

(a) The operator submits a request in a time and manner acceptable to the Administrator; and

(b) At the time of filing the flight plan for that flight, ATC determines that the aircraft may be provided appropriate separation and that the flight will not interfere with, or impose a burden on, the operations of operators who have been approved for RVSM operations in accordance with Section 3 of this appendix.

#### Section 6. Reporting Altitude-Keeping Errors

Each operator shall report to the Administrator each event in which the operator's aircraft has exhibited the following altitude-keeping performance:

- (a) Total vertical error of 300 feet or more;
- (b) Altimetry system error of 245 feet or more; or
- (c) Assigned altitude deviation of 300 feet or more.

#### Section 7. Removal or Amendment of Authority

The Administrator may amend operations specifications or management specifications issued under subpart K of this part to revoke or restrict an RVSM authorization, or may revoke or restrict an RVSM letter of authorization, if the Administrator determines that the operator is not complying, or is unable to comply, with this appendix or subpart H of this part. Examples of reasons for amendment, revocation, or restriction include, but are not limited to, an operator's:

- (a) Committing one or more altitude-keeping errors in RVSM airspace;
- (b) Failing to make an effective and timely response to identify and correct an altitude-keeping error; or
- (c) Failing to report an altitude-keeping error.

#### Section 8. Airspace Designation

(a) *RVSM in the North Atlantic.* (1) RVSM may be applied in the NAT in the following ICAO Flight Information Regions (FIRs): New York Oceanic, Gander Oceanic, Sondrestrom FIR, Reykjavik Oceanic, Shanwick Oceanic, and Santa Maria Oceanic.

(2) RVSM may be effective in the Minimum Navigation Performance Specification (MNPS) airspace within the NAT. The MNPS airspace within the NAT is defined by the volume of airspace between FL 285 and FL 420 (inclusive) extending between latitude 27 degrees north and the North Pole, bounded in the east by the eastern boundaries of control areas Santa Maria Oceanic, Shanwick Oceanic, and Reykjavik Oceanic and in the west by the western boundaries of control areas Reykjavik Oceanic, Gander Oceanic, and New York Oceanic, excluding the areas west of 60 degrees west and south of 38 degrees 30 minutes north.

(b) *RVSM in the Pacific.* (1) RVSM may be applied in the Pacific in the following ICAO Flight Information Regions (FIRs): Anchorage Arctic, Anchorage Continental, Anchorage Oceanic, Auckland Oceanic, Brisbane, Edmonton, Honiara, Los Angeles, Melbourne, Nadi, Naha, Nauru, New Zealand, Oakland, Oakland Oceanic, Port Moresby, Seattle, Tahiti, Tokyo, Ujung Pandang and Vancouver.

(c) *RVSM in the West Atlantic Route System (WATRS).* RVSM may be applied in the New York FIR portion of the West Atlantic Route System (WATRS). The area is defined as beginning at a point 38°30' N/60°00' W direct to 38°30' N/69°15' W direct to 38°20' N/69°57' W direct to 37°31' N/71°41' W direct to 37°13' N/72°40' W direct to 35°05' N/72°40' W direct to 34°54' N/72°57' W direct to 34°29' N/73°34' W direct to 34°33' N/73°41' W direct to 34°19' N/74°02' W direct to 34°14' N/73°57' W direct to 32°12' N/76°49' W direct to 32°20' N/77°00' W direct to 28°08' N/77°00' W direct to 27°50' N/76°32' W direct to 27°50' N/74°50' W direct to 25°00' N/73°21' W direct to 25°00'05' N/69°13'06' W direct to 25°00' N/69°07' W direct to 23°30' N/68°40' W direct to 23°30' N/60°00' W to the point of beginning.

(d) *RVSM in the United States.* RVSM may be applied in the airspace of the 48 contiguous states, District of Columbia, and Alaska, including that airspace overlying the waters within 12 nautical miles of the coast.

(e) *RVSM in the gulf of Mexico.* RVSM may be applied in the Gulf of Mexico in the following areas: Gulf of Mexico High Offshore Airspace, Houston Oceanic ICAO FIR and Miami Oceanic ICAO FIR.

(f) *RVSM in Atlantic High Offshore Airspace and the San Juan FIR.* RVSM may be applied in Atlantic High Offshore Airspace and in the San Juan ICAO FIR.

[Doc. No. 28870, 62 FR 17487, Apr. 9, 1997, as amended by Amdt. 91-261, 65 FR 5942, Feb. 7, 2000; Amdt. 91-271, 66 FR 63895, Dec. 10, 2001; Amdt. 91-274, 68 FR 54584, Sept. 17, 2003; Amdt. 91-276, 68 FR 70133, Dec. 17, 2003]

## PART 93—SPECIAL AIR TRAFFIC RULES

SPECIAL FEDERAL AVIATION REGULATION NO. 60 [NOTE]

SPECIAL FEDERAL AVIATION REGULATION NO. 105

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AUTHORITY: 49 U.S.C. 106(g), 40103, 40106, 40109, 40113, 44502, 44514, 44701, 44719, 46301.

**SPECIAL FEDERAL AVIATION REGULATION No. 60**

EDITORIAL NOTE: For the text of SFAR No. 60, see part 91 of this chapter.

**SPECIAL FEDERAL AVIATION REGULATION No. 105—OPERATING LIMITATIONS FOR UNSCHEDULED OPERATIONS AT CHICAGO'S O'HARE INTERNATIONAL AIRPORT**

Section 1. *Applicability.* This Special Federal Aviation Regulation (SFAR) No. 105 applies to persons conducting unscheduled arrivals under instrument flight rules (IFR) to Chicago's O'Hare International Airport (O'Hare) during the hours of 7 a.m. through 8:59 p.m., central time, Monday through Friday, and 12 p.m. through 8:59 p.m., central time on Sunday. This SFAR does not apply to helicopter operations, flights conducted under visual flight rules (VFR), or by foreign air carriers, except those flights conducted by Canadian air carriers or operators.

Section 2. *Terms.* For purposes of this SFAR:

“Additional Reservation” is an approved reservation above the operational limit in section 3. Additional Reservations are available for unscheduled arrivals only, and are allocated in accordance with the procedures described in section 7 of this SFAR.

“Airport Reservation Office (ARO)” is an operational unit of the FAA's David J. Hurley Air Traffic Control System Command Center. It is responsible for the administration of reservations for the “other” category of operations, i.e. unscheduled flights at High Density Traffic Airports (14 CFR, part 93, subpart k), unscheduled flights under Special Traffic Management Programs, and the O'Hare Arrival Reservation Program (excluding public charter flights allocated in accordance with section 6).

“Enhanced Computer Voice Reservation System (e-CVRS)” is the system used by the FAA to make arrival and/or departure reservations at designated airports requiring reservations. Reservations are made through a touch-tone telephone interface, an Internet Web interface, or directly through the ARO.

“Public Charter” is defined in 14 CFR 380.2 as a one-way or roundtrip charter flight to be performed by one or more direct air carriers that is arranged and sponsored by a charter operator.

“Public Charter Operator” is defined in 14 CFR 380.2 as a U.S. or foreign public charter operator.

“Reservation” is an authorization received in compliance with applicable Notices to Airmen (NOTAMs) and procedures established by the FAA Administrator to operate an unscheduled arrival flight to O'Hare during peak hours.

“Unscheduled Arrival” is an arrival other than one regularly conducted and scheduled by an air carrier or other operator between O’Hare and another service point. However, certain types of air carrier operations are also considered as unscheduled for the purposes of this rule, including public, on-demand, and other charter flights; hired aircraft service; ferry flights; and other non-passenger flights.

Section 3. *Operational Limits.* Except as provided for in section 7 below, Unscheduled IFR Arrivals to O’Hare are limited to four Arrival Reservations per hour and no more than two Arrival Reservations during each half-hour, for the peak hours described in section 1.

Section 4. *Reservation Requirement.* Each person conducting an unscheduled IFR flight to O’Hare during the peak hours described in section 1 must obtain, for such flight operation, an Arrival Reservation allocated by the ARO or, in the case of public charters, in accordance with the procedures in section 6. An Arrival Reservation is not an air traffic control clearance. Additionally, it is the separate responsibility of the pilot/operator to comply with all NOTAMs, security or other regulatory requirements to operate at O’Hare.

Section 5. *Reservation Procedures.*

a. The FAA’s ARO will receive and process all Reservation requests for Unscheduled Arrivals at O’Hare during the effective period, except for requests for public charter flights. Requests for Reservations for public charter flights are addressed in section 6. Reservations are allocated on a “first-come, first-served” basis determined by the time the request is received at the ARO. Standby lists are not maintained. The computer reservation system may be accessed using a touch-tone telephone, via the Internet, or by telephoning the ARO directly. Requests for Reservations will be accepted beginning 72 hours prior to the proposed time of arrival at O’Hare. For example, a request for an 11 a.m. Reservation on a Thursday will be accepted beginning at 11 a.m. on the previous Monday.

b. A maximum of two transactions per telephone call/Internet session will be accepted.

c. The ARO will allocate Reservations on a 30-minute basis. Reservation periods are half-hourly from the top and bottom of the hour (00 through 29 and 30 through 59) regardless of the arrival time within the period. For example, a 1920 arrival uses a 1900–1929 Reservation.

d. An Arrival Reservation does not ensure against traffic delays, nor does it guarantee arrival within the allocated time period. Aircraft specifically delayed by ATC traffic management initiatives are not required to obtain a new Reservation based on the revised arrival time.

e. Operators must check current NOTAMs in effect for the airport. A reservation from e-CVRS does not constitute permission to operate if additional operational limits or procedures are required by NOTAM and/or regulation.

f. The filing of a request for a Reservation does not constitute the filing of an IFR flight plan as required by regulation. The IFR flight plan must be filed only after the Reservation is obtained, and must be filed in accordance with FAA regulations and procedures. The ARO does not accept or process flight plans.

g. Operators may obtain Reservations by (1) accessing the Internet; (2) calling the ARO’s interactive computer system via touch-tone telephone; or (3) calling the ARO directly. The telephone number for the e-CVRS computer is 1-800-875-9694. This toll free number is valid for calls originating within the United States, Canada, and the Caribbean. Operators outside those areas may access e-CVRS by calling the toll number of (703) 707-0568. The Internet Web address for accessing e-CVRS is <http://www.fly.faa.gov/ecvrs>. Operators may contact the ARO at (703) 904-4452 if they have a technical problem making a Reservation using the automated interfaces, if they have a question concerning the procedures, or if they wish to make a telephone Reservation from outside the United States, Canada, or the Caribbean.

h. When filing a request for an Arrival Reservation at O’Hare, the operator must provide the following information:

(1) Date(s) and hour(s) (UTC) of the proposed arrival(s).

(2) Aircraft call sign, flight identification, or tail/registration number. Operators using a 3-letter identifier and flight number for air traffic control (ATC) communication must obtain a reservation using that same information. Operators communicating with ATC using an aircraft tail number or other flight identification must obtain a reservation using that information.

(3) Aircraft type identifier.

(4) Departure airport (3 or 4-letter identifier) immediately prior to arriving at O’Hare.

Should the requested time not be available, the closest available time before and after the requested time will be offered.

i. Changes must be made to an e-CVRS Reservation using the telephone interface, the Internet web interface, or by calling the ARO before the time of the allocated Arrival Reservation at O’Hare.

j. The operator must cancel the Reservation if it will not be used. Cancellations must be made through e-CVRS as soon as practical using the telephone interface, the Internet web interface, or by calling the ARO in order to release the Arrival Reservation for reallocation.

k. The following information is needed to change or cancel a Reservation:

- (1) Aircraft 3-letter identifier and flight number or registration/tail number used to make the original reservation.
- (2) Date and Time (UTC) of Reservation.
- (3) Reservation number.

Section 6. *Special Procedures for Public Charter Arrivals.*

a. One Arrival Reservation in each hour will be available for allocation to Public Charter operations prior to the adopted 72-hour Reservation window in section 5.

b. The Public Charter Operator may request an Arrival Reservation up to six months from the date of the flight operation. Reservations should be submitted to Federal Aviation Administration, Slot Administration Office, AGC-220, 800 Independence Avenue, SW., Washington, DC 20591. Submissions may be made by facsimile to (202) 267-7277 or by e-mail to 7-AWA-slotadmin@faa.gov.

c. The Public Charter Operator must certify that its prospectus has been accepted by the Department of Transportation in accordance with 14 CFR part 380.

d. The Public Charter Operator must identify the call sign/flight number or aircraft registration number of the direct air carrier, the date and time of the proposed arrival(s), origin airport immediately prior to O'Hare, and aircraft type. Any changes to an approved Reservation must be approved in advance by the Slot Administration Office.

e. If Arrival Reservations under paragraph (a) above have been allocated and are unavailable, the public charter operator may request Reservations under section 5.

Section 7. *Additional Reservations.*

a. Notwithstanding the restrictions in section 1, if the Air Traffic Organization determines that ATC weather and capacity conditions are favorable and significant delay is not likely, the FAA may determine that additional Reservations may be accommodated for a specific time period. Generally, the availability of additional Reservations will not be determined more than 8 hours in advance. Unused Arrival Reservations allocated for scheduled operations may also be made available for Unscheduled Arrivals. If available, additional Reservations will be added to e-CVRS and granted on a first-come, first-served basis using the procedures described in section 5 of this SFAR. Reservations for additional arrival operations are not granted by the local ATC facility and must be obtained through e-CVRS or the ARO.

b. An operator who has been unable to obtain a Reservation at the beginning of the 72-hour window may find that a Reservation may be available on the scheduled date of operation due to additional Reservations or cancellations.

c. ATC will accommodate declared emergencies without regard to Reservations. Non-

emergency flights in support of national security, law enforcement, military aircraft operations or public-use aircraft operations may be accommodated above the Reservation limits with the prior approval of the Vice President, System Operations Services, Air Traffic Organization. Procedures for obtaining the appropriate waiver will be included on the Internet at the e-CVS Web site at <http://www.fly.faa.gov/ecvrs>.

Section 8. *Making Arrival Reservations Using e-CVRS.*

a. Telephone users. When using a touch-tone telephone to make a Reservation, you are prompted for a response. All input is accomplished using the keypad on the telephone. One issue with a touch-tone telephone entry is that most keys have a letter and number associated with them. When the system asks for a date or time, it is expecting an input of numbers. A problem arises when entering a tail number, or 3-letter identifier. The system does not detect if you are entering a letter (alpha character) or a number. Therefore, when entering an aircraft identifier and flight number or aircraft registration/tail number, two keys are used to represent each letter or number. When entering a number, precede the number you wish by the number 0 (zero) i.e., 01, 02, 03, 04, \* \* \*. If you wish to enter a letter, first press the key on which the letter appears and then press 1, 2, or 3, depending upon whether the letter you desire is the first, second, or third letter on that key. For example to enter the letter "N," first press the "6" key because "N" is on that key, then press the "2" key because the letter "N" is the second letter on the "6" key. Since there are no keys for the letters "Q" and "Z," e-CVRS pretends they are on the number "1" key. Therefore, to enter the letter "Q," press 11, and to enter the letter "Z," press 12.

NOTE: The "N" character must be entered along with an aircraft tail number (see Table 1). Operators using a 3-letter identifier and flight number to communicate with ATC facilities must enter that same information when making a Reservation.

TABLE 1—CODES FOR CALL SIGN/TAIL NUMBER INPUT

Codes for Call Sign/Tail Number Input Only			
A-21	J-51	S-73	1-01
B-22	K-52	T-81	2-02
C-23	L-53	U-82	3-03
D-31	M-61	V-83	4-04
E-32	N-62	W-91	5-05
F-33	O-63	X-92	6-06
G-41	P-71	Y-93	7-07
H-42	Q-11	Z-12	8-08
I-43	R-72	0-00	9-09

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b. Additional helpful key entries:  
(See Table 2).

TABLE 2—HELPFUL KEY ENTRIES

#	After entering a call sign/tail number, depressing the "pound key" (#) twice will indicate the end of the tail number.
*	Will return to the start of the process.
2	
*	Will repeat the call sign/tail number used in a previous reservation.
3	
*	Will repeat the previous question.
5	
*	Tutorial Mode: Each prompt for input includes a more detailed description of what is expected as input. *8 are a toggle on/off switch. Entering *8 in tutorial mode will return you to the normal mode.
8	
*	Expert Mode: In the expert mode each prompt for input is brief with little or no explanation. Expert mode is also on/off toggle.
0	

c. Internet Web Based Interface. The e-CVRS reservation system includes a Web-based interface. The Internet option provides a fast, user-friendly environment for making Reservations. The Internet address is *http://www.fly.faa.gov/ecvrs*. Flight information may be added or edited using e-CVRS after the reservation is initially obtained.

All users of e-CVRS must complete a one-time registration form containing the following information: full name; e-mail address; a personal password; password confirmation; and company affiliation (optional). Your e-mail and password are required each time you login to use e-CVRS. Instructions are provided on each page to guide you through the reservation process. If you need help at any time, you can access page-specific help by clicking the question mark "?" located in the upper right corner of the page.

