

CHANGE

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

**ORDER
2150.3B
CHG 5**

National Policy

Effective Date:
06/11/14

SUBJ: Compliance and Enforcement Bulletin 2014-1:

1. Purpose. This change to FAA Order 2150.3B provides sanctions applicable to a special emphasis enforcement program for certificate holders who commit violations of 14 C.F.R. §§ 91.133, 91.137, 91.139, 91.141, 91.143, 99.7 and 14 C.F.R. part 93, subpart V and other regulations used to limit operations or to establish conditions for operating in airspace in the United States in the interest of national security.

2. Who this change affects. The change affects all agency personnel who investigate, report, or process enforcement actions involving regulations used to restrict or establish conditions for operation in airspace in the United States in the interest of national security.

3. Disposition of Transmittal Paragraph. Retain this transmittal sheet until the directive is cancelled by a new directive.

PAGE CHANGE CONTROL CHART

Remove Pages	Dated	Insert Pages	Dated
		Appendix H, H-6 thru H-7	06/11/14

4. Administrative Information. This Order change is distributed to divisions and branches in Washington headquarters, regions, and centers and to all field offices and facilities.



Michael P. Huerta
Administrator

COMPLIANCE/ENFORCEMENT BULLETIN NO. 2014-1

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BACKGROUND: Following the events of September 11, 2001, the Administrator determined that a heightened state of security existed and issued Notices to Airmen (NOTAMs) under 14 C.F.R. §§ 91.137 and 91.139. These NOTAMs placed significant restrictions or prohibitions on several types of aircraft operations in the interest of national security. By memorandum dated September 24, 2001, the FAA issued sanction guidance pertaining to certificate holders who operated any aircraft contrary to any security airspace NOTAMs issued on, or after, September 11, 2001. The stringent restrictions on the airspace gradually eased and the FAA subsequently issued new sanction guidance on April 26, 2002, for operations that occurred on or after December 20, 2001. While technically cancelled, the Agency continued to follow the issuance of FAA Order 2150.3B. Since that guidance, issued in 2002, many things have changed including changes to the procedures for operating in security airspace, changes to NOTAM issuance and dissemination, public perceptions about operating in security airspace, and efforts to educate certificate holders about the need to comply with special security requirements for operating in the airspace.

DISCUSSION: Since the enforcement guidance for security airspace violations was put in place following September 11, 2001, the FAA has seen a slow, but steady, decline in the number of violations occurring in security airspace. For example, with regard to the security airspace over Washington D.C. (referred to as the DC ADIZ and more recently as the DC SFRA) enforcement records show that the number of violations declined from 867 in calendar year 2003 to 179 violations in calendar year 2009. The steady decline in violations is likely attributable to robust outreach, training, and awareness programs, the consistency of the FAA's enforcement approach in handling the violations, and simplification of NOTAMs and the requirements for operating in the airspace. Even though the FAA has seen a decline in the number of violations occurring in security airspace over time, the necessity to maintain continued vigilance to ensure the safety and security of the National Airspace System remains at a heightened level. Accordingly, the FAA is modifying its sanction policy to continue to reflect the seriousness of violations that occur in security airspace, but to provide the agency with more flexibility to use other enforcement tools, such as remedial training, in appropriate circumstances. The intent of adding this additional flexibility to the agency's sanction policy is to further reduce the number of violations occurring in security airspace by using remedial training in appropriate circumstances to prevent repeated inadvertent violations.

ACTION: Until further notice, a special emphasis enforcement program under Chapter 7, paragraph 10 of FAA Order 2150.3B, FAA Compliance and Enforcement Program is in effect for violations of 14 C.F.R. §§ 91.133, 91.137, 91.139, 91.141, 91.143, 99.7, and 14 C.F.R. part 93, subpart V and any other regulations used to restrict or establish conditions for operation in

airspace in the United States in the interest of national security. Informal action (oral or written counseling) is never used to address violations under this special emphasis program. The FAA ordinarily will apply the following sanction guidance when sufficient evidence exists to show that a certificate holder has committed violations of these regulations:

1. Sanction a 30-day suspension for a single, first-time, inadvertent violation except in the following circumstances involving:
 - a. Inadvertent, first-time violations resulting from aircraft intruding one mile or less into the security airspace and then turning and exiting directly when there are no resulting complications for air traffic control or other aircraft.
 - b. Inadvertent, first time violations resulting from aircraft briefly (two minutes or less) squawking a 1200 code or failing to squawk an assigned discrete code, in security airspace that requires the aircraft to squawk a discrete code when there are no resulting complications for air traffic control or other aircraft.
2. Sanction a 45 to 90-day suspension for having a new inadvertent violation and a history of 1 prior inadvertent violation occurring in security airspace. Sanction a 90 to 150-day suspension for having a new inadvertent violation and having a history of 2 prior inadvertent violations occurring in security airspace. Revocation is the sanction for having a new inadvertent violation and having a history of 3 or more inadvertent violations occurring in security airspace. One of the factors that may be considered, in selecting a sanction within the appropriate range, is the period of time that has elapsed between violations.
3. Use remedial training to address operations falling under one of the circumstances identified in 1.a. and 1.b. above when there are no prior related violations.
4. Reexamine the certificate holders' qualifications to hold a certificate under 49 U.S.C. § 44709 when a violation is subject to this special emphasis enforcement program and calls into question the qualifications of the certificate holder.
5. Revoke the certificate holder's qualifications to hold a certificate for intentional violations occurring in security airspace and for aggravated violations.

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