



**U.S. DEPARTMENT OF TRANSPORTATION**  
**FEDERAL AVIATION ADMINISTRATION**  
Aviation Rulemaking Committee Charter

Effective Date: 11/20/17

**SUBJECT: Airspace Access Priorities Aviation Rulemaking Committee**

- 1. PURPOSE.** This charter establishes the Airspace Access Priorities (AAP) 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)). The sponsors of the ARC are the Chief Operating Officer of the Air Traffic Organization and the Associate Administrator of Commercial Space Transportation. This charter outlines the ARC's organization, responsibilities, and tasks.
- 2. BACKGROUND.** The U.S. navigable airspace is part of the Nation's critical infrastructure and is a limited national resource that Congress has charged the FAA to administer in the interest of the public to ensure safety and its efficient use. Although the FAA must protect the public's right of freedom of transit through the airspace, full consideration must be given to all airspace users including national defense, commercial and general aviation, and space operations. Accordingly, a sincere effort must continue to be made to negotiate equitable solutions and minimize potentially conflicting requests to access the airspace. The FAA is committed to fair and equitable airspace access to all users of the national airspace system (NAS). As such, the FAA has recognized a need to develop an improved framework that will allow the FAA to balance the respective needs of its wide-variety of controlled airspace users, including general aviation, business aviation, amateur rockets, commercial space operators, commercial air carriers, cargo operators, operators of Unmanned Aircraft Systems in positive control airspace, airport and spaceport operators and the Department of Defense and other Federal agencies in the event of conflicting requests. This is especially important as commercial space transportation operations continue to grow and new types of orbital and suborbital operations begin to emerge, resulting in the possibility of increased competition for airspace. The recommendations of the AAP ARC will assist the FAA in providing the appropriate framework to develop policy and regulations, as appropriate, that meet the needs of airspace users and the public interest.
- 3. OBJECTIVES OF THE ARC.** Equitable airspace access is an essential concept that needs to be understood and embraced by the varied users of the NAS to maximize value to the United States. Through its work, the AAP ARC will assist the FAA in developing criteria that may be used to consider competing requests for airspace access. In addition, the examination, development and recommendation of methods (quantifiable and non-quantifiable) that can be used to accommodate different operations and support operational decisions regarding the prioritization of airspace access will further these goals.

Overall, the AAP ARC will provide a forum for the United States aviation and space communities to review and discuss information and data such as the historical and projected growth in operations for the respective stakeholders, the methods currently used by the FAA to accommodate requested operations in the airspace, and the respective operational needs and constraints across the community of stakeholders for access to the national airspace to meet their respective needs. This will enable the AAP ARC to provide recommendations that will improve the integration of commercial space operations into the NAS in the near-term, while the insights

gained through the AAP ARC will also be of great value to future integration of NAS operations overall.

**4. TASKS OF THE ARC.** The tasks of the AAP ARC are:

- a. Review historical and projected growth in operations for the respective stakeholders, along with the methods currently used by the FAA to accommodate requested operations in the NAS.
- b. Review the respective operational needs and constraints across the community of stakeholders for access to the NAS to meet their respective objectives. This review should include any representative quantified or characteristic indicators (i.e., “metrics”) that are used in the community to measure needs, constraints, and impacts.
- c. Provide specific consensus recommendations and their supporting rationale, including any potentially applicable metrics, that will assist the FAA in developing policy to make airspace prioritization decisions when needed between various operations that are requested.
- d. Within six months from the first meeting, submit a recommendation report.
  - i. The Industry Co-Chairs send the recommendation report to the FAA Co-Chair and the Director of the Office of Rulemaking.
  - ii. The FAA Co-Chair determines when the recommendation report and records, pursuant to paragraph (8), will be made available for public release.

**5. ARC PROCEDURES.**

- a. The ARC acts solely in an advisory capacity by advising and providing written recommendations to the FAA Co-Chair.
- b. The ARC may propose related follow-on tasks outside the stated scope of the ARC to the FAA Co-Chair.
- c. 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 FAA Co-Chair, provided the charter is still in effect.

**6. ARC ORGANIZATION, MEMBERSHIP, AND ADMINISTRATION.** The FAA will set up a committee of members representing the aviation and space communities. Members will be selected based on their familiarity and experience with orbital and suborbital commercial space transportation operations, air traffic operations, and airspace policies. Membership will be balanced in viewpoints, interests, and knowledge of the committee’s objectives and scope.

The provisions of the August 13, 2014 Office of Management and Budget (OMB) guidance, "Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions" (79 FR 47482), continues the ban on registered lobbyists participating on Agency Boards and Commissions if participating in their "individual capacity." The revised guidance allows registered lobbyists to participate on Agency Boards and Commissions in a "representative capacity" for the "express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry, sector, labor unions, or environmental groups, etc.) or state or local government." For further information, refer to the OMB Guidance at 79 FR 47482.

Membership is limited to promote discussion. Attendance, active participation, and commitment by members is essential for achieving the objectives and tasks. When necessary, the ARC may set up specialized and temporary working groups that include at least one ARC member and invited subject matter experts from industry and government.

The ARC will consist of members from the aviation and space communities. FAA and other Agency subject matter experts may be requested to participate as Observers and to provide technical support to the ARC members.

- a. At the request of the Sponsors, the Deputy Assistant Administrator for Policy, International Affairs, and Environment will function as the FAA-Co-Chair and will:
    - 1) Select and appoint industry and the FAA participants as members,
    - 2) Select the Industry Co-Chairs from the membership of the ARC,
    - 3) Ensure FAA participation and support from all affected lines-of-business,
    - 4) Provide notification to the members of the time and place for each meeting, and
    - 5) Receive any status report and the recommendations report.
  - b. The Industry Co-Chairs will be appointed, one from the commercial space community, and one from the aviation community. Once appointed, the Industry Co-Chairs will:
    - 1) Coordinate required ARC meetings in order to meet the objectives and timelines,
    - 2) Establish and distribute meeting agendas in a timely manner,
    - 3) Keep meeting notes, if deemed necessary,
    - 4) Perform other responsibilities as required to ensure the objectives are met,
    - 5) Provide status reports, as requested, in writing to the FAA Co-Chair, and
    - 6) Submit the recommendation report to the FAA Co-Chair and the Director of the Office of Rulemaking.
7. **PUBLIC PARTICIPATION.** 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 the Industry Co-Chairs and the FAA Co-Chair.
8. **AVAILABILITY OF RECORDS.** Consistent with the Freedom of Information Act, Title 5, U.S.C., § 552, records, reports, agendas, working papers, and other documents that are made available to or prepared for or by the ARC will be available for public inspection and

copying at the Office of Rulemaking, FAA Headquarters, 800 Independence Ave. SW, Washington, D.C. 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: Office of the Associate Administrator for Aviation Safety, Office of the Associate Administrator for Commercial Space Transportation, Office of the Chief Operating Officer of the Air Traffic Organization, Office of the Associate Administrator of Airports, the Office of the Chief Counsel, the Office of Assistant Administrator for Policy, International Affairs, and Environment, Office of the Assistant Administrator for NextGen, and the Office of Rulemaking.
10. **EFFECTIVE DATE AND DURATION.** The ARC is effective upon issuance of this charter and will remain in existence for a maximum of 24 months, unless the charter is sooner suspended, terminated, or extended by the Administrator.

Issued in Washington, D.C. on November 20, 2017.

A handwritten signature in black ink, appearing to read 'Michael P. Huerta', with a circled 'h' at the end.

Michael P. Huerta  
Administrator