*Section 9. Expiration.* This Special Federal Aviation Regulation expires at 9 p.m., Central Time, on October 31, 2010 unless sooner terminated.

[70 FR 39620, July 8, 2005]

EFFECTIVE DATE NOTE: By Doc. No. FAA-2004-19411, 70 FR 39620, July 8, 2005, SFAR No. 105 was added, and amended by revising section 9 at 70 FR 66255, Nov. 2, 2005, effective Aug. 8, 2005 until Mar. 31, 2006. At 71 FR 16219, Mar. 31, 2006, section 9 was revised and the effective date was extended from Mar. 31, 2006, until Oct. 28, 2006. By Doc. No. FAA-2005-19411, 71 FR 64113, Nov. 1, 2006, filed in the Office of the Federal Register on Oct. 27, 2006, section 9 was revised and the effective date of SFAR No. 105 was extended through Oct. 31, 2008. By Amdt. 93-89, 73 FR 64517, Oct. 30, 2008, section 9 was revised and the effective date was extended through Oct. 31, 2010.

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Subpart A—General

§ 93.1 Applicability.

This part prescribes special air traffic rules for operating aircraft in certain areas described in this part, unless otherwise authorized by air traffic control.

[Doc. No. FAA-2002-13235, 68 FR 9795, Feb. 28, 2003]

Subpart B—Congestion and Delay Reduction at Chicago O'Hare International Airport

SOURCE: Doc. No. FAA-2005-20704, 71 FR 51400, Aug. 29, 2006, unless otherwise noted.

§ 93.21 Applicability.

(a) This subpart prescribes the air traffic rules for the arrival of aircraft used for scheduled service, other than helicopters, at Chicago's O'Hare International Airport (O'Hare).

(b) This subpart also prescribes procedures for the assignment, transfer, sale, lease, and withdrawal of Arrival Authorizations issued by the FAA for scheduled operations by U.S. and foreign air carriers at O'Hare.

(c) The provisions of this subpart apply to O'Hare during the hours of 7 a.m. through 8:59 p.m. Central Time, Monday through Friday, and 12 p.m. through 8:59 p.m. Central Time on Sunday. No person shall operate any scheduled arrival into O'Hare during such hours without first obtaining an Arrival Authorization in accordance with this subpart.

(d) Carriers that have Common Ownership shall be considered to be a single U.S. air carrier or foreign air carrier for purposes of this rule.

(e) The provisions of this subpart are applicable beginning October 29, 2006, and terminate at 9 p.m. on October 31, 2008.

§ 93.22 Definitions.

For the purposes of this subpart, the following definitions apply:

*Arrival Authorization* is the operational authority assigned by the FAA to a U.S. or foreign air carrier to conduct one scheduled arrival operation on a specific day of the week during a specific 30-minute period at O'Hare.

*Carrier* is a U.S. air carrier, Canadian air carrier or foreign air carrier with authority to conduct scheduled service at O'Hare under Parts 121, 129, 135 of the Chapter and the appropriate economic authority for scheduled service under Title 49 of the United States Code.

*Common Ownership* with respect to two or more carriers means having in common at least 50 percent beneficial ownership or control by the same entity or entities.

*Incumbent* is any U.S. or Canadian air carrier that is not a New Entrant or Limited Incumbent.

*International Arrival Authorization* is the operational authority assigned by the FAA to a Carrier to conduct one scheduled arrival operation at O'Hare from a foreign point or a continuation of a flight that began at a foreign point, except for arrivals at O'Hare from Canada by U.S. and Canadian air carriers.

*Limited Incumbent* is any U.S. or Canadian air carrier that holds or operates, on its own behalf, 8 or fewer Arrival Authorizations provided that it has not sold or otherwise transferred Arrival Authorizations, other than one-for-one transfers permitted in this subpart. Any Limited Incumbent that sells or otherwise transfers an Arrival Authorization shall thereafter be treated as an Incumbent for purposes of this rule.

*New Entrant* is any U.S. or Canadian air carrier that does not hold or operate, and has never held or operated any Arrival Authorization at O'Hare, on its own behalf.

*Preferred Lottery* is a lottery conducted by the FAA to assign Arrival Authorizations, with initial preference for New Entrants and Limited Incumbents.

*Scheduled Arrival* is the arrival segment of any operation regularly conducted by a carrier between O'Hare and another point regularly served by that carrier.

*Summer Scheduling Season* is the period of time from the first Sunday in April until the last Sunday in October. Beginning March 11, 2007, the summer scheduling season is the period of time from the second Sunday in March until the first Sunday in November.

*Winter Scheduling Season* is the period of time from the last Sunday in October until the first Sunday in April. Beginning March 11, 2007, the winter scheduling season is the first Sunday in November until the second Sunday in March.

### § 93.23 Arrival Authorizations.

(a) Except as otherwise established by the FAA under paragraph (d) of this section and § 93.29 of this subpart, the number of Arrival Authorizations shall be limited to:

(1) 88 per hour between the hours of 7 a.m. and 7:59 p.m. Monday through Friday and 12 p.m. and 7:59 p.m. Sunday,

(i) Not to exceed 50 during each half-hour beginning at 7 a.m. and ending at 7:59 p.m.

(ii) Not to exceed 88 within any two consecutive 30-minute periods.

(2) 98 between 8 p.m. and 8:59 p.m. Monday through Friday, and Sunday, not to exceed 50 between 8 p.m. and 8:29 p.m. and 50 between 8:30 p.m. and 8:59 p.m.

(b) An Arrival Authorization is a temporary operating privilege subject to FAA control. Only Carriers may hold Arrival Authorizations. Arrival Authorizations may not be bought, sold, leased, or otherwise transferred to another Carrier, except as provided in §§ 93.27 and 93.28 of this subpart.

(c) Beginning six months from the effective date of this rule and on each six-month anniversary thereafter, the FAA shall conduct a review of existing capacity at O'Hare, to determine whether to increase the number of Arrival Authorizations. The FAA will consider the following factors:

- (1) The number of delays;
- (2) The length of delays;
- (3) Weather conditions;
- (4) On-time arrivals and departures;
- (5) The number of actual arrival operations;
- (6) Runway utilization and capacity plans; and
- (7) Other factors relating to the efficient management of the national air space system.

(d) Notwithstanding paragraph (a), the Administrator may increase the number of Arrival Authorizations based on the review conducted in paragraph (c) of this section.

## § 93.24 [Reserved]

**§ 93.25 Initial assignment of Arrival Authorizations to U.S. and Canadian air carriers for domestic and U.S./Canada transborder service.**

(a) The FAA shall assign to each U.S. and Canadian air carrier, conducting scheduled service at O'Hare, as of the effective date of this rule, Arrival Authorizations for each scheduled arrival that it published for either domestic or U.S./Canada transborder service for any day during the 7-day period of November 1 through 7, 2004, as evidenced by the FAA's records, not to exceed the peak-day limits for each carrier established under the August 18, 2004, "Order Limiting Scheduled Operations at O'Hare International Airport." A carrier's total assignment under this paragraph shall be reduced accordingly by (i) any international Arrival Authorizations assigned under § 93.29 (a), and (ii) if the carrier transferred or traded for consideration any arrival authorizations to another carrier under the October 2006 order amending the August 18, 2004 order and the transferee carrier meets the conditions of paragraph (b) of this section, the number of such traded or transferred authorizations.

(b) The FAA shall assign an Arrival Authorization to each U.S. and Canadian air carrier that did not publish a scheduled domestic or U.S./Canada transborder arrival during the period of time referenced in paragraph (a) of this section for arrivals for which the carrier:

(1) Was entitled to under the August 18, 2004, "Order Limiting Scheduled Operations at O'Hare International Airport," as amended, and is conducting scheduled service at O'Hare as of the effective date of this rule; or

(2) Has initiated scheduled service or received FAA approval of a trade or transfer under the August 18, 2004, "Order Limiting Scheduled Operations at O'Hare International Airport," as amended, as long as operations conducted under the Arrival Authorization begin no later than January 27, 2007.

(c) Arrival Authorizations will be assigned to the U.S. or Canadian air carrier that actually operated the flight regardless of any codeshare or mar-

keting arrangement unless such carrier did not market the flight under its own code and the inventory of the flight was under the control of another Carrier. If the inventory was under the control of another Carrier, the FAA shall assign the Arrival Authorization to that Carrier. Carriers may subsequently transfer Arrival Authorizations for use by other Carriers under their marketing control in accordance with § 93.2(m).

(d) Any Arrival Authorization not assigned under paragraphs (a) or (b) of this section will be assigned to carriers conducting scheduled international service under § 93.29. Any remaining Arrival Authorizations will be assigned by preferred lottery under § 93.30.

(e) The FAA Vice President, System Operations Services, is the final decision-maker for determinations under this section.

[Doc. No. FAA-2005-20704, 71 FR 51400, Aug. 29, 2006, as amended by Amdt. 93-86, 71 FR 60426, Oct. 13, 2006]

**§ 93.26 Reversion and withdrawal of Arrival Authorizations.**

(a) A U.S. or Canadian air carrier's Arrival Authorizations assigned under §§ 93.25 or 93.27 revert automatically to the FAA 30 days after the Carrier has ceased all operations at O'Hare for any reason other than a strike.

(b) The FAA may withdraw or temporarily suspend Arrival Authorizations at any time as a result of reduced airport capacity or to fulfill operational needs. Whenever Arrival Authorizations must be withdrawn, they will be withdrawn in the required 30-minute Arrival Authorization time periods in accordance with the priority list established under § 93.32 of this subpart.

(c) Any Arrival Authorization that is withdrawn or temporarily suspended under paragraph (b) will, if reassigned, be reassigned to the Carrier from which it was taken, provided that the Carrier continues to conduct scheduled operations at O'Hare.

(d) The FAA shall not withdraw or temporarily suspend under paragraph (b) any Arrival Authorizations if the result would be to reduce a Carrier's total number of Arrival Authorizations below eight.

(e) Except as otherwise provided in paragraph (a) of this section, the FAA will notify the affected Carrier before withdrawing or temporarily suspending any Arrival Authorization and specify the date by which operations under the authorizations must cease. The FAA will provide at least 45 days' notice unless otherwise required by operational needs.

**§ 93.27 Sale and lease of Arrival Authorizations.**

(a) No U.S. or Canadian air carriers may sell or lease its Arrival Authorizations at O'Hare except in accordance with the procedures in this section and in the manner prescribed by the FAA. Carriers may not buy, sell, lease or otherwise transfer control of Arrival Authorizations assigned under § 93.29.

(b) Only monetary consideration may be provided in any transaction conducted under this section.

(c) New Entrants and Limited Incumbents may not sell, lease, or otherwise transfer control of any Arrival Authorizations assigned through a Preferred Lottery within 12 months of such assignment, except to another New Entrant or Limited Incumbent. One-for-one trades to other Carriers under § 93.28 are permitted.

(d) A U.S. or Canadian air carrier seeking to sell or lease an Arrival Authorization must provide the following information in writing to the FAA:

- (1) Arrival Authorization number and time;
- (2) Frequency;
- (3) Planned effective date(s) of transfer;
- (4) Minimum reserve price, if established by the offering carrier;
- (5) Other pertinent information, if applicable; and
- (6) Carrier's authorized representative.

(e) The FAA will post a notice of the available Arrival Authorization and specific information concerning the proposed sale or lease transaction on the FAA Web site at <http://www.fly.faa.gov>. The Web site will include information regarding registration to be advised of posted transactions, and other relevant information pertaining to this section. The FAA will post the notice within two

business days after receipt of all required information from the U.S or Canadian air carrier offering the Arrival Authorization for sale or lease. The notice will provide ten business days for bids to be received and will specify a bid closing date and time. Only U.S. and Canadian air carriers may bid on Arrival Authorizations. Information identifying the Carrier providing the Arrival Authorization for sale or lease will not be posted or released by the FAA until after the FAA has approved the transfer.

(f) All bids must be sent to the FAA electronically, via the FAA Web site, by the closing date and time, and no extensions of time will be granted. Late bids will not be considered. All bids will be held confidential, with each bidder certifying in a form acceptable to the FAA that its bid has not been disclosed to any person not its agent.

(g) The FAA will forward the highest qualifying bid to the selling or leasing U.S. or Canadian air carrier without identifying the bidder. The selling or leasing Carrier will have up to three business days to accept or reject the bid. The selling or leasing Carrier must notify the FAA via the Web site or in writing of its acceptance no later than 5 p.m. Eastern Time on the third business day. If the selling or leasing Carrier does not notify the FAA of its acceptance within the allotted time, the transaction will terminate.

(h) Upon acceptance, the FAA will notify the U. S. or Canadian air carrier, who submitted the highest bid, and request that the buyer/lessee and the seller/lessor submit to the FAA the information (such as Arrival Authorization number, frequency and effective date(s) of transfer) required to transfer the Arrival Authorization.

(i) Each U.S. or Canadian air carrier must provide the FAA evidence of its consent and each Carrier must certify that only monetary consideration will be or has been exchanged.

(j) The FAA will approve requested transfers of Arrival Authorizations that comply with these regulations. The recipient U.S. or Canadian air carrier of the transfer may not use the Arrival Authorization until the conditions in paragraph (i) of this section

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have been met and the FAA has approved the transfer.

(k) The FAA will keep a record of all bids received and of each Arrival Authorization transfer, including the identity of both Carriers and the winning bid price, all of which will be made available to the public.

(l) U.S. or Canadian air carriers may request the FAA post notice that it is seeking to lease or purchase an Arrival Authorization at O'Hare. The Carrier may submit information in writing or via the FAA's Web site. This information may include the effective date, number or timing of Arrival Authorizations sought, whether a Carrier is seeking to purchase or lease, maximum price offered, or other pertinent information. The FAA may edit any submissions, or choose not to post certain information, in order to ensure the integrity of the solicitation process. Information identifying the Carrier seeking an Arrival Authorization for sale or lease will not be posted or released by the FAA. The FAA will post such requests within two business days of receipt for a period of at least 30 days. Any resulting offers to sell or lease Arrival Authorizations shall be conducted in accordance with this subsection.

(m) A U.S. or Canadian air carrier may transfer an Arrival Authorization to another U.S. or Canadian air carrier that conducts operations at O'Hare solely under the transferring Carrier's marketing control, including the entire inventory of the flight. Each Carrier must provide written evidence of its consent to the transfer. The FAA will approve requested transfers that comply with these regulations. The FAA Vice President, System Operations Services, is the final decision-maker for determinations under this subsection. The recipient Carrier of the transfer may not use the Arrival Authorization until the FAA has provided written confirmation. A record of each Arrival Authorization will be kept on file by the FAA and made available to the public on request.

**§ 93.28 One-for-one trade of Arrival Authorizations.**

(a) Except as otherwise provided in this subpart, any Carrier may exchange an Arrival Authorization it has been

assigned with another Carrier on a one-for-one basis for the purpose of conducting that operation in a different half-hour time period.

(b) Written evidence of each Carrier's consent to the transfer must be provided to the FAA.

(c) The FAA will approve requested transfers of Arrival Authorizations that comply with these regulations. The recipient Carrier of the transfer may not use the Arrival Authorization until written confirmation has been received from the FAA.

(d) A U.S. or Canadian air carrier assigned Arrival Authorizations under § 93.29 may trade on a one-for-one basis within its own base of Arrival Authorizations subject to FAA approval, provided that the purpose is to operate the arrival flight from a foreign point outside Canada in a different half-hour time period than assigned. The FAA must confirm the transfer prior to operation.

(e) A record of each Arrival Authorization exchange will be kept on file by the FAA and made available to the public upon request.

(f) Carriers participating in a one-for-one transfer must certify to the FAA that no other consideration will be or has been provided for the exchange.

**§ 93.29 International Arrival Authorizations.**

(a) Except as otherwise provided in paragraph (d) of this section, the FAA shall make an initial assignment of Arrival Authorizations to U.S. and Canadian carriers arriving from a foreign point, excluding Canada, or any other foreign carrier arriving from a foreign point or the continuation of a flight that begins at a foreign point for the winter and summer scheduling seasons as follows. This section does not apply to arrivals at O'Hare from Canada by U.S. or Canadian air carriers.

(1) *Winter Scheduling Season.* Upon request, the FAA shall assign to each Carrier that published a scheduled arrival during the Winter 2006 Scheduling Season, as evidenced by the FAA's records, a corresponding Arrival Authorization for the Winter 2007 Scheduling Season.

(2) *Summer Scheduling Season.* Upon request, the FAA shall assign to each

Carrier that published a scheduled arrival for the Summer 2006 Scheduling Season, as evidenced by the FAA's records, a corresponding Arrival Authorization for the Summer 2007 Scheduling Season.

