



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

Effective Date: 5/23/16

SUBJECT: Part 101 Aviation Rulemaking Committee

1. PURPOSE. This charter establishes the Part 101 Aviation Rulemaking Committee (Part 101 ARC) according to the Administrator's authority under Title 49 of the United States Code (49 U.S.C.) 106(p)(5). The sponsor of this ARC is the Director of Airspace Services, AJV-1, and this charter outlines the committee's organization, responsibilities, and tasks.

2. BACKGROUND. The regulations in 14 CFR Part 101 concerning the operation of moored balloons and unmanned free balloons are outdated. Over the past several years, technology has advanced tremendously, while the rules on balloons have remained substantially unchanged for over 50 years. When Part 101 was written, balloons were small and used mainly for weather observations. Balloons are increasingly used for a wide range of scientific, research, and recreational purposes. Additionally, Part 101 must be updated to address proposed hybrid operations, which uses a combination of two or more flying devices, such as unmanned free balloons used as airborne platforms to launch rockets. Part 101 also needs to be updated to include regulations for fireworks and sky lanterns, as there have been safety issues with fireworks near major airports recently. One example is the fireworks over the stadium at University of Arizona football games near Phoenix airport that accompany all home scores. Another example is the annual Fourth of July fireworks conducted by the Town of Flower Mound, Texas, near the Dallas-Fort Worth Airport.¹

To ensure a high level of safety is maintained for all users of the National Airspace System (NAS), the Federal Aviation Administration is chartering an ARC that will develop recommendations regarding rulemaking on the safe operation of moored balloons, unmanned free balloons, fireworks, sky lanterns, and the use of hybrid devices in the NAS.

3. OBJECTIVES AND TASKS OF THE ARC. The Part 101 ARC will provide a forum for the United States aviation community and other NAS users to discuss, prioritize, and provide recommendations to the FAA concerning operations conducted under Part 101. The Part 101 ARC will specifically address operational criteria and limitations for unmanned free balloons, moored balloons, fireworks and sky lanterns. The FAA tasks the Part 101 ARC to review the following questions and provide recommendations, if appropriate, to the FAA.

Unmanned Free Balloons and Moored Balloons:

1. Should moored balloons be regulated differently based on size and weight?
 - a. Questions to consider include, but are not limited to: Should Part 101 apply to moored balloons based on a minimum payload weight? If so, what should that minimum payload weight be?

¹ See attached letter from Congressman Burgess.

2. What additional operating limitations, notice requirements, or lighting and marking requirements should the FAA impose on moored balloons to ensure the safety of all users in the NAS?
 - a. Questions to consider include, but are not limited to: Should these limitations and requirements differ based on the size and weight of the moored balloon? Should they be based on the type and size of the payload?
3. Should unmanned free balloons be regulated differently based on size and weight?
 - a. Questions to consider include, but are not limited to: Should Part 101 apply to unmanned free balloons based on a minimum total weight (balloon envelope, payload(s), etc.)? If so, what should that minimum total weight be?
4. What additional operating limitations should the FAA impose on unmanned free balloons to ensure the safety of all users in the NAS?
 - a. Questions to consider include, but are not limited to: Should the FAA require unmanned free balloon operators to obtain authorizations from the FAA prior to conducting operations? Should the FAA restrict unmanned free balloons from accessing certain classes of airspace?
5. What additional equipment and marking requirements should the FAA impose on unmanned free balloons to ensure the safety of all users in the NAS?
 - a. Questions to consider include, but are not limited to: Should the FAA require unmanned free balloons to be equipped with devices, such as transponders, ADS-B, or other devices, to provide position and altitude data to ATC? Should such requirements be imposed on both the balloon and the payload?
6. What additional notice requirements should the FAA impose on unmanned free balloons?
7. When should an operator be required to terminate an unmanned free balloon operation?
8. To ensure the safety of all users in the NAS, what requirements should the FAA impose on operations that use balloons as airborne launch platforms to launch devices, such as unmanned aircraft systems, model aircrafts, or rockets?

Fireworks/Pyrotechnics and Sky Lanterns:

1. Should fireworks/pyrotechnics and sky lanterns be regulated?
 - a. Questions to consider include, but are not limited to: Should the FAA regulate fireworks/pyrotechnics and sky lanterns as potential hazards or distractions for pilots? If so, should they only be regulated in close proximity to airports? If so, which operational parameters should the FAA consider when deciding which airports should be included in the regulations?
2. What additional operating limitations should the FAA impose on fireworks/pyrotechnics and sky lanterns?

