



**U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION**

Aviation Rulemaking Committee Charter

Effective Date: June 9, 2010

Extended: June 9, 2014

**SUBJECT: Performance-Based Aviation Rulemaking Committee**

---

- 1. PURPOSE.** This charter extends the Performance-Based Aviation Rulemaking Committee (ARC), according to the Administrator's authority under Title 49 of the United States Code (49 U.S.C.) 106(p)(5). This charter also outlines the committee's organization, responsibilities, and tasks.
  
- 2. BACKGROUND.** The Federal Aviation Administration (FAA) has committed to implementing performance-based airspace operations as one part of the implementation of NextGen. Given this commitment, there exist significant issues with industry dynamics; new technologies; new aircraft types/capabilities and configurations as well as 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 a requirement to develop and implement new regulatory criteria and the guidance material needed by all stakeholders. Issues under review include:
  - a. Expedious 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 (GPS)) found in today's large base of qualified aircraft.
  - f. Supporting the reduction of from controlled flight into terrain and approach and landing accidents as identified by the Commercial Aviation Safety Team.
  - 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 International Civil Aviation Organization (ICAO) standards to support and facilitate the global aspects of aviation operations and aircraft production.

3. **OBJECTIVES AND TASKS OF THE ARC.** 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, support the NextGen Implementation Plan 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 and recommend to the FAA draft advisory circular language and a strategy, process, and schedule for the implementation of new or revised criteria.
  - f. Develop and recommend to the FAA updated 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 Aviation Safety.

**Recommendation Report.** In accordance with the original charter, the ARC will continue to provide recommendations.

4. **ARC PROCEDURES.**

- a. The ARC acts solely in an advisory capacity by advising and providing written recommendations to the Director, Flight Standards Service and the Director of the Office of Rulemaking.
- b. The ARC may propose additional tasks as necessary to the Director, Flight Standards Service for approval.
- c. **Status Reports.** The ARC will provide a status update to the Director, Flight Standards every 12 months.
- d. **Recommendation Report.** The ARC will submit a report detailing recommendations within 12 months from the effective date of the charter.
  - i. The Industry Co-Chair sends the recommendation report to the Director, Flight Standards Service and the Director of the Office of Rulemaking.
  - ii. The Director, Flight Standards Service determines when the recommendation report is released to the public.
- e. The ARC may reconvene following the submission of the recommendation report for the purposes of providing advice and assistance to the FAA, at the discretion of the Director, Flight Standards Service, provided the charter is still in effect.

- 5. ARC ORGANIZATION, MEMBERSHIP, AND ADMINISTRATION.** The FAA will set up a committee of members of the aviation community. Members will be selected based on their familiarity with performance-based airspace operations analysis and regulatory compliance. Membership will be balanced in viewpoints, interests, and knowledge of the committee's objectives and scope.

The June 18, 2010 memorandum "Lobbyists on Agency Boards and Commissions," states that a member must not be a federally registered lobbyist, who is subject to the registration and reporting requirements of the Lobbying Disclosure Act of 1995 (LDA) as amended, 2 U.S.C 1603, 1604, and 1605, at the time of appointment or reappointment to an advisory committee, and has not served in such a role for three consecutive quarters prior to appointment. Therefore, the FAA will not select any person that is a registered lobbyist. (For further information see the Office of Management and Budget final guidance on appointment of lobbyists to federal boards and commissions (76 FR 61756, October 5, 2011)).

ARC membership is limited to promote discussion. Active participation and commitment by members will be essential for achieving the ARC objectives and tasks. Attendance is essential for continued membership on the committee. When necessary, the ARC may set up specialized and temporary work groups that include at least one ARC member and invited subject matter experts from industry and government.

In accordance with the original charter; the organization, membership, and administration remain unchanged.

The ARC sponsor is the Director, Flight Standards Service and selected an Industry Co-Chair from the membership of the ARC. The FAA participation and support comes from all affected lines-of-business.

- a. The ARC sponsor will:
  - 1) Select and appoints industry and FAA as members to the ARC, at the manager's sole discretion;
  - 2) Provide administrative support for the ARC, through the Flight Standards Service; and
  - 3) Receive all status reports and the recommendations report.
  
- b. Once appointed, the Industry Co-Chair will:
  - 1) Coordinate required committee (and task group, if any) meetings in order to meet the ARC's objectives and timelines;
  - 2) Provide notification to all ARC members of the time and place for each meeting;
  - 3) Ensure meeting agendas are established and provided to the committee members in a timely manner;
  - 4) Keep meeting minutes, if deemed necessary;
  - 5) Perform other responsibilities as required to ensure the ARC's objectives are met;
  - 6) Provide status reports in writing to the Director, Flight Standards Service; and
  - 7) Submit the recommendation report to the Director, Flight Standards Service.

6. **COST AND COMPENSATION.** The estimated cost to the Federal Government for the Performance-Based ARC is approximately \$195,000 annually. All travel costs for government employees are the responsibility of the government employee's organization. Non-government representatives, including the Industry Co-Chair, serve without government compensation and bear all costs related to their participation on the committee.
7. **PUBLIC PARTICIPATION.** ARC meetings are not open to the public. Persons or organizations outside the ARC who wish to attend a meeting must get approval in advance of the meeting from either the Industry Co-Chair or the FAA Co-Chair.
8. **AVAILABILITY OF RECORDS.** Consistent with the Freedom of Information Act, Title 5, U.S.C., section 552, 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 Ave S.W., Washington, DC 20591. Fees will be charged for information furnished to the public according to the fee schedule published in Title 49 of the Code of Federal Regulations, Part 7.  
  
You can find this charter on the FAA Committee Database website at:  
[http://www.faa.gov/regulations\\_policies/rulemaking/committees/documents/](http://www.faa.gov/regulations_policies/rulemaking/committees/documents/).
9. **DISTRIBUTION.** This charter is distributed to the Director, Flight Standards Service, the Office of the Associate Administrator for Aviation Safety, the Office of the Chief Counsel, the Office of Aviation Policy and Plans, and the Office of Rulemaking.
10. **EFFECTIVE DATE AND DURATION.** This ARC continues to be in effect upon the issuance of this extension of the charter. The ARC will remain in existence for 48 months, unless this charter is sooner suspended, terminated, or extended by the Administrator.

Issued in Washington, D.C. on June 9, 2014.



Michael P. Huerta  
Administrator