(3) Arrival Authorizations will be assigned to the Carrier that actually operated the flight regardless of any codeshare or marketing arrangement unless the flight was predominately marketed, by contract, under the control of another Carrier. If the flight was under the marketing control of another Carrier or the entire inventory was under the control of another Carrier, the FAA shall assign the Arrival Authorization to that Carrier.

(4) The FAA Vice President, System Operations Services, is the final decision-maker for determinations under this subsection.

(b) Notwithstanding the limit on Arrival Authorization in §93.23(a), any U.S. or Canadian air carrier arriving at O'Hare from a foreign point, excluding Canada, shall be assigned an Arrival Authorization under this section for that flight.

(c) Notwithstanding the limit on Arrival Authorizations in §93.23(a), any non-Canadian, foreign air carrier conducting scheduled service and arriving at O'Hare shall be assigned an Arrival Authorization under this section for that flight.

(d) The Department of Transportation reserves the right to withhold the assignment of an Arrival Authorization to any foreign air carrier of a country that does not provide equivalent rights of access to its airports for U.S. air carriers, as determined by the Secretary of Transportation.

(e) For each scheduling season, Carriers must request Arrival Authorizations under this section in accordance with the procedures announced by the FAA in the FEDERAL REGISTER. A Carrier may request to operate more flights from foreign points than the number for which it received Arrival Authorizations under §93.29(a) or to operate historic arrivals in a different half-hour than initially assigned for the previous corresponding scheduling season. The Arrival Authorizations will be assigned at the time requested unless:

(1) An Arrival Authorization is available within one hour of the requested time, in which case, the unassigned Arrival Authorization will be used to satisfy the request; or

(2) Operational efficiencies support assignment within one hour of the requested period. The FAA Vice President, System Operations Services, is the final decision-maker for determinations under this subsection.

(f) Each request for Arrival Authorizations under this section shall specify the complete flight information including the carrier identifier, flight number, complete flight itinerary, frequency, scheduled arrival time, aircraft and service type, effective dates and whether the Arrival Authorization is for a new or historic flight.

(g) Arrival Authorizations assigned under this section cannot be bought, sold, leased or transferred under §93.27 but subject to FAA approval may be traded on a one-for-one basis under §93.28 to meet the Carrier's operational needs.

(h) Arrival Authorizations assigned under this section are not subject to minimum usage requirements of §93.31 of this subpart but will revert to the FAA if not used for 15 consecutive days. Arrival Authorizations assigned under this section may only be used for a flight arriving from a foreign point or for non-Canadian, foreign air carriers, the continuation of a flight that begins at a foreign point.

**§93.30 Assignment provisions for domestic and U.S./Canada transborder service.**

(a) Whenever the FAA has determined that sufficient Arrival Authorizations are available, they will be assigned by lottery in accordance with this section. Only U.S. and Canadian air carriers are eligible to participate in a lottery. U.S. and Canadian air carriers must hold appropriate economic authority for scheduled service under Title 49 of the U.S.C. and FAA operating authority under parts 121, 129, or 135 of this chapter to select Arrival Authorizations in a lottery.

(b) Arrival Authorizations not assigned under §93.25, or returned to the

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FAA under §§93.26(a) or 93.31 for reassignment shall be assigned by a Preferred Lottery.

(c) Any Arrival Authorization available as the result of an increase in the hourly limits under §93.23(a) of this part from 88 Arrival Authorizations to 89 or 90 shall be assigned by Preferred Lottery.

(d) Any Arrival Authorizations available as the result of an increase above 90 in the hourly limits specified in §93.23(a) of this subpart shall be assigned by lottery that is open to all U.S. and Canadian air carriers eligible to participate.

(e) The FAA will publish a notice in the FEDERAL REGISTER announcing the lottery dates and any special procedures for the lotteries.

(f) Any U.S. or Canadian air carrier seeking to participate in any lottery must notify the FAA in writing, and such notification must be received by the FAA 15 days prior to the lottery date. The U.S. or Canadian air carrier must specify if it is requesting to participate in a lottery as a New Entrant or Limited Incumbent. The U.S. or Canadian air carrier must also disclose in its notification whether it has Common Ownership with any other Carrier and, if so, identify such Carrier.

(g) A random lottery shall be held to determine the order in which participating Carriers shall select an Arrival Authorization.

(h) In any Preferred Lottery, each New Entrant and Limited Incumbent will have the opportunity to select Arrival Authorizations, if available as provided in paragraph (i) of this section, until it holds a total of eight Arrival Authorizations. Arrival Authorizations remaining after all New Entrants and Limited Incumbents have been accommodated may be assigned to any other Carrier participating in the lottery. Arrival Authorizations remaining after all New Entrants and Limited Incumbents have been accommodated may be assigned to any U.S. or Canadian air carrier participating in the lottery for a minimum of 12 months, and then until the next lottery, when such Arrival Authorizations would again be available on a preferred basis to New Entrants and Limited Incumbents.

(i) At the lottery, each Carrier must make its selection within 5 minutes after being called or it shall lose its turn. If Arrival Authorizations still remain after each Carrier has had an opportunity to select Arrival Authorizations, the assignment sequence will be repeated in the same order. A Carrier may select one Arrival Authorization during each sequence, except that New Entrants may select two Arrival Authorizations, if available, in the first sequence of a Preferred Lottery.

(j) If there are available Arrival Authorizations for a temporary period, for example, Arrival Authorizations pending assignment in a lottery or international arrivals that are temporarily returned, the FAA may assign these Authorizations on a non-permanent, first-come, first-served basis.

#### §93.31 Minimum usage requirement.

(a) Except as provided in §93.29 and paragraphs (b) and (c) of this section, any Arrival Authorizations not used at least 80 percent of the time over a two-month period shall be withdrawn by the FAA.

(b) Paragraph (a) of this section does not apply to Arrival Authorizations obtained under §93.30 or bought under §93.27 during the first 90 days after assignment.

(c) Paragraph (a) of this section does not apply to Arrival Authorizations of U.S. or Canadian air carrier forced by a strike to cease operations using those Arrival Authorizations.

(d) Every U.S. and Canadian air carrier holding Arrival Authorizations shall forward in writing to the FAA Slot Administration Office in a format specified by the FAA a list of all Arrival Authorizations held by the Carrier along with a listing of the Arrival Authorizations actually operated for each day of the 2-month reporting period within 14 days after the last day of the 2-month reporting period beginning January 1 and every 2 months thereafter. The report shall identify for each assigned Arrival Authorization the withdrawal priority number and half-hour period, the flight number, 3-letter identifier of the operating Carrier used for air traffic control communications, scheduled time of operation, origin airport, and whether a scheduled arrival

was actually operated by the Carrier on a specified day. The report shall identify any Common Ownership or control of, by, or with any other carrier. A senior official of the Carrier shall sign the report.

(e) The Administrator may waive the requirements of paragraph (a) of this section in the event of a highly unusual and unpredictable condition which is beyond the control of the Carrier and which exists for a period of 5 consecutive days or more. Examples of conditions that could justify waiver under this paragraph are weather conditions that result in the restricted operation of an airport for an extended period of time or the grounding of any aircraft type.

(f) The FAA will treat as used any Arrival Authorization held by a carrier on Thanksgiving Day, the Friday following Thanksgiving Day, and the period from December 24 through the first Sunday in January.

#### § 93.32 Administrative provisions.

(a) The FAA will assign, by random lottery, withdrawal priority numbers for the recall priority of Arrival Authorizations at O'Hare. The lowest numbered Arrival Authorization will be the last withdrawn. Newly created Arrival Authorizations will be assigned a priority withdrawal number and that number will be higher than any other Arrival Authorization withdrawal number previously assigned. Each Arrival Authorization will be assigned a designation consisting of the applicable withdrawal priority number, and the 30-minute time period for the Arrival Authorization. The designation will also indicate, as appropriate, if the Arrival Authorization is daily or for certain days of the week only; and is a summer or winter Arrival Authorization.

(b) All transactions regarding Arrival Authorizations under this subpart must be in a written or electronic format approved by the FAA.

#### § 93.33 [Reserved]

### Subpart C—LaGuardia Airport Traffic Rules

SOURCE: Doc. No. FAA-2006-25709, 73 FR 60598, Oct. 10, 2008, unless otherwise noted.

#### § 93.35 Applicability.

(a) This subpart prescribes the air traffic rules for the arrival and departure of aircraft used for scheduled and unscheduled service, other than helicopters, at LaGuardia Airport (LaGuardia).

(b) This subpart also prescribes procedures for the assignment, transfer, sublease and withdrawal of Slots issued by the FAA for scheduled operations at LaGuardia.

(c) The provisions of this subpart apply to LaGuardia during the hours of 6:00 a.m. through 9:59 p.m., Eastern Time, Monday through Friday and from 12 noon through 9:59 p.m., Eastern Time, Sunday. No person shall operate any scheduled arrival or departure into or out of LaGuardia during such hours without first obtaining a slot in accordance with this subpart. No person shall conduct an unscheduled operation to or from LaGuardia during such hours without first obtaining a reservation.

(d) Carriers that have common ownership shall be considered a single air carrier for purposes of this rule.

(e) The slots assigned under this subpart terminate at 10:00 p.m. on March 9, 2019.

#### § 93.36 Definitions.

For purposes of this subpart, the following definitions apply:

*Airport Reservation Office (ARO)* is an operational unit of the FAA's David J. Hurley Air Traffic Control System Command Center. It is responsible for the administration of reservations for unscheduled operations at LaGuardia.

*Base of operations* are those common slots held by a carrier at LaGuardia on December 9, 2008, that do not exceed 20 operations per day and all slots guaranteed under The Air Transport Agreement between the Government of the United States of America and the Government of Canada.

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*Carrier* is a U.S. or foreign air carrier with authority to conduct scheduled service under Parts 121, 129, or 135 of this chapter and the appropriate economic authority for scheduled service under 14 CFR chapter II and 49 U.S.C. chapters 411 and 413.

*Common ownership* with respect to two or more carriers means having in common at least 50 percent beneficial ownership or control by the same entity or entities.

*Common slot* is a slot that is allocated by the FAA as a lease under its cooperative agreement authority for the length of this rule.

*Enhanced computer voice reservation system (e-CVRS)* is the system used by the FAA to make arrival and/or departure reservations for unscheduled operations at LaGuardia and other designated airports.

*Limited slot* is a slot, the lease for which expires prior to the expiration of this rule for retirement or subsequent allocation by the FAA as an unrestricted slot.

*Public charter* is defined in 14 CFR 380.2 as a one-way or roundtrip charter flight to be performed by one or more direct air carriers that is arranged and sponsored by a public charter operator.

*Public charter operator* is defined in 14 CFR 380.2 as a U.S. or foreign public charter operator.

*Reservation* is an authorization received by a carrier or other operator of an aircraft, excluding helicopters, in accordance with procedures established by the FAA to operate an unscheduled arrival or departure on a particular day during a specific 60-minute period.

*Scheduled operation* is the arrival or departure segment of any operation regularly conducted by a carrier between LaGuardia and another point regularly served by that carrier.

*Slot* is the operational authority assigned by the FAA to a carrier to conduct one scheduled operation or a series of scheduled operations at LaGuardia on a particular day(s) of the week during a specific 30-minute period.

*Unrestricted slot* is a slot that is allocated to a carrier by the FAA via the auction of a lease.

*Unscheduled operation* is an arrival or departure segment of any operation

that is not regularly conducted by a carrier or other operator of an aircraft, excluding helicopters, between LaGuardia and another service point. The following types of carrier operations shall be considered unscheduled operations for the purposes of this rule: Public, on-demand, and other charter flights; hired aircraft service; extra sections of scheduled flights; ferry flights; and other non-passenger flights.

**§ 93.37 Slots for scheduled arrivals and departures.**

(a) During the hours of 6 a.m. through 9:59 p.m., Eastern Time, Monday through Friday and from 12 noon through 9:59 p.m., Eastern Time, Sunday, no person shall operate any scheduled arrival or departure into or out of LaGuardia without first obtaining a slot in accordance with this subpart.

(b)(1) Prior to March 8, 2009, the number of slots shall be limited to no more than seventy-five (75) per hour unless otherwise provided by the Administrator. The number of slots may not exceed 38 in any 30-minute period, and 75 in any 60-minute period.

(2) Effective March 8, 2009, and except as otherwise established by the FAA under paragraph (c) of this section, the number of slots available from 6 a.m. through 9:59 p.m. shall be limited to no more than seventy-one (71) per hour. The number of slots may not exceed 38 in any 30-minute period, and 71 in any 60-minute period. The number of arrival and departure slots in any period may be adjusted by the FAA as necessary based on the actual or potential delays created by such number or other considerations relating to congestion, airfield capacity and the air traffic control system.

(c) Notwithstanding paragraph (b) of this section, the Administrator may increase the number of slots based on a review of the following:

- (1) The number of delays;
- (2) The length of delays;
- (3) On-time arrivals and departures;
- (4) The number of actual operations;
- (5) Runway utilization and capacity plans; and
- (6) Other factors relating to the efficient management of the National Airspace System.

**§ 93.38 Categories of slots.**

Each slot shall be designated as a common slot, limited slot or unrestricted slot and shall be assigned to the carrier under a lease agreement. A lease for a common or limited slot shall be assigned via a cooperative agreement. A lease for an unrestricted slot shall be awarded via an auction.

**(a) Common slots.**

(1) All slots within any carrier's base of operations as determined on December 9, 2008 shall be designated as common slots.

(2) 176 slots at LaGuardia on December 9, 2008 shall be designated as limited slots or unrestricted slots. All other slots shall be designated as common slots.

(b) Limited slots. Those slots assigned to a carrier subject to return to the FAA under § 93.39(c) and (d) shall be designated as limited slots until the date of their reassignment by the FAA as unrestricted slots or their retirement by the FAA. A carrier may continue to use a limited slot that has reverted to the FAA until the second Sunday in the following March.

(1) Each carrier with a total number of daily operations at LaGuardia in excess of its base of operations, will be notified by no later than December 9, 2008 how many of its slots will be designated as limited slots pursuant to paragraphs (b)(3) and (4) of this section.

(2) A carrier shall designate 50 percent of its limited slots. The carrier must notify the FAA of its designation by December 19, 2008.

(3) The FAA will designate the remaining limited slots, initially excluding those hours in which five or more slots have been designated as limited slots by the carriers.

(4) No later than December 29, 2008, the FAA will publish a list of all limited slots and the dates upon which they will expire.

(c) Unrestricted slots. Unrestricted slots are slots acquired by a carrier through a lease with the FAA awarded via an auction. Unrestricted slots are not subject to withdrawal by the FAA.

**§ 93.39 Initial assignment of slots.**

(a) Except as provided for under paragraphs (b) and (c) of this section, any carrier allocated operating rights

under the Order, Operating Limitations at New York LaGuardia Airport, during the week of September 28–October 4, 2008, as evidenced by the FAA's records, will be assigned corresponding slots in 30-minute periods consistent with the limits under § 93.37(b). If necessary, the FAA may utilize administrative measures such as voluntary measures or a lottery to re-time the assigned slots within the same hour to meet the 30-minute limits under § 93.37(b). The FAA Vice President, System Operations Services, is the final decision-maker for determinations under this section.

(b) If a carrier was allocated operating rights under the Order Limiting Operations at LaGuardia Airport during the week of September 28–October 4, 2008, but the operating rights were held by another carrier regularly conducting operations at the airport as of that week, then the corresponding slots will be assigned to the carrier that held the operating rights for that period, as evidenced by the FAA's records.

(c)(1) In accordance with the schedule published under § 93.38(b)(4),

(i) Twenty-four (24) limited slots shall revert to the FAA on January 8, 2009 and be auctioned as unrestricted slots by the FAA.

(ii) Every year thereafter, twenty-two (22) limited slots shall revert to the FAA and be auctioned as unrestricted slots by the FAA.

(2) Any slot receiving no responsive bids will be retired until the next auction.

(3) An affected carrier will be allowed to use the limited slot until the following second Sunday in March.

(d) On March 8, 2009, the FAA will retire 64 of the limited slots returned to the FAA under § 93.38(b).

[Doc. No. FAA-2006-25709, 73 FR 60598, Oct. 10, 2008; 73 FR 66517, Nov. 10, 2008]

**§ 93.40 Assignment of new or returned slots.**

(a) New capacity or capacity returned to the FAA pursuant to the provisions of § 93.44 will be reassigned by the FAA via an auction. Slots acquired from the FAA under the auction proceeding shall be designated as unrestricted slots.

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(b) The FAA may decide to accumulate a quantity of slots prior to conducting an auction.

### §93.41 Reversion and withdrawal of slots.

(a) This section does not apply to unrestricted slots.

(b) A carrier's common slots or limited slots revert back to the FAA 30 days after the carrier has ceased all operations at LaGuardia for any reasons other than a strike.

(c) The FAA may retime, withdraw or temporarily suspend common slots and limited slots at any time to fulfill operational needs.