- a. Questions to consider include, but are not limited to: Should the FAA limit the operating altitude?
3. What notice requirements or authorizations should the FAA impose on fireworks/pyrotechnics and sky lanterns?
 - a. Questions to consider include, but are not limited to: Should the FAA require notification, written or otherwise, prior to the proposed fireworks/pyrotechnics or sky lantern operation? If so, what criteria should trigger the notification requirement? Should the FAA require authorizations for fireworks/pyrotechnics and sky lantern operations? If so, what criteria should trigger the requirement to obtain authorization from the FAA?

Costs/Benefits:

1. As it relates to the ARC recommendations in the final report, what are the costs and benefits of the recommendations?
 - a. Questions to consider include, but are not limited to the following: What are the anticipated costs to operators regulated by Part 101? What are the costs to other NAS users? What are the benefits for operators regulated by Part 101, safety or otherwise? What are the benefits for other NAS users, safety or otherwise? What are any other costs or benefits to other entities?

Recommendation Report. The Part 101 ARC will submit a written report to the Director of Airspace Services, AJV-1 detailing recommendations that address the identified objectives and tasks as appropriate.

Please provide any available data to support ARC recommendations.

4. ARC PROCEDURES.

- a. The Part 101 ARC acts solely in an advisory capacity by advising and providing written recommendations to the Director of Airspace Services, AJV-1 and the Director of the Office of Rulemaking.
- b. The Part 101 ARC may propose additional tasks as necessary to the Director of Airspace Services, AJV-1 for approval.
- c. **Status Reports.** The Part 101 ARC will provide a written status update to the Director of Airspace Services, AJV-1 every 60 days.
- d. **Recommendation Report.** The Part 101 ARC will submit a written report detailing recommendations within six months from the effective date of the charter.
 - i. The Industry Co-Chair sends the recommendation report to both the Director of Airspace Services, AJV-1 and the Director of the Office of Rulemaking.
 - ii. The Director of Airspace Services, AJV-1 determines when the recommendation report is released to the public.
- e. The Part 101 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 of Airspace Services, AJV-1, 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, NAS users, and other interested parties. Members will be selected based on their familiarity with the two areas of interest and regulatory compliance. Membership will be balanced in viewpoints, interests, and knowledge of the objectives and scope.

The provisions of the August 13, 2014 Office of Management and Budget 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 now 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 see the Lobbying Disclosure Act of 1995 (LDA) as amended, 2 U.S.C 1603, 1603, and 1605.)

Membership is limited to promote discussion. Attendance, active participation and commitment by members are essential for achieving the objectives and tasks. It is anticipated that most Part 101 ARC participants will participate via teleconference. The Part 101 ARC should consider setting up two workgroups to address the two diverse areas of interest.

This Part 101 ARC will consist of members selected by the FAA, representing other Government entities, aviation associations, employee associations, industry organizations, academia, and other aviation industry participants.

The Part 101 ARC sponsor is the Director of Airspace Services, AJV-1. The FAA will provide support to the Part 101 ARC as requested by the Part 101 ARC co-chairs.

- a. The Part 101 ARC sponsor will:
 - 1) Select and appoint industry as members,
 - 2) Select an Industry Co-Chair from the membership of the Part 101 ARC,
 - 3) Select an FAA Co-Chair from the FAA line-of-business,
 - 4) Provide the FAA participation and support from all affected lines-of-business,
 - 5) Provide administrative support for the Part 101 ARC, through the Office of Airspace Services, and
 - 6) Receive all status reports and the recommendations report.
- b. Once appointed, the Industry Co-Chair will:
 - 1) Coordinate required committee and workgroup meetings in order to meet the objectives and timelines;
 - 2) Provide notification to the members of the time and place for each meeting;
 - 3) Establish and distribute meeting agendas in a timely manner;
 - 4) Keep meeting notes, if deemed necessary;
 - 5) Perform other responsibilities as required to ensure the objectives are met;
 - 6) Provide status reports in writing to the Director of Airspace Services, AJV-1; and

7) Submit the recommendation report to the Director of Airspace Services, AJV-1.

6. COST AND COMPENSATION. The estimated cost to the Federal Government for the Part 101 ARC is approximately \$2,500. 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 Part 101 ARC.

7. PUBLIC PARTICIPATION. Meetings are not open to the public. Persons or organizations outside the Part 101 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 Headquarters, 800 Independence Ave. S.W., 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/.

9. DISTRIBUTION. This charter is distributed to director level management in the Office of Airspace Services, the Office of the Chief Operating Officer for the Air Traffic Organization, 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. The Part 101 ARC is effective upon issuance of this charter. The Part 101 ARC will remain in existence for 24 months, unless the charter is suspended, terminated, or extended by the Administrator.

Issued in Washington, D.C. on May 23, 2016.

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

Michael P. Huerta
Administrator