



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
National Policy

ORDER
1110.146

Effective Date:
03/05/07

SUBJ: Part 129 Aviation Rulemaking Committee Charter

1. PURPOSE. This order constitutes the charter for the Title 14 of the Code of Federal Regulations (14 CFR) part 129 Aviation Rulemaking Committee (ARC), which is designated and established pursuant to the Administrator's authority under Title 49 of the United States Code (49 U.S.C.) section 106(p)(5).

2. DISTRIBUTION. We will distribute this order to the director level throughout the Office of the Associate Administrator for Aviation Safety in Washington headquarters; to the Assistant Administrators for Financial Services, Government and Industry Affairs and Public Affairs. We will also include this order in the Flight Standards Information Management System (FSIMS) application at <http://fsims.avr.faa.gov>.

3. BACKGROUND.

a. The predominant operating standards for regulating the global operations of U.S.-registered aircraft and for foreign air carriers serving the United States are found in 14 CFR parts 91 and 129. Part 129, Operations: Foreign air carriers and foreign operators of U.S.-registered aircraft engaged in common carriage, has remained the same with only minor revisions for 41 years. During the same time period major changes in policy and industry practice have occurred. The International Programs and Policy Division, AFS-50, has the critical objective of revising part 129.

b. Part 129 does not contain specific regulatory language on operators' responsibilities. To ensure an adequate level of safety for part 129 operators the Federal Aviation Administration (FAA) issues foreign operations specifications (OpSpecs) to identify crucial restrictions, limitations, and U.S. airspace requirements, including navigation differences. The result of this course of action is an increased burden and complexity of foreign OpSpecs.

c. Many foreign Civil Aviation Authorities (CAA) have begun to adopt the FAA method of foreign air carrier oversight, including the issuance of foreign OpSpecs to carriers serving their countries. As a result, foreign OpSpecs and their management have grown burdensome to U.S. air carriers, foreign air carriers, and the FAA.

4. OBJECTIVES AND SCOPE OF ACTIVITIES. The part 129 ARC will provide a forum for the FAA and the foreign air carrier industry to discuss issues surrounding foreign air carriers operations in the United States and the operation of the U.S.-registered aircraft worldwide.

a. The general objective is to provide advice, guidance, and recommendations including transferring regulatory language from present foreign OpSpecs into part 129 while maintaining the required level of safety.

b. The scope of activities for the part 129 ARC is to:

- (1) Review the current part 129 and note where revisions could and should occur.
- (2) Provide advice, guidance, and recommendations on proposed changes to part 129.
- (3) Clarify and standardize the sections in part 129 concerning application, suspension, or revocation of OpSpecs issued to foreign air carriers.
- (4) Incorporate portions of the part 129 OpSpecs language into the rule.

c. At the first ARC meeting, AFS-50 will identify expectations, deliverables, and milestones for the ARC.

5. ORGANIZATION AND ADMINISTRATION.

a. With the approval of the Associate Administrator for Aviation Safety, AVS-1, the Director, Flight Standards Service, AFS-1, will appoint members to the part 129 ARC. AFS-1 will select ARC members from within the FAA and member organizations to represent the various viewpoints, knowledge and interests pertinent to the purpose and operation of part 129. The ARC will consist of:

- (1) Employees of the FAA, including a representative from the Office of Rulemaking (ARM);
- (2) Members of the foreign air carrier industry;
- (3) Representatives from the International Air Transport Association (IATA);
- (4) Members of foreign and domestic aviation industry organizations; and
- (5) Members of foreign CAAs.

b. AFS-1 will receive all committee recommendations and reports.

c. AFS-1 will request contractor support from ARM to handle meeting logistics, prepare minutes, track documents, and other administrative duties for the committee.

d. AFS-1 will appoint the part 129 ARC co-chairs. One co-chair will be a representative from AFS-50; the other, from industry. The duties of the co-chairs are as follows:

- (1) Determine when a meeting is required and where it will be held. Meetings will be held at least quarterly.
- (2) Appoint subcommittees as necessary to meet ARC commitments.
- (3) Arrange notification to all committee members of the time and place for and meeting.
- (4) Formulate an agenda to include outcomes and milestones for each meeting.

(5) Conduct the meeting.

(6) Ensure that recommendations and reports are sent to AFS-1.

e. In the event the ARC cannot reach consensus on an agenda item, AFS-1 reserves the right to make the final decision.

f. The ARC is not required to keep minutes, but may elect to do so.

g. The ARC's meetings will not be open to the public.

6. COMPENSATION. Nongovernment representatives serve without Government compensation and bear all costs related to their participation on the committee.

7. ESTIMATED COST. The estimated annual operating cost (including pro rata share of salaries of FAA employees) is \$155,000. All travel costs such as per diem and travel expenses will be the responsibility of the government employee's home organization. Any additional costs, such as for miscellaneous supplies, will be borne by AVS-1.

8. PUBLIC PARTICIPATION. Unless otherwise decided by the FAA, all meetings of the committee will be closed. People who want to attend the meeting, but are not members of the ARC, must request and receive approval in advance of the meeting from a co-chair. Any nonmembers in attendance are limited to observer status.

9. AVAILABILITY OF RECORDS. Subject to the conditions of the Freedom of Information Act, section 522 of Title 5 U.S.C., records, reports, agendas, working papers, and other documents given to or prepared by the committee will be available for public inspection and copying at this address: FAA Flight Standards Service, 800 Independence Avenue, SW., Washington, DC 20591. Fees will be charged for information furnished to the public per the fee schedule in part 7 of Title 49 CFR.

10. PUBLIC INTEREST. The establishment of the part 129 ARC is determined to be in the public interest in connection with the performance of duties imposed on the FAA by law.

11. EFFECTIVE DATE AND DURATION. This committee is effective beginning 60 days from the date the Administrator signs this order. The committee shall remain in existence for 2 years after this date, unless sooner terminated or extended by AFS-1. The part 129 ARC will forward recommendations for rewrite of part 129 within 18 months of the first meeting.

ORIGINAL SIGNED BY

Marion C. Blakey
Administrator