(d) Common slots and limited slots temporarily withdrawn for operational need will be withdrawn in accordance with the priority list established under §93.47.

(e) Except as otherwise provided in paragraph (a) of this section, the FAA will notify an affected carrier before withdrawing or temporarily suspending a common slot or limited slot and specify the date by which operations under the common slot or limited slot must cease. The FAA will provide at least 45 days' notice unless otherwise required by operational needs.

(f) Any common slot or limited slot that is temporarily withdrawn under this paragraph will be reassigned, if at all, only to the carrier from which it was withdrawn, provided the carrier continues to conduct scheduled operations at LaGuardia.

(g) Should the Administrator determine that the cap on scheduled operations at LaGuardia is too high, he may withdraw common slots to reduce the cap. Any such action by the Administrator shall be subject to the notice and comment provisions of the Administrative Procedure Act.

### §93.42 Sublease and transfer of slots.

(a) A carrier may sublease its slots to another carrier in accordance with this section and subject to the provisions of the carrier's lease agreement with the FAA. The character of the slot (*e.g.*, common slot) will not change.

(b) A carrier must provide notice to the FAA to sublease a slot. Such notice must contain: The slot number and time, effective dates and, if appro-

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priate, the duration of the lease. The carrier may also provide the FAA with a minimum bid price.

(c) The FAA will post a notice of the offer to sublease the slot and relevant details on the FAA Web site at <http://www.faa.gov>. An opening date, closing date and time by which bids must be received will be provided.

(d) Upon consummation of the transaction, written evidence of each carrier's consent to sublease must be provided to the FAA, as well as all bids received and the terms of the sublease, including but not limited to:

(1) The names of all bidders and all parties to the transaction;

(2) The offered and final length of the sublease;

(3) The consideration offered by all bidders and provided by the sublessee.

(e) The slot may not be used until the conditions of paragraph (d) of this section have been met, and the FAA provides notice of its approval of the sublease.

(f) A carrier may transfer a slot to another carrier that conducts operations at LaGuardia solely under the transferring carrier's marketing control, including the entire inventory of the flight. Each party to such transfer must provide written evidence of its consent to the transfer, and the FAA must confirm and approve these transfers in writing prior to the effective date of the transaction. However, the FAA will approve transfers under this paragraph up to five business days after the actual operation to accommodate operational disruptions that occur on the same day of the scheduled operation. The FAA Vice President, System Operations Services is the final decision maker for any determinations under this section.

(g) A carrier wishing to sublease a slot via an FAA auction under §93.39(c), rather than pursuant to this section may do so. The carrier shall retain the proceeds and the slot shall retain the same designation that it had prior to the carrier placing it up for auction.

### §93.43 One-for-one trade of slots.

(a) A carrier may trade a slot with another carrier on a one-for-one basis.

(b) Written evidence of each carrier's consent to the trade must be provided to the FAA.

(c) No recipient of the trade may use the acquired slot until written confirmation has been received from the FAA.

(d) Carriers participating in a one-for-one trade must certify to the FAA that no consideration or promise of consideration was provided by either party to the trade.

#### § 93.44 Minimum Usage Requirements.

(a) This section does not apply to unrestricted slots.

(b) Any common slot or limited slot that is not used at least 80 percent of the time over a consecutive two-month period shall be withdrawn by the FAA.

(c) The FAA may waive the requirements of paragraph (b) of this section in the event of a highly unusual and unpredictable condition which is beyond the control of the carrier and which affects carrier operations for a period of five or more consecutive days. Examples of conditions which could justify a waiver under this paragraph are weather conditions that result in the restricted operation of the airport for an extended period of time or the grounding of an aircraft type.

(d) The FAA will treat as used any common slot or limited slot held by a carrier on Thanksgiving Day, the Friday following Thanksgiving Day, and the period from December 24 through the first Sunday of January.

#### § 93.45 Unscheduled operations.

(a) During the hours of 6 a.m. through 9:59 p.m., Monday through Friday, and 12 noon through 9:59 p.m. on Sunday, no person may operate an aircraft other than a helicopter to or from LaGuardia unless he or she has received, for that unscheduled operation, a reservation that is assigned by the Airport Reservation Office (ARO) or in the case of public charters, in accordance with the procedures in paragraph (d) of this section. Requests for reservations will be accepted through the e-CVRS beginning 72 hours prior to the proposed time of arrival to or departure from LaGuardia. Additional information on procedures for obtaining a

reservation is available on the Internet at <http://www.fly.faa.gov/ecvrs>.

(b) Three reservations are available per hour, including those assigned to public charter operations under paragraph (d) of this section. The ARO will assign reservations on a 60-minute basis.

(c) The ARO will receive and process all reservation requests for unscheduled arrivals and departures at LaGuardia. Reservations are assigned on a "first-come, first-served" basis determined by the time the request is received at the ARO. Reservations must be cancelled if they will not be used as assigned.

(d) One reservation per hour will be available for allocation to public charter operations prior to the 72-hour Reservation window in paragraph (a) of this section.

(1) The public charter operator may request a reservation up to six months in advance of the date of flight operation. Reservation requests should be submitted to Federal Aviation Administration, Slot Administration Office, AGC-200, 800 Independence Avenue, SW., Washington, DC 20591. Submissions may be made via facsimile to (202) 267-7277 or by e-mail to [7-awa-slotadmin@faa.gov](mailto:7-awa-slotadmin@faa.gov).

(2) The public charter operator must certify that its prospectus has been accepted by the Department of Transportation in accordance with 14 CFR part 380.

(3) The public charter operator must identify the call sign/flight number or aircraft registration number of the direct air carrier, the date and time of the proposed operation(s), the airport served immediately prior to or after LaGuardia, and aircraft type. Any changes to an approved reservation must be approved in advance by the Slot Administration Office.

(4) If reservations under paragraph (d)(1) of this section have already been allocated, the public charter operator may request a reservation under paragraph (a) of this section.

(e) The filing of a request for a reservation does not constitute the filing of an IFR flight plan as required by regulation. The IFR flight plan may be filed only after the reservation is obtained, must include the reservation

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number in the “Remarks” section, and must be filed in accordance with FAA regulations and procedures.

(f) Air Traffic Control will accommodate declared emergencies without regard to reservations. Non-emergency flights in direct support of national security, law enforcement, military aircraft operations, or public-use aircraft operations may be accommodated above the reservation limits with the prior approval of the Vice President, System Operations Services, Air Traffic Organization. Procedures for obtaining the appropriate waiver are available on the Internet at <http://www.fly.faa.gov/ecvrs>.

(g) Notwithstanding the limits in paragraph (b) of this section, if the Air Traffic Organization determines that air traffic control, weather and capacity conditions are favorable and significant delay is unlikely, the FAA may determine that additional reservations may be accommodated for a specific time period. Unused slots may also be made available temporarily for unscheduled operations. Reservations for additional operations must be obtained through the ARO.

(h) Reservations may not be bought, sold or leased.

### §93.46 Reporting requirements.

(a) Within 14 days after the last day of the two-month period beginning January 1, 2009 and every two months thereafter, each carrier must report, in a format acceptable to the FAA, the following information for each slot:

- (1) The slot number, time, and arrival or departure designation;
- (2) The operating carrier;
- (3) The date and scheduled time of each of the operations conducted pursuant to the slot, including the flight number and origin/destination;
- (4) The aircraft type identifier.

(b) The FAA may withdraw the common slot or limited slot of any carrier that does not meet the reporting requirements of paragraph (a) of this section.

### §93.47 Administrative provisions.

(a) Each slot shall be assigned a number for administrative convenience.

(b) The FAA will assign priority numbers by random lottery for com-

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mon slots and limited slots at LaGuardia. Each common slot and limited slot will be assigned a withdrawal priority number, and the 30-minute time period for the common slot or limited slot, frequency, and the arrival or departure designation.

(c) If the FAA determines that operations need to be reduced for operational reasons, the lowest assigned priority number common slot or limited slot will be the last withdrawn.

(d) Any slot available on a temporary basis may be assigned by the FAA to a carrier on a non-permanent, first-come, first-served basis subject to permanent assignment under this subpart. Any remaining slots may be made available for unscheduled operations on a non-permanent basis and will be assigned under the same procedures applicable to other operating reservations.

(e) All transactions under this subpart must be in a written or electronic format approved by the FAA.

### Subpart D—Anchorage, Alaska, Terminal Area

SOURCE: Docket No. 29029, 64 FR 14976, Mar. 29, 1999, unless otherwise noted.

#### §93.51 Applicability.

This subpart prescribes special air traffic rules for aircraft operating in the Anchorage, Alaska, Terminal Area.

[Doc. No. FAA-2002-13235, 68 FR 9795, Feb. 28, 2003]

#### §93.53 Description of area.

The Anchorage, Alaska, Terminal Area is designated as that airspace extending upward from the surface to the upper limit of each of the segments described in §93.55. It is bounded by a line beginning at Point MacKenzie, extending westerly along the bank of Knik Arm to a point intersecting the 350° bearing from the Anchorage International ATCT; thence north to intercept the 5.2-mile arc centered on the geographical center of Anchorage, Alaska, ATCT; thence counterclockwise along that arc to its intersection with a line bearing 180° from the intersection of the new Seward Highway and International Airport Road; thence due north to O'Malley

Road; thence east along O'Malley Road to its intersection with Lake Otis Parkway; thence northerly along Lake Otis Parkway to its intersection with Abbott Road; thence east along Abbott Road to its intersection with Abbott Loop Road; thence north to its intersection with Tudor Road; thence easterly along Tudor Road to its intersection with Muldoon Road; thence northerly along Muldoon Road to the intersection of the Glenn Highway; thence north and east along the Glenn Highway to Ski Bowl Road; thence southeast along the Ski Bowl Road to a point one-half mile south of the Glenn Highway; thence north and east one-half mile south of and parallel to the Glenn Highway to its intersection with a line one-half mile east of and parallel to the Bryant Airport Runway 16/34 extended centerline; thence northeast along a line one-half mile east of and parallel to Bryant Airport Runway 16/34 extended centerline to lat. 61°17'13"N., long. 149°37'35"W.; thence west along lat. 61°17'13"N., to long. 149°43'08"W.; thence north along long. 149°43'08"W., to lat. 61°17'30"N.; thence to lat. 61°17'58"N., long. 149°44'08"W.; thence to lat. 61°19'10"N., long. 149°46'44"W.; thence north along long. 149°46'44"W., to intercept the 4.7-mile radius arc centered on Elmendorf Air Force Base (AFB), Alaska; thence counterclockwise along the 4.7-mile radius arc to its intersection with the west bank of Knik Arm; thence southerly along the west bank of Knik Arm to the point of beginning.

[Doc. No. 29029, 64 FR 14976, Mar. 29, 1999; Amdt. 93-77, 64 FR 17439, Apr. 9, 1999]

#### § 93.55 Subdivision of Terminal Area.

The Anchorage, Alaska, Terminal Area is subdivided as follows:

(a) *International segment.* That area from the surface to and including 4,100 feet MSL, within a 5.2-mile radius of the Anchorage International ATCT; excluding that airspace east of the 350° bearing from the Anchorage International ATCT and north of the 090° bearing from the Anchorage International ATCT and east of a line bearing 180° and 360° from the intersection of the new Seward Highway and International Airport Road and the airspace extending upward from the surface to

but not including 600 feet MSL, south of lat. 61°08'28"N.

(b) *Merrill segment.* That area from the surface to and including 2,500 feet MSL, within a line beginning at Point Noname; thence direct to the mouth of Ship Creek; thence direct to the intersection of the Glenn Highway and Muldoon Road; thence south along Muldoon Road to Tudor Road; thence west along Tudor Road to the new Seward Highway; thence direct to West Anchorage High School; thence direct to Point MacKenzie; thence via the north bank of Knik Arm to the point of beginning.

(c) *Lake Hood segment.* That area from the surface to and including 2,500 feet MSL, within a line beginning at Point MacKenzie; thence direct to West Anchorage High School; thence direct to the intersection of Tudor Road and the new Seward Highway; thence south along the new Seward Highway to the 090° bearing from the Anchorage International ATCT; thence west direct to the Anchorage International ATCT; thence north along the 350° bearing from the Anchorage International ATCT to the north bank of Knik arm; thence via the north bank of Knik Arm to the point of beginning.

(d) *Elmendorf segment.* That area from the surface to and including 3,000 feet MSL, within a line beginning at Point Noname; thence via the north bank of Knik Arm to the intersection of the 4.7-mile radius of Elmendorf AFB; thence clockwise along the 4.7-mile radius of Elmendorf AFB to long. 149°46'44"W.; thence south along long. 149°46'44"W. to lat. 61°19'10"N.; thence to lat. 61°17'58"N., long. 149°44'08"W.; thence to lat. 61°17'30"N., long. 149°43'08"W.; thence south along long. 149°43'08"W. to the Glenn Highway; thence south and west along the Glenn Highway to Muldoon Road; thence direct to the mouth of Ship Creek; thence direct to the point of beginning.

(e) *Bryant segment.* That area from the surface to and including 2,000 feet MSL, within a line beginning at lat. 61°17'13"N., long. 149°37'35"W.; thence west along lat. 61°17'13"N., to long. 149°43'08"W.; thence south along long. 149°43'08"W., to the Glenn Highway; thence north and east along the Glenn Highway to Ski Bowl Road; thence

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southeast along the Ski Bowl Road to a point one-half mile south of the Glenn Highway; thence north and east one-half mile south of and parallel to the Glenn Highway to its intersection with a line one-half mile east of and parallel to the Bryant Airport Runway 16/34 extended centerline; thence northeast along a line one-half mile east of and parallel to Bryant Airport runway 16/34 extended centerline to the point of beginning.

(f) *Seward Highway segment.* That area from the surface to and including 4,100 feet MSL, within a line beginning at the intersection of a line bearing 180° from the intersection of the new Seward Highway and International Airport Road, and O'Malley Road; thence east along O'Malley Road to its intersection with Lake Otis Park Way, lat. 61°07'23"N., long. 149°50'03"W.; thence northerly along Lake Otis Park Way to its intersection with Abbott Road, lat. 61°08'14"N., long. 149°50'03"W.; thence east along Abbott Road to its intersection with Abbott Loop Road, lat. 61°08'14"N., long. 149°48'16"W.; thence due north to intersect with Tudor Road, lat. 61°10'51"N., long. 149°48'16"W.; thence west along Tudor Road to its intersection with the new Seward Highway, lat. 61°10'51"N., long. 149°51'38"W.; thence south along the new Seward Highway to its intersection with a line bearing 180° and 360° from the intersection of the new Seward Highway and International Airport Road; thence south to the point of beginning.

[Doc. No. 29029, 64 FR 14976, Mar. 29, 1999; Amdt. 93-77, 64 FR 17439, Apr. 9, 1999]

### § 93.57 General rules: All segments.

(a) Each person operating an aircraft to, from, or on an airport within the Anchorage, Alaska, Terminal Area shall operate that aircraft according to the rules set forth in this section and §§ 93.59, 93.61, 93.63, 93.65, 93.67, or 93.68 as applicable, unless otherwise authorized or required by ATC.

(b) Each person operating an airplane within the Anchorage, Alaska Terminal Area shall conform to the flow of traffic depicted on the appropriate aeronautical charts.

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(c) Each person operating a helicopter shall operate it in a manner so as to avoid the flow of airplanes.

(d) Except as provided in § 93.65 (d) and (e), and § 93.67(b), each person operating an aircraft in the Anchorage, Alaska, Terminal Area shall operate that aircraft only within the designated segment containing the arrival or departure airport.

(e) Except as provided in §§ 93.63(d) and 93.67(b), each person operating an aircraft in the Anchorage, Alaska, Terminal Area shall maintain two-way radio communications with the ATCT serving the segment containing the arrival or departure airport.

### § 93.59 General rules: International segment.

(a) No person may operate an aircraft at an altitude between 1,200 feet MSL and 2,000 feet MSL in that portion of this segment lying north of the midchannel of Knik Arm.

(b) Each person operating an airplane at a speed of more than 105 knots within this segment (except that part described in paragraph (a) of this section) shall operate that airplane at an altitude of at least 1,600 feet MSL until maneuvering for a safe landing requires further descent.

(c) Each person operating an airplane at a speed of 105 knots or less within this segment (except that part described in paragraph (a) of this section) shall operate that airplane at an altitude of at least 900 feet MSL until maneuvering for a safe landing requires further descent.

### § 93.61 General rules: Lake Hood segment.

(a) No person may operate an aircraft at an altitude between 1,200 feet MSL and 2,000 feet MSL in that portion of this segment lying north of the midchannel of Knik Arm.

(b) Each person operating an airplane within this segment (except that part described in paragraph (a) of this section) shall operate that airplane at an altitude of at least 600 feet MSL until maneuvering for a safe landing requires further descent.

**§ 93.63 General rules: Merrill segment.**

(a) No person may operate an aircraft at an altitude between 600 feet MSL and 2,000 feet MSL in that portion of this segment lying north of the midchannel of Knik Arm.

