code of Federal Regulations.

11. PUBLIC INTEREST. Forming the Performance-based Aviation Rulemaking Committee is determined to be in the public interest to fulfill the performance of duties imposed on FAA by law.

12. EFFECTIVE DATE AND DURATION. This committee is effective February 19, 2004. The committee will remain in existence until February 19, 2006, unless sooner terminated or extended by the Administrator.

Original signed by
Marion C. Blakey
Administrator
Federal Aviation Administration