(b) Each person operating an airplane at a speed of more than 105 knots within this segment (except for that part described in paragraph (a) of this section) shall operate that airplane at an altitude of at least 1,200 feet MSL until maneuvering for a safe landing requires further descent.

(c) Each person operating an airplane at a speed of 105 knots or less within this segment (except for that part described in paragraph (a) of this section) shall operate that airplane at an altitude of at least 900 feet MSL until maneuvering for a safe landing requires further descent.

(d) Whenever the Merrill ATCT is not operating, each person operating an aircraft either in that portion of the Merrill segment north of midchannel of Knik Arm, or in the Seward Highway segment at or below 1200 feet MSL, shall contact Anchorage Approach Control for wake turbulence and other advisories. Aircraft operating within the remainder of the segment should self-announce intentions on the Merrill Field CTAF.

**§ 93.65 General rules: Elmendorf segment.**

(a) Each person operating a turbine-powered aircraft within this segment shall operate that aircraft at an altitude of at least 1,700 feet MSL until maneuvering for a safe landing requires further descent.

(b) Each person operating an airplane (other than turbine-powered aircraft) at a speed of more than 105 knots within this segment shall operate that airplane at an altitude of at least 1,200 feet MSL until maneuvering for a safe landing requires further descent.

(c) Each person operating an airplane (other than turbine-powered aircraft) at a speed of 105 knots or less within the segment shall operate that airplane at an altitude of at least 800 feet MSL until maneuvering for a safe landing requires further descent.

(d) A person landing or departing from Elmendorf AFB, may operate that

aircraft at an altitude between 1,500 feet MSL and 1,700 feet MSL within that portion of the International and Lake Hood segments lying north of the midchannel of Knik Arm.

(e) A person landing or departing from Elmendorf AFB, may operate that aircraft at an altitude between 900 feet MSL and 1,700 feet MSL within that portion of the Merrill segment lying north of the midchannel of Knik Arm.

(f) A person operating in VFR conditions, at or below 600 feet MSL, north of a line beginning at the intersection of Farrell Road and the long. 149°43'08"W.; thence west along Farrell Road to the east end of Sixmile Lake; thence west along a line bearing on the middle of Lake Lorraine to the northwest bank of Knik Arm; is not required to establish two-way radio communications with ATC.

[Doc. No. 29029, 64 FR 14977, Mar. 29, 1999; Amdt. 93-77, 64 FR 17439, Apr. 9, 1999]

**§ 93.67 General rules: Bryant segment.**

(a) Each person operating an airplane to or from the Bryant Airport shall conform to the flow of traffic shown on the appropriate aeronautical charts, and while in the traffic pattern, shall operate that airplane at an altitude of at least 1,000 feet MSL until maneuvering for a safe landing requires further descent.

(b) Each person operating an aircraft within the Bryant segment should self-announce intentions on the Bryant Airport CTAF.

**§ 93.68 General rules: Seward Highway segment.**

(a) Each person operating an airplane in the Seward Highway segment shall operate that airplane at an altitude of at least 1,000 feet MSL unless maneuvering for a safe landing requires further descent.

(b) Each person operating an aircraft at or below 1,200 feet MSL that will transition to or from the Lake Hood or Merrill segment shall contact the appropriate ATCT prior to entering the Seward Highway segment. All other persons operating an airplane at or below 1,200 feet MSL in this segment shall contact Anchorage Approach Control.

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(c) At all times, each person operating an aircraft above 1,200 MSL shall contact Anchorage Approach Control prior to entering the Seward Highway segment.

**§ 93.69 Special requirements, Lake Campbell and Sixmile Lake Airports.**

Each person operating an aircraft to or from Lake Campbell or Sixmile Lake Airport shall conform to the flow of traffic for the Lake operations that are depicted on the appropriate aeronautical charts.

**Subpart E—Flight Restrictions in the Vicinity of Niagara Falls, New York**

**§ 93.71 General operating procedures.**

(a) Flight restrictions are in effect below 3,500 feet MSL in the airspace above Niagara Falls, New York, west of a line from latitude 43°06'33" N., longitude 79°03'30" W. (the Whirlpool Rapids Bridge) to latitude 43°04'47" N., longitude 79°02'44" W. (the Niagara River Inlet) to latitude 43°04'29" N., longitude 79°03'30" W. (the International Control Dam) to the United States/Canadian Border and thence along the border to the point of origin.

(b) No flight is authorized below 3,500 feet MSL in the area described in paragraph (a) of this section, except for aircraft operations conducted directly to or from an airport/heliport within the area, aircraft operating on an ATC-approved IFR flight plan, aircraft operating the Scenic Falls Route pursuant to approval of Transport Canada, aircraft carrying law enforcement officials, or aircraft carrying properly accredited news representatives for which a flight plan has been filed with Buffalo NY (BUF) Automated Flight Service Station (AFSS).

(c) Check with Transport Canada for flight restrictions in Canadian airspace. Commercial air tour operations approved by Transport Canada will be conducting a north/south orbit of the Niagara Falls area below 3,500 feet MSL over the Niagara River.

(d) The minimum altitude for VFR flight over the Scenic Falls area is 3,500 feet MSL.

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(e) Comply with the following procedures when conducting flight over the area described in paragraph (a) of this section:

- (1) Fly a clockwise pattern;
- (2) Do not proceed north of the Rainbow Bridge;
- (3) Prior to joining the pattern, broadcast flight intentions on frequency 122.05 Mhz, giving altitude and position, and monitor the frequency while in the pattern;
- (4) Use the Niagara Falls airport altimeter setting. Contact Niagara Falls Airport Traffic Control Tower to obtain the current altimeter setting, to facilitate the exchange of traffic advisories/restrictions, and to reduce the risk of midair collisions between aircraft operating in the vicinity of the Falls. If the Control Tower is closed, use the appropriate Automatic Terminal Information Service (ATIS) Frequency;
- (5) Do not exceed 130 knots;
- (6) Anticipate heavy congestion of VFR traffic at or above 3,500 feet MSL; and
- (7) Use caution to avoid high-speed civil and military aircraft transiting the area to or from Niagara Falls Airport.

(f) These procedures do not relieve pilots from the requirements of § 91.113 of this chapter to see and avoid other aircraft.

(g) Flight following, to and from the area, is available through Buffalo Approach.

[Doc. No. FAA–2002–13235, 68 FR 9795, Feb. 28, 2003]

**Subpart F—Valparaiso, Florida, Terminal Area**

**§ 93.80 Applicability.**

This subpart prescribes special air traffic rules for aircraft operating in the Valparaiso, Florida, Terminal Area.

[Doc. No. FAA–2002–13235, 68 FR 9795, Feb. 28, 2003]

**§ 93.81 Applicability and description of area.**

The Valparaiso, Florida Terminal Area is designated as follows:

(a) North-South Corridor. The North-South Corridor includes the airspace extending upward from the surface up to, but not including, 18,000 feet MSL, bounded by a line beginning at:

Latitude 30°42'51" N., Longitude 86°38'02" W.;  
to  
Latitude 30°43'18" N., Longitude 86°27'37" W.;  
to  
Latitude 30°37'01" N., Longitude 86°27'37" W.;  
to  
Latitude 30°37'01" N., Longitude 86°25'30" W.;  
to  
Latitude 30°33'01" N., Longitude 86°25'30" W.;  
to  
Latitude 30°33'01" N., Longitude 86°25'00" W.;  
to  
Latitude 30°25'01" N., Longitude 86°25'00" W.;  
to  
Latitude 30°25'01" N., Longitude 86°38'12" W.;  
to  
Latitude 30°29'02" N., Longitude 86°38'02" W.;  
to point of beginning.

(b) East-West Corridor—The East-West Corridor is divided into three sections to accommodate the different altitudes as portions of the corridor underlie restricted areas R-2915C, R-2919B, and R-2914B.

(1) The west section would include that airspace extending upward from the surface to but not including 8,500 feet MSL, bounded by a line beginning at: Latitude 30°22'47" N., Longitude 86°51'30" W.; then along the shoreline to Latitude 30°23'46" N., Longitude 86°38'15" W.; to Latitude 30°20'51" N., Longitude 86°38'50" W.; then 3 NM from and parallel to the shoreline to Latitude 30°19'31" N., Longitude 86°51'30" W.; to the beginning.

(2) The center section would include that airspace extending upward from the surface to but not including 18,000 feet MSL, bounded by a line beginning at:

Latitude 30°25'01" N., Longitude 86°38'12" W.;  
to  
Latitude 30°25'01" N., Longitude 86°25'00" W.;  
to  
Latitude 30°25'01" N., Longitude 86°22'26" W.;  
to  
Latitude 30°19'46" N., Longitude 86°23'45" W.;  
then 3 NM from and parallel to the shoreline to Latitude 30°20'51" N.,  
Longitude 86°38'50" W.; to Latitude 30°23'46" N.,  
Longitude 86°38'15" W.; to the beginning.

(3) The east section would include that airspace extending upward from the surface to but not including 8,500

feet MSL, bounded by a line beginning at:

Latitude 30°25'01" N., Longitude 86°22'26" W.;  
to  
Latitude 30°22'01" N., Longitude 86°08'00" W.;  
to  
Latitude 30°19'16" N., Longitude 85°56'00" W.;  
to  
Latitude 30°11'01" N., Longitude 85°56'00" W.;  
then 3 NM from and parallel to the shoreline to Latitude 30°19'46" N., Longitude 86°23'45" W.; to the beginning.

[Amdt. 93-70, 59 FR 46154, Sept. 6, 1994 as amended by Amdt. 93-82, 68 FR 9795, Feb. 28, 2003]

#### § 93.83 Aircraft operations.

(a) *North-South Corridor*. Unless otherwise authorized by ATC (including the Eglin Radar Control Facility), no person may operate an aircraft in flight within the North-South Corridor designated in § 93.81(b)(1) unless—

(1) Before operating within the corridor, that person obtains a clearance from the Eglin Radar Control Facility or an appropriate FAA ATC facility; and

(2) That person maintains two-way radio communication with the Eglin Radar Control Facility or an appropriate FAA ATC facility while within the corridor.

(b) *East-West Corridor*. Unless otherwise authorized by ATC (including the Eglin Radar Control Facility), no person may operate an aircraft in flight within the East-West Corridor designated in § 93.81(b)(2) unless—

(1) Before operating within the corridor, that person establishes two-way radio communications with Eglin Radar Control Facility or an appropriate FAA ATC facility and receives an ATC advisory concerning operations being conducted therein; and

(2) That person maintains two-way radio communications with the Eglin Radar Control Facility or an appropriate FAA ATC facility while within the corridor.

[Amdt. 93-70, 59 FR 46155, Sept. 6, 1994]

#### Subpart G—Special Flight Rules in the Vicinity of Los Angeles International Airport

SOURCE: Doc. No. FAA-2002-14149, 68 FR 41214, July 10, 2003, unless otherwise noted.

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### § 93.91 Applicability.

This subpart prescribes special air traffic rules for aircraft conducting VFR operations in the Los Angeles, California Special Flight Rules Area.

### § 93.93 Description of area.

The Los Angeles Special Flight Rules Area is designated as that part of Area A of the Los Angeles Class B airspace area at 3,500 feet above mean sea level (MSL) and at 4,500 feet MSL, beginning at Ballona Creek/Pacific Ocean (lat. 33°57'42" N, long. 118°27'23" W), then eastbound along Manchester Blvd. to the intersection of Manchester/405 Freeway (lat. 33°57'42" N, long. 118°22'10" W), then southbound along the 405 Freeway to the intersection of the 405 Freeway/Imperial Highway (lat. 33°55'51" N, long. 118° 22'06" W), then westbound along Imperial Highway to the intersection of Imperial Highway/Pacific Ocean (lat. 33°55'51" N, long. 118°26'05" W), then northbound along the shoreline to the point of beginning.

### § 93.95 General operating procedures.

Unless otherwise authorized by the Administrator, no person may operate an aircraft in the airspace described in § 93.93 unless the operation is conducted in accordance with the following procedures:

(a) The flight must be conducted under VFR and only when operation may be conducted in compliance with § 91.155(a) of this chapter.

(b) The aircraft must be equipped as specified in § 91.215(b) of this chapter replying on code 1201 prior to entering and while operating in this area.

(c) The pilot shall have a current Los Angeles Terminal Area Chart in the aircraft.

(d) The pilot shall operate on the Santa Monica very high frequency omni-directional radio range (VOR) 132° radial.

(e) Aircraft navigating in a southeasterly direction shall be in level flight at 3,500 feet MSL.

(f) Aircraft navigating in a northwesterly direction shall be in level flight at 4,500 feet MSL.

(g) Indicated airspeed shall not exceed 140 knots.

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(h) Anti-collision lights and aircraft position/navigation lights shall be on. Use of landing lights is recommended.

(i) Turbojet aircraft are prohibited from VFR operations in this area.

### § 93.97 Operations in the SFRA.

Notwithstanding the provisions of § 91.131(a) of this chapter, an air traffic control authorization is not required in the Los Angeles Special Flight Rules Area for operations in compliance with § 93.95. All other provisions of § 91.131 of this chapter apply to operations in the Los Angeles Special Flight Rules Area.

## Subparts H–I [Reserved]

## Subpart J—Lorain County Regional Airport Traffic Rule

### § 93.117 Applicability.

This subpart prescribes a special air traffic rule for aircraft operating at the Lorain County Regional Airport, Lorain County, Ohio.

[Doc. No. FAA–2002–13235, 68 FR 9795, Feb. 28, 2003]

### § 93.119 Aircraft operations.

Each person piloting an airplane landing at the Lorain County Regional Airport shall enter the traffic pattern north of the airport and shall execute a right traffic pattern for a landing to the southwest or a left traffic pattern for a landing to the northeast. Each person taking off from the airport shall execute a departure turn to the north as soon as practicable after takeoff.

[Doc. No. 8669, 33 FR 11749, Aug. 20, 1968]

## Subpart K—High Density Traffic Airports

### § 93.121 Applicability.

This subpart designates high density traffic airports and prescribes air traffic rules for operating aircraft, other than helicopters, to or from those airports.

[Doc. No. 9974, 35 FR 16592, Oct. 24, 1970, as amended by Amdt. 93–27, 38 FR 29464, Oct. 25, 1973]

**§ 93.123 High density traffic airports.**

(a) Each of the following airports is designated as a high density traffic airport and, except as provided in § 93.129 and paragraph (b) of this section, or unless otherwise authorized by ATC, is limited to the hourly number of allocated IFR operations (takeoffs and landings) that may be reserved for the specified classes of users for that airport:

IFR OPERATIONS PER HOUR

Class of user	AIRPORT			
	LaGuardia <sup>4</sup> , 5	Newark	O'Hare <sup>2</sup> , 3, 5	Ronald Reagan National <sup>1</sup>
Air carriers ..	48	40	120	37
Commuters ..	14	10	25	11
Other .....	6	10	10	12

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	Air carriers	Commuters	Other
1500 .....	69	15	2
1600 .....	74	12	2
1700 .....	80	13	0
1800 .....	75	10	2
1900 .....	63	12	2

<sup>1</sup> Washington National Airport operations are subject to modifications per Section 93.124.

<sup>2</sup> The hour period in effect at O'Hare begins at 6:45 a.m. and continues in 30-minute increments until 9:15 p.m.

<sup>3</sup> Operations at O'Hare International Airport shall not—  
(a) Except as provided in paragraph (c) of the note, exceed 62 for air carriers and 13 for commuters and 5 for "other" during any 30-minute period beginning at 6:45 a.m. and continuing every 30 minutes thereafter.

(b) Except as provided in paragraph (c) of the note, exceed more than 120 for air carriers, 25 for commuters, and 10 for "other" in any two consecutive 30-minute periods.

(c) For the hours beginning at 6:45 a.m., 7:45 a.m., 11:45 a.m., 7:45 p.m. and 8:45 p.m., the hourly limitations shall be 105 for air carriers, 40 for commuters and 10 for "other," and the 30-minute limitations shall be 55 for air carriers, 20 for commuters and 5 for "other." For the hour beginning at 3:45 p.m., the hourly limitations shall be 115 for air carriers, 30 for commuters and 10 for "others", and the 30-minute limitations shall be 60 for air carriers, 15 for commuters and 5 for "other."

<sup>4</sup> Operations at LaGuardia Airport shall not—  
(a) Exceed 26 for air carriers, 7 for commuters and 3 for "other" during any 30-minute period.

(b) Exceed 48 for air carriers, 14 for commuters, and 6 for "other" in any two consecutive 30-minute periods.

<sup>5</sup> Pursuant to bilateral agreement, 14 slots at LaGuardia and 24 slots at O'Hare are allocated to the Canadian carriers. These slots are excluded from the hourly quotas set forth in § 93.123 above.

(b) The following exceptions apply to the allocations of reservations prescribed in paragraph (a) of this section.

(1) The allocations of reservations among the several classes of users do not apply from 12 midnight to 6 a.m. local time, but the total hourly limitation remains applicable.

(2) [Reserved]

(3) The allocation of 37 IFR reservations per hour for air carriers except commuters at Washington National Airport does not include charter flights, or other nonscheduled flights of scheduled or supplemental air carriers. These flights may be conducted without regard to the limitation of 37 IFR reservations per hour.

(4) The allocation of IFR reservations for air carriers except commuters at LaGuardia, Newark, O'Hare, and Washington National Airports does not include extra sections of scheduled flights. The allocation of IFR reservations for scheduled commuters at Washington National Airport does not include extra sections of scheduled flights. These flights may be conducted without regard to the limitation upon the hourly IFR reservations at those airports.

(5) Any reservation allocated to, but not taken by, air carrier operations (except commuters) is available for a scheduled commuter operation.

(6) Any reservation allocated to, but not taken by, air carrier operations (except commuters) or scheduled commuter operations is available for other operations.

(c) For purposes of this subpart—

(1) The number of operations allocated to *air carriers except commuters*, as used in paragraph (a) of this section refers to the number of operations conducted by air carriers with turboprop and reciprocating engine aircraft having a certificated maximum passenger seating capacity of 75 or more or with turbojet powered aircraft having a certificated maximum passenger seating capacity of 56 or more, or, if used for cargo service in air transportation, with any aircraft having a maximum payload capacity of 18,000 pounds or more.

(2) The number of operations allocated to scheduled commuters, as used in paragraph (a) of this section, refers to the number of operations conducted by air carriers with turboprop and reciprocating engine aircraft having a certificated maximum passenger seating capacity of less than 75 or by turbojet aircraft having a certificated maximum passenger seating capacity

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of less than 56, or if used for cargo service in air transportation, with any aircraft having a maximum payload capacity of less than 18,000 pounds. For purposes of aircraft operations at Ronald Reagan Washington National Airport, the term “commuters” means aircraft operations using aircraft having a certificated maximum seating capacity of 76 or less.

(3) Notwithstanding the provisions of paragraph (c)(2) of this section, a limited number of operations allocated for “scheduled commuters” under paragraph (a) of this section may be conducted with aircraft described in § 93.221(e) of this part pursuant to the requirements of § 93.221(e).

[Doc. No. 9113, 34 FR 2603, Feb. 26, 1969, as amended by Amdt. 93-37, 45 FR 62408, Sept. 18, 1980; Amdt. 93-44, 46 FR 58048, Nov. 27, 1981; Amdt. 93-46, 49 FR 8244, Mar. 6, 1984; Amdt. 93-57, 54 FR 34906, Aug. 22, 1989; 54 FR 37303, Sept. 8, 1989; Amdt. 93-59, 54 FR 39843, Sept. 28, 1989; Amdt. 93-62, 56 FR 41207, Aug. 19, 1991; Amdt. 93-78, 64 FR 53564, Oct. 1, 1999; Amdt. 93-84, 70 FR 29063, May 19, 2005]

### § 93.125 Arrival or departure reservation.

Except between 12 Midnight and 6 a.m. local time, no person may operate an aircraft to or from an airport designated as a high density traffic airport unless he has received, for that operation, an arrival or departure reservation from ATC.

[Doc. No. 9974, 37 FR 22794, Oct. 25, 1972]

### § 93.129 Additional operations.

(a) *IFR*. The operator of an aircraft may take off or land the aircraft under IFR at a designated high density traffic airport without regard to the maximum number of operations allocated for that airport if the operation is not a scheduled operation to or from a high density airport and he obtains a departure or arrival reservation, as appropriate, from ATC. The reservation is granted by ATC whenever the aircraft may be accommodated without significant additional delay to the operations allocated for the airport for which the reservations is requested.

(b) *VFR*. The operator of an aircraft may take off and land the aircraft under VFR at a designated high density traffic airport without regard to

the maximum number of operations allocated for that airport if the operation is not a scheduled operation to or from a high density airport and he obtains a departure or arrival reservation, as appropriate, from ATC. The reservation is granted by ATC whenever the aircraft may be accommodated without significant additional delay to the operations allocated for the airport for which the reservation is requested and the ceiling reported at the airport is at least 1,000 feet and the ground visibility reported at the airport is at least 3 miles.

(c) For the purpose of this section a *scheduled operation to or from the high density airport* is any operation regularly conducted by an air carrier or commuter between a high density airport and another point regularly served by that operator unless the service is conducted pursuant to irregular charter or hiring of aircraft or is a nonpassenger flight.

(d) An aircraft operator must obtain an IFR reservation in accordance with procedures established by the Administrator. For IFR flights to or from a high density airport, reservations for takeoff and arrival shall be obtained prior to takeoff.

[Doc. No. 9113, 34 FR 2603, Feb. 26, 1969, as amended by Amdt. 93-25, 37 FR 22794, Oct. 25, 1972; Amdt. 93-44, 46 FR 58049, Nov. 27, 1981; Amdt. 93-46, 49 FR 8244, Mar. 6, 1984]

### § 93.130 Suspension of allocations.

The Administrator may suspend the effectiveness of any allocation prescribed in § 93.123 and the reservation requirements prescribed in § 93.125 if he finds such action to be consistent with the efficient use of the airspace. Such suspension may be terminated whenever the Administrator determines that such action is necessary for the efficient use of the airspace.

[Doc. No. 9974, 35 FR 16592, Oct. 24, 1970, as amended by Amdt. 93-21, 35 FR 16636, Oct. 27, 1970; Amdt. 93-27, 38 FR 29464, Oct. 25, 1973]

### § 93.133 Exceptions.

Except as provided in § 93.130, the provisions of §§ 93.123 and 93.125 do not apply to—

- (a) The Newark Airport, Newark, NJ;
- (b) The Kennedy International Airport, New York, NY, except during the

hours from 3 p.m. through 7:59 p.m., local time; and

(c) O'Hare International Airport from 9:15 p.m. to 6:44 a.m., local time.

[Doc. No. 24471, 49 FR 8244, Mar. 6, 1984]

**Subpart L [Reserved]**

**Subpart M—Ketchikan International Airport Traffic Rule**

SOURCE: Docket No. 14687, 41 FR 14879, Apr. 8, 1976, unless otherwise noted.

**§ 93.151 Applicability.**

This subpart prescribes a special air traffic rule for aircraft conducting VFR operations in the vicinity of the Ketchikan International Airport or Ketchikan Harbor, Alaska.

[Doc. No. FAA-2002-13235, 68 FR 9795, Feb. 28, 2003]

**§ 93.152 Description of area.**

Within that airspace below 3,000 feet MSL within the lateral boundary of the surface area of the Ketchikan Class E airspace regardless of whether that airspace is in effect.

[Doc. No. FAA-2002-13235, 68 FR 9795, Feb. 28, 2003]

**§ 93.153 Communications.**

(a) When the Ketchikan Flight Service Station is in operation, no person may operate an aircraft within the airspace specified in §93.151, or taxi onto the runway at Ketchikan International Airport, unless that person has established two-way radio communications with the Ketchikan Flight Service Station for the purpose of receiving traffic advisories and continues to monitor the advisory frequency at all times while operating within the specified airspace.

(b) When the Ketchikan Flight Service Station is not in operation, no person may operate an aircraft within the airspace specified in §93.151, or taxi onto the runway at Ketchikan International Airport, unless that person continuously monitors and communicates, as appropriate, on the designated common traffic advisory frequency as follows:

(1) *For inbound flights.* Announces position and intentions when no less than 10 miles from Ketchikan International Airport, and monitors the designated frequency until clear of the movement area on the airport or Ketchikan Harbor.

(2) *For departing flights.* Announces position and intentions prior to taxiing onto the active runway on the airport or onto the movement area of Ketchikan Harbor and monitors the designated frequency until outside the airspace described in §93.151 and announces position and intentions upon departing that airspace.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, if two-way radio communications failure occurs in flight, a person may operate an aircraft within the airspace specified in §93.151, and land, if weather conditions are at or above basic VFR weather minimums.

[Doc. No. 26653, 56 FR 48094, Sept. 23, 1991]

**§ 93.155 Aircraft operations.**

(a) When an advisory is received from the Ketchikan Flight Service Station stating that an aircraft is on final approach to the Ketchikan International Airport, no person may taxi onto the runway of that airport until the approaching aircraft has landed and has cleared the runway.

(b) Unless otherwise authorized by ATC, each person operating a large airplane or a turbine engine powered airplane shall—

(1) When approaching to land at the Ketchikan International Airport, maintain an altitude of at least 900 feet MSL until within three miles of the airport; and

(2) After takeoff from the Ketchikan International Airport, maintain runway heading until reaching an altitude of 900 feet MSL.

**Subpart N—John F. Kennedy International Airport and Newark Liberty International Airport Traffic Rules**

SOURCE: Doc. No. FAA-2008-0517, 73 FR 60568, Oct. 10, 2008, unless otherwise noted.

**§ 93.161 Applicability.**

(a) This subpart prescribes the air traffic rules for the arrival and departure of aircraft used for scheduled and unscheduled service, other than helicopters, at John F. Kennedy International Airport (JFK) and Newark Liberty International Airport (Newark).

(b) This subpart also prescribes procedures for the assignment, transfer, sublease and withdrawal of slots issued by the FAA for scheduled operations at JFK and Newark.

(c) The provisions of this subpart apply to JFK and Newark during the hours of 6 a.m. through 10:59 p.m., Eastern Time. No person shall operate any scheduled arrival or departure into or out of JFK or Newark during such hours without first obtaining a slot in accordance with this subpart. No person shall conduct an unscheduled operation to or from JFK or Newark during such hours without first obtaining a reservation.

(d) A U.S. Air Carrier conducting operations solely under another carrier's marketing control with unified inventory control shall not be considered a separate carrier for purposes of this rule.

(e) The slots assigned under this subpart terminate at 11 p.m. on March 30, 2019.

**§ 93.162 Definitions.**

For purposes of this subpart, the following definitions apply:

*Airport Reservation Office (ARO)* is an operational unit of the FAA's David J. Hurley Air Traffic Control System Command Center. It is responsible for the administration of reservations for unscheduled operations at JFK and Newark.

*Baseline operations* are those common slots held by a carrier at JFK or Newark on December 9, 2008, that do not exceed 20 operations per day.

*Carrier* is a U.S. or foreign carrier with authority to conduct scheduled service under parts 121, 129, or 135 of this chapter and the appropriate economic authority for scheduled service under 14 CFR chapter II and 49 U.S.C. chapter 401, 411 and 413.

*Common slot* is a slot that is assigned by the FAA as a lease under its cooper-

ative agreement authority for the length of this rule.

*Enhanced Computer Voice Reservation System (e-CVRS)* is the system used by the FAA to make arrival or departure reservations for unscheduled operations at JFK, Newark, and other designated airports.

*Limited slot* is a slot held every day, the lease for which expires prior to the expiration of this rule for subsequent award by the FAA as an unrestricted slot.

*New Entrant* is any carrier that is administratively allocated a total of 8 or fewer slots on any day of the week at JFK or Newark, respectively, during controlled hours at any point during the duration of the rule.

*Public charter* is defined in 14 CFR 380.2 as a one-way or roundtrip charter flight to be performed by one or more direct carriers that is arranged and sponsored by a public charter operator.

*Public Charter Operator* is defined in 14 CFR 380.2 as a U.S. or foreign public charter operator.

*Reservation* is an authorization received by a carrier or other operator of an aircraft, excluding helicopters, in accordance with procedures established by the FAA to operate an unscheduled arrival or departure on a particular day of the week during a specific 60-minute period.

*Scheduled operation* is the arrival or departure segment of any operation regularly conducted by a carrier between either JFK or Newark and another point regularly served by that carrier.

*Slot* is the operational authority assigned by the FAA to a carrier to conduct one scheduled operation or a series of scheduled operations at JFK or Newark on a particular day(s) of the week during a specific 30-minute period.

*Summer Scheduling Season* begins on the last Sunday of March.

*Unrestricted slot* is a slot that is awarded to a carrier by the FAA via the auction of a lease.

*Unscheduled operation* is an arrival or departure segment of any operation that is not regularly conducted by a carrier or other operator of an aircraft, excluding helicopters, between JFK or Newark and another service point. The

following types of carrier operations shall be considered unscheduled operations for the purposes of this rule: public, on-demand, and other charter flights; hired aircraft service; extra sections of scheduled flights; ferry flights; and other non-passenger flights.

*Winter Scheduling Season* begins on the last Sunday in October.

**§ 93.163 Slots for Scheduled Arrivals and Departures.**

(a) During the hours of 6 a.m. through 10:59 p.m., Eastern Time, no person shall operate any scheduled arrival or departure into or out of JFK or Newark without first obtaining a slot in accordance with this subpart.

(b) Except as otherwise established by the FAA under paragraph (c) of this section, the number of slots shall be limited to no more than eighty-one (81) per hour at JFK and eighty-one (81) per hour at Newark. At JFK, the number of slots may not exceed 44 in any 30-minute period, and 81 in any 60-minute period. At Newark, the number of slots may not exceed 44 in any 30-minute period and 81 in any 60-minute period. The number of arrival and departure slots in any period may be adjusted by the FAA as necessary based on the actual or potential delays created by such number or other considerations relating to congestion, airfield capacity and the air traffic control system.

(c) Notwithstanding paragraph (b) of this section, the Administrator may increase the number of slots based on a review of the following:

- (1) The number of delays;
- (2) The length of delays;
- (3) On-time arrivals and departures;
- (4) The number of actual operations;
- (5) Runway utilization and capacity plans; and
- (6) Other factors relating to the efficient management of the National Airspace System.

**§ 93.164 Categories of Slots.**

(a) *General.* Each slot shall be designated as a common slot, limited slot or unrestricted slot and shall be allocated to the carrier under a lease agreement. A lease for a common or limited slot shall be assigned via a cooperative agreement. A lease for an un-

restricted slot shall be awarded via an auction.

(b) *Common slots.*

(1) All slots within any carrier's baseline operations, as determined on December 9, 2008, shall be designated as common slots.

(2) Ten percent of the slots at JFK and Newark on December 9, 2008 not otherwise designated as common slots under paragraph (b)(1) of this section shall be designated as limited slots. All other slots shall be designated as common slots.

(c) *Limited slots.* Those slots assigned to a carrier subject to return to the FAA under § 93.165(c) shall be designated as limited slots until the date of their reallocation by the FAA as unrestricted slots. A carrier may continue to use a limited slot that has reverted to the FAA until the date of its reallocation.

(1) Each carrier with a total number of daily operations at JFK or Newark in excess of its baseline operations will be notified by no later than December 9, 2008 how many of its slots will be designated as limited slots pursuant to paragraphs (c)(2) and (3) of this section.

(2) A carrier shall designate 50 percent of its limited slots. The carrier must notify the FAA of its determination by December 19, 2008.

(3) The FAA will designate the remaining limited slots initially excluding those hours in which two or more slots have been designated as limited slots by the carriers.

(4) No later than December 29, 2008, the FAA will publish a list of all limited slots and the dates upon which they will expire.

(d) *Unrestricted slots.* Unrestricted slots are slots acquired by a carrier through a lease with the FAA awarded via an auction. Unrestricted slots are not subject to withdrawal by the FAA.

**§ 93.165 Initial assignment of slots.**

(a) Except as provided for under paragraphs (b) and (c) of this section, any carrier utilizing operating rights allocated under the Order limiting operations at JFK or the Order limiting operations at Newark as evidenced by the FAA's records, will be assigned corresponding slots in 30-minute periods consistent with the limits under

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§93.163(b) and its summer and winter season schedules as approved by the FAA. If necessary, the FAA may utilize administrative measures such as voluntary measures or a lottery to retime the assigned slots within the same hour to meet the 30-minute limits under §93.163(b). The FAA Vice President, System Operations Services, is the final decision-maker for determinations under this section.

(b) If a carrier was allocated operating rights under the Order limiting operations at JFK or the Order limiting operations at Newark, but the operating rights were held by another carrier, then the corresponding slots will be assigned to the carrier that held the operating rights for that period, as evidenced by the FAA's records.

(c) Starting January 8, 2009, and every year thereafter through 2013, one-fifth of the total number of Limited slots shall revert to the FAA in accordance with the schedule published under §93.164(c)(4) and be auctioned as unrestricted slots by the FAA. Any slot receiving no responsive bids will be retired until the next auction. An affected carrier will be allowed to use the limited slot until the date of its reallocation by the FAA as an unrestricted slot.

[Doc. No. FAA–2008–0517, 73 FR 60568, Oct. 10, 2008; 73 FR 66517, Nov. 10, 2008]

### §93.166 Assignment of new or returned slots.

(a) This section describes the process by which the FAA assigns new slots, as well as slots returned to the FAA pursuant to the provisions of §93.170. These slots will be assigned by the FAA to requesting carriers for the summer and winter scheduling seasons.

(b) Requests for the new slots or returned slots or both must be submitted to the Federal Aviation Administration, Slot Administration Office, AGC–200, 800 Independence Avenue, SW., Washington, DC 20591 (Facsimile: (202) 267–7277; e-mail: [7-awa-slotadmin@faa.gov](mailto:7-awa-slotadmin@faa.gov)), by the deadline as published by the FAA in a FEDERAL REGISTER notice for each summer and winter scheduling season. The requesting carrier must submit its entire schedule at JFK and Newark for the particular season, noting which re-

quests are in addition to, or changes from, the previous corresponding season at the respective airports.

(c) Before assigning new or returned slots under this section, the FAA will first accommodate carrier requests to retime slots for operational reasons or to bring the flight time closer to the time originally requested by the applicant carrier in previous corresponding seasons, as reflected in FAA records.

(d) After accommodating carrier requests for retiming of slots, the FAA will assign 50% of the new slots and returned slots to new entrants, unless requests by new entrants constitute fewer than 50% of available slots.

(e) With the remaining available slots, if all requests for slots under this section cannot be accommodated, the FAA will give priority to requests to introduce year-round service or to extend an existing operation to a year-round operation.

(f) Thereafter, the FAA will assign slots considering all relevant factors including:

- (1) The effective period of operation;
- (2) The extent and regularity of intended use of a slot;
- (3) Schedule constraints of carriers requesting slots.

### §93.167 Reversion and withdrawal of slots.

(a) This section does not apply to unrestricted slots.

(b) A carrier's common slots or limited slots at JFK or Newark revert back to the FAA 30 days after the carrier has ceased all operations at the respective airport(s) for any reasons other than a strike.

(c) The FAA may retime, withdraw, or temporarily suspend common slots and limited slots at any time to fulfill operational needs.

(d) Common slots and limited slots temporarily withdrawn for operational need will be withdrawn in accordance with the priority list established under §93.173 and international obligations.

(e) Except as otherwise provided in paragraph (a) of this section, the FAA will notify an affected carrier before withdrawing or temporarily suspending a common slot or limited slot and specify the date by which operations under the common slot or limited slot

must cease. The FAA will provide at least 45 days' notice unless otherwise required by operational needs.

(f) Any common slot or limited slot that is temporarily withdrawn under this paragraph will be reassigned, if at all, only to the carrier from which it was withdrawn, provided the carrier continues to conduct scheduled operations at the respective airport.

(g) Should the Administrator determine that the cap on scheduled operations at Newark or JFK is too high, he may withdraw common slots to reduce the cap. Any such action by the Administrator shall be subject to the notice and comment provisions of the Administrative Procedure Act.

**§ 93.168 Sublease and transfer of slots.**

(a) A carrier may sublease its slots to another carrier in accordance with this section and subject to the provisions of the carrier's lease agreement with the FAA. The character of the slot (e.g., common slot) will not change.

(b) A carrier must provide notice to the FAA to sublease a slot. Such notice must contain: the slot number and time, effective dates and, if appropriate, the duration of the lease. The carrier may also provide the FAA with a minimum bid price.

(c) The FAA will post a notice of the offer to sublease the slot and relevant details on the FAA Web site at <http://www.faa.gov>. An opening date, closing date and time by which bids must be received will be provided.

(d) Upon consummation of the transaction, written evidence of each carrier's consent to sublease must be provided to the FAA, as well as all bids received and the terms of the sublease, including but not limited to:

(1) The names of all bidders and all parties to the transaction;

(2) The offered and final length of the sublease;

(3) The consideration offered by all bidders and provided by the sublessee.

(e) The slot may not be used until the conditions of paragraph (d) of this section have been met, and the FAA provides notice of its approval of the sublease.

(f) Slots may be transferred among a U.S. carrier and another carrier that conducts operations at JFK or Newark

solely under the transferring carrier's marketing control, including the entire inventory of the flight. Each party to such transfer must provide written evidence of its consent to the transfer and the FAA must confirm and approve these transfers in writing prior to the effective date of the transaction. However, the FAA will approve transfers under this paragraph up to five business days after the actual operation to accommodate operational disruptions that occur on the same day of the scheduled operation. The FAA Vice President, System Operations Services is the final decision-maker for any determinations under this section.

(g) A carrier wishing to sublease a slot via an FAA auction under § 93.165, rather than pursuant to this section, may do so. The carrier shall retain the proceeds and the slot shall retain the same designation that it had prior to the carrier placing it up for auction.

**§ 93.169 One-for-one trade of slots.**

(a) A carrier may trade a slot with another carrier on a one-for-one basis.

(b) Written evidence of each carrier's consent to the trade must be provided to the FAA.

(c) No recipient of the trade may use the acquired slot until written confirmation has been received from the FAA.

(d) Carriers participating in a one-for-one trade must certify to the FAA that no consideration or promise of consideration was provided by either party to the trade.

**§ 93.170 Minimum usage requirements.**

(a) This section does not apply to unrestricted slots.

(b) Any common slot or limited slot included in a summer or winter season schedule approved by the FAA that is not used at least 80 percent of the time during the period for which it is assigned will be withdrawn by the FAA.

(c) The FAA may waive the requirements of paragraph (b) of this section in the event of a highly unusual and unpredictable condition which is beyond the control of the carrier and which affects carrier operations for a period of five or more consecutive days. Examples of conditions which

could justify a waiver under this paragraph are weather conditions that result in the restricted operation of the airport for an extended period of time or the grounding of an aircraft type.

(d) The FAA will treat as used any common slot or limited slot held by a carrier on Thanksgiving Day, the Friday following Thanksgiving Day, and the period from December 24 through the first Sunday of January.

**§ 93.171 Unscheduled operations.**

(a) During the hours of 6 a.m. through 10:59 p.m. Eastern Time, no person may operate an aircraft other than a helicopter to or from JFK or Newark unless he or she has received, for that unscheduled operation, a reservation that is assigned by the Airport Reservation Office (ARO) or in the case of public charters, in accordance with the procedures in paragraph (d) of this section. Requests for reservations will be accepted through the e-CVRS beginning 72 hours prior to the proposed time of arrival to or departure from JFK or Newark. Additional information on procedures for obtaining a reservation is available on the Internet at <http://www.fly.faa.gov/ecvrs>.

(b) Reservations, including those assigned to public charter operations under paragraph (d) of this section, will be available to be assigned by the ARO on a 60-minute basis as follows:

(1) At JFK, two reservations per hour between 6 a.m. and 1:59 p.m. and between 10 p.m. and 10:59 p.m. and one reservation per hour between 2 p.m. and 9:59 p.m.

(2) At Newark, two reservations per hour between 6 a.m. and 11:59 a.m. and between 10 p.m. and 10:59 p.m. and one reservation per hour between 12 noon and 9:59 p.m.

(c) The ARO will receive and process all reservation requests for unscheduled arrivals and departures at JFK and Newark. Reservations are assigned on a “first-come, first-served” basis determined by the time the request is received at the ARO. Reservations must be cancelled if they will not be used as assigned.

(d) One reservation per hour will be available for assignment to public charter operations prior to the 72-hour reservation window in paragraph (a) of

this section. No more than 25 percent of the reservations available from 12 noon through 9:59 p.m. will be made available to public charter operations under this paragraph.

(1) The public charter operator may request a reservation up to six months in advance of the date of the flight operation. Reservation requests should be submitted to Federal Aviation Administration, Slot Administration Office, AGC-200, 800 Independence Avenue, SW., Washington, DC 20591. Submissions may be made via facsimile to (202) 267-7277 or by e-mail to: [7-awa-slotadmin@faa.gov](mailto:7-awa-slotadmin@faa.gov).

(2) The public charter operator must certify that its prospectus has been accepted by the Department of Transportation in accordance with 14 CFR part 380.

(3) The public charter operator must identify the call sign/flight number or aircraft registration number of the direct air carrier, the date and time of the proposed operation(s), the airport served immediately prior to or after JFK or Newark, aircraft type, and the nature of the operation (e.g., ferry or passenger). Any changes to an approved reservation must be approved in advance by the Slot Administration Office.

(4) If reservations under paragraph (d)(1) of this section have already been assigned, the public charter operator may request a reservation under paragraph (a) of this section.

(e) The filing of a request for a reservation does not constitute the filing of an IFR flight plan as required by regulation. The IFR flight plan may be filed only after the reservation is obtained, must include the reservation number in the “Remarks” section, and must be filed in accordance with FAA regulations and procedures.

(f) Air Traffic Control will accommodate declared emergencies without regard to reservations. Non-emergency flights in direct support of national security, law enforcement, military aircraft operations, or public-use aircraft operations may be accommodated above the reservation limits with the prior approval of the Vice President, System Operations Services, Air Traffic Organization. Procedures for obtaining the appropriate waiver will be

available on the Internet at <http://www.fly.faa.gov/ecvrs>.

(g) Notwithstanding the limits in paragraph (b) of this section, if the Air Traffic Organization determines that air traffic control, weather and capacity conditions are favorable and significant delay is unlikely, the FAA may determine that additional reservations may be accommodated for a specific time period. Unused slots may also be made available temporarily for unscheduled operations. Reservations for additional operations must be obtained through the ARO.

(h) Reservations may not be bought, sold or leased.

#### § 93.172 Reporting requirements.

(a)(1) No later than September 1 for the summer scheduling season and February 1 for the winter scheduling season, each carrier holding a common slot or limited slot must submit an interim report of slot usage for each day of the applicable scheduling season. (2) No later than 30 days after the last day of the applicable scheduling season, each carrier must submit a final report of the completed operations for each day of the entire scheduling season.

(b) Such reports, in a format acceptable to the FAA, must contain the following information for each common slot or limited slot:

- (1) The slot number, time, and arrival or departure designation;
- (2) The operating carrier;
- (3) The date and scheduled time of each of the operations conducted pursuant to the slot, including the flight number, and origin/destination, and aircraft type identifier; and
- (4) Whether a flight was actually operated.

(c) The FAA may withdraw the slot of any carrier that does not meet the reporting requirements of paragraph (a) of this section.

#### § 93.173 Administrative provisions.

(a) Each slot shall be assigned a number for administrative convenience.

(b) The FAA will assign priority numbers by random lottery for common slots and limited slots at JFK and Newark. Each common slot and limited slot will be assigned a withdrawal priority number, and the 30-minute time

period for the common slot or limited slot, frequency, and the arrival or departure designation.

(c) If the FAA determines that operations need to be reduced for operational reasons, the lowest assigned priority number common slot or limited slot will be the last withdrawn.

(d) Any slot available on a temporary basis may be assigned by the FAA to a carrier on a non-permanent, first-come, first-served basis subject to permanent assignment under this subpart. Any remaining slots may be made available for unscheduled operations on a non-permanent basis and will be assigned under the same procedures applicable to other operating reservations.

(e) All transactions under this subpart must be in a written or electronic format approved by the FAA.

### Subparts O–R [Reserved]

### Subpart S—Allocation of Commuter and Air Carrier IFR Operations at High Density Traffic Airports

SOURCE: Docket No. 24105, 50 FR 52195, Dec. 20, 1985, unless otherwise noted.

#### § 93.211 Applicability.

(a) This subpart prescribes rules applicable to the allocation and withdrawal of IFR operational authority (takeoffs and landings) to individual air carriers and commuter operators at the High Density Traffic Airports identified in subpart K of this part except for Newark Airport.

(b) This subpart also prescribes rules concerning the transfer of allocated IFR operational authority and the use of that authority once allocated.

#### § 93.213 Definitions and general provisions.

(a) For purposes of this subpart—

(1) *New entrant carrier* means a commuter operator or air carrier which does not hold a slot at a particular airport and has never sold or given up a slot at that airport after December 16, 1985.

(2) *Slot* means the operational authority to conduct one IFR landing or take-off operation each day during a specific

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hour or 30 minute period at one of the High Density Traffic Airports, as specified in subpart K of this part.

(3) *Summer season* means the period of time from the first Sunday in April until the last Sunday in October.

(4) *Winter season* means the period of time from the last Sunday in October until the first Sunday in April.

(5) *Limited incumbent carrier* means an air carrier or commuter operator that holds or operates fewer than 12 air carrier or commuter slots, in any combination, at a particular airport, not including international slots, Essential Air Service Program slots, or slots between the hours of 2200 and 0659 at Washington National Airport or LaGuardia Airport. However, for the purposes of this paragraph (a)(5), the carrier is considered to hold the number of slots at that airport that the carrier has, since December 16, 1985:

(i) Returned to the FAA;

(ii) Had recalled by the FAA under §93.227(a); or

(iii) Transferred to another party other than by trade for one or more slots at the same airport.

(b) The definitions specified in subpart K of this part also apply to this subpart.

(c) For purposes of this subpart, if an air carrier, commuter operator, or other person has more than a 50-percent ownership or control of one or more other air carriers, commuter operators, or other persons, they shall be considered to be a single air carrier, commuter operator, or person. In addition, if a single company has more than a 50-percent ownership or control of two or more air carriers and/or commuter operators or any combination thereof, those air carriers and/or commuter operators shall be considered to be a single operator. A single operator may be considered to be both an air carrier and commuter operator for purposes of this subpart.

[Doc. No. 24105, 50 FR 52195, Dec. 20, 1985, as amended by Amdt. 93-52, 51 FR 21717, June 13, 1986; Amdt. 93-57, 54 FR 34906, Aug. 22, 1989; 54 FR 37303, Sept. 8, 1989; Amdt. 93-65, 57 FR 37314, Aug. 18, 1992]

**§93.215 Initial allocation of slots.**

(a) Each air carrier and commuter operator holding a permanent slot on

December 16, 1985, as evidenced by the records of the air carrier and commuter operator scheduling committees, shall be allocated those slots subject to withdrawal under the provisions of this subpart. The Chief Counsel of the FAA shall be the final decisionmaker for initial allocation determinations.

(b) Any permanent slot whose use on December 16, 1985 is divided among different operators, by day of the week, or otherwise, as evidenced by records of the scheduling committees, shall be allocated in conformity with those records. The Chief Counsel of the FAA shall be the final decisionmaker for these determinations.

(c) A carrier may permanently designate a slot it holds at Kennedy International Airport as a seasonal slot, to be held by the carrier only during the corresponding season in future years, if it notifies the FAA (at the address specified in §93.225(e)), in writing, the preceding winter seasons or by October 15 of the preceding year for summer seasons.

(d) Within 30 days after December 16, 1985, each U.S. air carrier and commuter operator must notify the office specified in §93.221(a)(1), in writing, of those slots used for operations described in §93.217(a)(1) on December 16, 1985.

(e) Any slot not held by an operator on December 16, 1985 shall be allocated in accordance with the provisions of §§93.217, 93.219 or 93.225 of this subpart.

[Doc. No. 24105, 50 FR 52195, Dec. 20, 1985, as amended by Amdt. 93-52, 51 FR 21717, June 13, 1986]

**§93.217 Allocation of slots for international operations and applicable limitations.**

(a) Any air carrier of commuter operator having the authority to conduct international operations shall be provided slots for those operations, excluding transborder service solely between HDR airports and Canada, subject to the following conditions and the other provisions of this section:

(1) The slot may be used only for a flight segment in which either the takeoff or landing is at a foreign point or, for foreign operators, the flight segment is a continuation of a flight that begins or ends at a foreign point. Slots

may be obtained and used under this section only for operations at Kennedy and O'Hare airports unless otherwise required by bilateral agreement and only for scheduled service unless the requesting carrier qualifies for the slot on the basis of historic seasonal operations, under § 93.217(a)(5).

(2) Slots used for an operation described in paragraph (a)(1) of this section may not be bought, sold, leased, or otherwise transferred, except that such a slot may be traded to another slot-holder on a one-for-one basis for a slot at the same airport in a different hour or half-hour period if the trade is for the purpose of conducting such an operation in a different hour or half-hour period.

(3) Slots used for operations described in paragraph (a)(1) of this section must be returned to the FAA if the slot will not be used for such operations for more than a 2-week period.

(4) Each air carrier or commuter operator having a slot that is used for operations described in paragraph (a)(1) of this section but is not used every day of the week shall notify the office specified in § 93.221(a)(1) in writing of those days on which the slots will not be used.

(5) Except as provided in paragraph (a)(10) of this section, at Kennedy and O'Hare Airports, a slot shall be allocated, upon request, for seasonal international operations, including charter operations, if the Chief Counsel of the FAA determines that the slot had been permanently allocated to and used by the requesting carrier in the same hour and for the same time period during the corresponding season of the preceding year. Requests for such slots must be submitted to the office specified in § 93.221(a)(1), by the deadline published in a FEDERAL REGISTER notice for each season. For operations during the 1986 summer season, requests under this paragraph must have been submitted to the FAA on or before February 1, 1986. Each carrier requesting a slot under this paragraph must submit its entire international schedule at the relevant airport for the particular season, noting which requests are in addition to or changes from the previous year.

(6) Except as provided in paragraph (a)(10) of this section, additional slots shall be allocated at O'Hare Airport for international scheduled air carrier and commuter operations (beyond those slots allocated under §§ 93.215 and 93.217(a)(5) if a request is submitted to the office specified in § 93.221(a)(1) and filed by the deadline published in a FEDERAL REGISTER notice for each season. These slots will be allocated at the time requested unless a slot is available within one hour of the requested time, in which case the unallocated slots will be used to satisfy the request.

(7) If required by bilateral agreement, additional slots shall be allocated at LaGuardia Airport for international scheduled passenger operations within the hour requested.

(8) To the extent vacant slots are available, additional slots during the high density hours shall be allocated at Kennedy Airport for new international scheduled air carrier and commuter operations (beyond those operations for which slots have been allocated under §§ 93.215 and 93.217(a)(5)), if a request is submitted to the office specified in § 93.221(a)(1) by the deadline published in a FEDERAL REGISTER notice for each season. In addition, slots may be withdrawn from domestic operations for operations at Kennedy Airport under this paragraph if required by international obligations.

(9) In determining the hour in which a slot request under §§ 93.217(a)(6) and 93.217(a)(8) will be granted, the following will be taken into consideration, among other things:

(i) The availability of vacant slot times;

(ii) International obligations;

(iii) Airport terminal capacity, including facilities and personnel of the U.S. Customs Service and the U.S. Immigration and Naturalization Service;

(iv) The extent and regularity of intended use of a slot; and

(v) Schedule constraints of carriers requesting slots.

(10) At O'Hare Airport, a slot will not be allocated under this section to a carrier holding or operating 100 or more permanent slots on the previous May 15 for a winter season or October 15 for a summer season unless:

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(i) Allocation of the slot does not result in a total allocation to that carrier under this section that exceeds the number of slots allocated to and scheduled by that carrier under this section on February 23, 1990, and as reduced by the number of slots reclassified under §93.218, and does not exceed by more than 2 the number of slots allocated to and scheduled by that carrier during any half hour of that day, or

(ii) Notwithstanding the number of slots allocated under paragraph (a)(10)(i) of this section, a slot is available for allocation without withdrawal of a permanent slot from any carrier.

(b) If a slot allocated under §93.215 was scheduled for an operation described in paragraph (a)(1) of this section on December 16, 1985, its use shall be subject to the requirements of paragraphs (a)(1) through (a)(4) of this section. The requirements also apply to slots used for international operations at LaGuardia Airport.

(c) If a slot is offered to a carrier in other than the hour requested, the carrier shall have 14 days after the date of the offer to accept the newly offered slot. Acceptance must be in writing and sent to the office specified in §93.221(a)(1) and must repeat the certified statements required by paragraph (e) of this section.

(d) The Office of the Secretary of Transportation reserves the right not to apply the provisions of this section, concerning the allocation of slots, to any foreign air carrier or commuter operator of a country that provides slots to U.S. air carriers and commuter operators on a basis more restrictive than provided by this subpart. Decisions not to apply the provisions of this section will be made by the Office of the Secretary of Transportation.

(e) Each request for slots under this section shall state the airport, days of the week and time of the day of the desired slots and the period of time the slots are to be used. Each request shall identify whether the slot is requested under paragraph (a)(5), (6), or (8) and identify any changes from the previous year if requested under both paragraphs. The request must be accompanied by a certified statement signed by an officer of the operator indicating that the operator has or has contracted

for aircraft capable of being utilized in using the slots requested and that the operator has bona fide plans to use the requested slots for operations described in paragraph (a).

[Doc. No. 24105, 51 FR 21717, June 13, 1986, as amended by Amdt. 93-61, 55 FR 53243, Dec. 27, 1990; 56 FR 1059, Jan. 10, 1991; Amdt. 93-78, 64 FR 53565, Oct. 1, 1999]

**§93.218 Slots for transborder service to and from Canada.**

(a) Except as otherwise provided in this subpart, international slots identified by U.S. carriers for international operations in December 1985 and the equivalent number of international slots held as of February 24, 1998, will be domestic slots. The Chief Counsel of the FAA shall be the final decision-maker for these determinations.

(b) Canadian carriers shall have a guaranteed base level of slots of 42 slots at LaGuardia, 36 slots at O'Hare for the Summer season, and 32 slots at O'Hare in the Winter season.

(c) Any modification to the slot base by the Government of Canada or the Canadian carriers that results in a decrease of the guaranteed base in paragraph (b) of this section shall permanently modify the base number of slots.

[Doc. No. FAA-1999-4971, 64 FR 53565, Oct. 1, 1999]

**§93.219 Allocation of slots for essential air service operations and applicable limitations.**

Whenever the Office of the Secretary of Transportation determines that slots are needed for operations to or from a High Density Traffic Airport under the Department of Transportation's Essential Air Service (EAS) Program, those slots shall be provided to the designated air carrier or commuter operator subject to the following limitations:

(a) Slots obtained under this section may not be bought, sold, leased or otherwise transferred, except that such slots may be traded for other slots on a one-for-one basis at the same airport.

(b) Any slot obtained under this section must be returned to the FAA if it will not be used for EAS purposes for

more than a 2-week period. A slot returned under this paragraph may be reallocated to the operator which returned it upon request to the FAA office specified in § 93.221(a)(1) if that slot has not been reallocated to an operator to provide substitute essential air service.

(c) Slots shall be allocated for EAS purposes in a time period within 90 minutes of the time period requested.

(d) The Department will not honor requests for slots for EAS purposes to a point if the requesting carrier has previously traded away or sold slots it had used or obtained for use in providing essential air service to that point.

(e) Slots obtained under Civil Aeronautics Board Order No. 84-11-40 shall be considered to have been obtained under this section.

#### § 93.221 Transfer of slots.

(a) Except as otherwise provided in this subpart, effective April 1, 1986, slots may be bought, sold or leased for any consideration and any time period and they may be traded in any combination for slots at the same airport or any other high density traffic airport. Transfers, including leases, shall comply with the following conditions:

(1) Requests for confirmation must be submitted in writing to Slot Administration Office, AGC-230, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591, in a format to be prescribed by the Administrator. Requests will provide the names of the transferor and recipient; business address and telephone number of the persons representing the transferor and recipient; whether the slot is to be used for an arrival or departure; the date the slot was acquired by the transferor; the section of this subpart under which the slot was allocated to the transferor; whether the slot has been used by the transferor for international or essential air service operations; and whether the slot will be used by the recipient for international or essential air service operations. After withdrawal priorities have been established under § 93.223 of this part, the requests must include the slot designations of the transferred slots as described in § 93.223(b)(5).

(2) The slot transferred must come from the transferor's then-current FAA-approved base.

(3) Written evidence of each transferor's consent to the transfer must be provided to the FAA.

(4) The recipient of a transferred slot may not use the slot until written confirmation has been received from the FAA.

(5)(i) Until a slot obtained by a new entrant or limited incumbent carrier in a lottery held under § 93.225 after June 1, 1991, has been used by the carrier that obtained it for a continuous 24-month period after the lottery in accordance with § 93.227(a), that slot may be transferred only by trade for one or more slots at the same airport or to other new entrant or limited incumbent carriers under § 93.221(a)(5)(iii). This transfer restriction shall apply to the same extent to any slot or slots acquired by trading the slot obtained in a lottery. To remove the transfer restriction, documentation of 24 months' continuous use must be submitted to the FAA Office of the Chief Counsel.

(ii) Failure to use a slot acquired by trading a slot obtained in a lottery for a continuous 24-month period after the lottery, shall void all trades involving the lottery slot, which shall be returned to the FAA. All use of the lottery slot shall be counted toward fulfilling the minimum use requirements under § 93.227(a) applicable to the slot or slots for which the lottery slot was traded, including subsequent trades.

(iii) Slots obtained by new entrant or limited incumbent carriers in a lottery may be sold, leased, or otherwise transferred to another entrant or limited incumbent carrier after a minimum of 60 days of use by the obtaining carrier. The transfer restrictions of § 93.221(a)(5)(i) shall continue to apply to the slot until documentation of 24 months' continuous use has been submitted and the transfer restriction removed.

(6) The Office of the Secretary of Transportation must determine that the transfer will not be injurious to the essential air service program.

(b) A record of each slot transfer shall be kept on file by the office specified in paragraph (a)(1) of this section

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and will be made available to the public upon request.

(c) Any person may buy or sell slots and any air carrier or commuter may use them. Notwithstanding § 93.123, air carrier slots may be used with aircraft of the kind described in § 93.123 (c)(1) or (c)(2) but commuter slots may only be used with aircraft of the kind described in § 93.0123(c)(2).

(d) Air carriers and commuter operators considered to be a single operator under the provisions of § 93.213(c) of this subpart but operating under separate names shall report transfers of slots between them.

(e) Notwithstanding § 93.123(c)(2) of this part, a commuter slot at O'Hare International Airport may be used with an aircraft described in § 93.123(c)(1) of this part on the following conditions:

(1) Air carrier aircraft that may be operated under this paragraph are limited to aircraft:

(i) Having an actual seating configuration of 110 or fewer passengers; and

(ii) Having a maximum certificated takeoff weight of less than 126,000 pounds.

(2) No more than 50 percent of the total number of commuter slots held by a slot holder at O'Hare International Airport may be used with aircraft described in paragraph (e)(1) of this section.

(3) An air carrier or commuter operator planning to operate an aircraft described in paragraph (e)(1) of this section in a commuter slot shall notify ATC at least 75 days in advance of the planned start date of such operation. The notice shall include the slot number, proposed time of operation, aircraft type, aircraft series, actual aircraft seating configuration, and planned start date. ATC will approve or disapprove the proposed operation no later than 45 days prior to the planned start date. If an operator does not initiate operation of a commuter slot under this section within 30 days of the planned start date first submitted to the FAA, the ATC approval for that operation will expire. That operator may file a new or revised notice for the same half-hour slot time.

(4) An operation may not be conducted under paragraph (e)(1) of this section unless a gate is available for

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that operation without planned waiting time.

(5) For the purposes of this paragraph (e), notice to ATC shall be submitted in writing to: Director, Air Traffic System Management, ATM-1, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

[Doc. No. 24105, 50 FR 52195, Dec. 20, 1985, as amended by Amdt. 93-52, 51 FR 21717, June 13, 1986; Amdt. 93-58, 54 FR 39293, Sept. 25, 1989; Amdt. 93-62, 56 FR 41208, Aug. 19, 1991; Amdt. 93-65, 57 FR 37314, Aug. 18, 1992; Amdt. 93-68, 58 FR 39616, July 23, 1993]

### § 93.223 Slot withdrawal.

(a) Slots do not represent a property right but represent an operating privilege subject to absolute FAA control. Slots may be withdrawn at any time to fulfill the Department's operational needs, such as providing slots for international or essential air service operations or eliminating slots. Before withdrawing any slots under this section to provide them for international operations, essential air services or other operational needs, those slots returned under § 93.224 of this part and those recalled by the agency under § 93.227 will be allocated.

(b) Separate slot pools shall be established for air carriers and commuter operators at each airport. The FAA shall assign, by random lottery, withdrawal priority numbers for the recall priority of slots at each airport. Each additional permanent slot, if any, will be assigned the next higher number for air carrier or commuter slots, as appropriate, at each airport. Each slot shall be assigned a designation consisting of the applicable withdrawal priority number; the airport code; a code indicating whether the slot is an air carrier or commuter operator slot; and the time period of the slot. The designation shall also indicate, as appropriate, if the slot is daily or for certain days of the week only; is limited to arrivals or departures; is allocated for international operations or for EAS purposes; and, at Kennedy International Airport, is a summer or winter slot.

(c) Whenever slots must be withdrawn, they will be withdrawn in accordance with the priority list established under paragraph (b) of this section, except:

(1) Slots obtained in a lottery held pursuant to § 93.225 of this part shall be subject to withdrawal pursuant to paragraph (i) of that section, and

(2) Slots necessary for international and essential air service operations shall be exempt from withdrawal for use for other international or essential air service operations.

(3) Except as provided in § 93.227(a), the FAA shall not withdraw slots held at an airport by an air carrier or commuter operator holding and operating 12 or fewer slots at that airport (excluding slots used for operations described in § 93.212(a)(1)), if withdrawal would reduce the number of slots held below the number of slots operated.

(4) No slot comprising the guaranteed base of slots, as defined in section 93.318(b), shall be withdrawn for use for international operations or for new entrants.

(d) The following withdrawal priority rule shall be used to permit application of the one-for-one trade provisions for international and essential air service slots and the slot withdrawal provisions where the slots are needed for other than international or essential air service operations. If an operator has more than one slot in a specific time period in which it also has a slot being used for international or essential air service operations, the international and essential air service slots will be considered to be those with the lowest withdrawal priority.

(e) The operator(s) using each slot to be withdrawn shall be notified by the FAA of the withdrawal and shall cease operations using that slot on the date indicated in the notice. Generally, the FAA will provide at least 30 days after notification for the operator to cease operations unless exigencies require a shorter time period.

(f) For 24 months following a lottery held after June 1, 1991, a slot acquired in that lottery shall be withdrawn by the FAA upon the sale, merger, or acquisition of more than 50 percent ownership or control of the carrier using that slot or one acquired by trade of

that slot, if the resulting total of slots held or operated at the airport by the surviving entity would exceed 12 slots.

[Doc. No. 24105, 50 FR 52195, Dec. 20, 1985, as amended by Amdt. 93-52, 51 FR 21718, June 13, 1986; Amdt. 93-57, 54 FR 34906, Aug. 22, 1989; Amdt. 93-65, 57 FR 37314, Aug. 18, 1992; Amdt. 93-78, 64 FR 53565, Oct. 1, 1999]

#### § 93.224 Return of slots.

(a) Whenever a slot is required to be returned under this subpart, the holder must notify the office specified in § 93.221(a)(1) in writing of the date after which the slot will not be used.

(b) Slots may be voluntarily returned for use by other operators by notifying the office specified in § 93.221(a)(1) in writing.

#### § 93.225 Lottery of available slots.

(a) Whenever the FAA determines that sufficient slots have become available for distribution for purposes other than international or essential air service operations, but generally not more than twice a year, they shall be allocated in accordance with the provisions of this section.

(b) A random lottery shall be held to determine the order of slot selection.

(c) Slot allocation lotteries shall be held on an airport-by-airport basis with separate lotteries for air carrier and commuter operator slots. The slots to be allocated in each lottery will be each unallocated slot not necessary for international or Essential Air Service Program operations, including any slot created by an increase in the operating limits set forth in § 93.123(a).

(d) The FAA shall publish a notice in the FEDERAL REGISTER announcing any lottery dates. The notice may include special procedures to be in effect for the lotteries.

(e) Participation in a lottery is open to each U.S. air carrier or commuter operator operating at the airport and providing scheduled passenger service at the airport, as well as where provided for by bilateral agreement. Any U.S. carrier, or foreign air carrier where provided for by bilateral agreement, that is not operating scheduled service at the airport and has not failed to operate slots obtained in the previous lottery, or slots traded for those obtained by lottery, but wishes

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to initiate scheduled passenger service at the airport, shall be included in the lottery if that operator notifies, in writing, the Slot Administration Office, AGC-230, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. The notification must be received 15 days prior to the lottery date and state whether there is any common ownership or control of, by, or with any other air carrier or commuter operator as defined in §93.213(c). New entrant and limited incumbent carriers will be permitted to complete their selections before participation by other incumbent carriers is initiated.

(f) At the lottery, each operator must make its selection within 5 minutes after being called or it shall lose its turn. If capacity still remains after each operator has had an opportunity to select slots, the allocation sequence will be repeated in the same order. An operator may select any two slots available at the airport during each sequence, except that new entrant carriers may select four slots, if available, in the first sequence.

(g) To select slots during a slot lottery session, a carrier must have appropriate economic authority for scheduled passenger service under Title IV of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1371 et seq.), and must hold FAA operating authority under part 121 or part 135 of this chapter as appropriate for the slots the operator seeks to select.

(h) During the first selection sequence, 25 percent of the slots available but no less than two slots shall be reserved for selection by new entrant carriers. If new entrant carriers do not select all of the slots set aside for new entrant carriers, limited incumbent carriers may select the remaining slots. If every participating new entrant carrier and limited incumbent carrier has ceased selection of available slots or has obtained 12 slots at that airport, other incumbent carriers may participate in selecting the remaining slots; however, slots selected by non-limited incumbent carriers will be allocated only until the date of the next lottery.

(i) Slots obtained under this section shall retain their withdrawal priority

as established under §93.223. If the slot is newly created, a withdrawal priority shall be assigned. That priority number shall be higher than any other slot assigned a withdrawal number previously.

[Doc. No. 24105, 50 FR 52195, Dec. 20, 1985, as amended by Amdt. 93-52, 51 FR 21718, June 13, 1986; Amdt. 93-58, 54 FR 39293, Sept. 25, 1989; Amdt. 93-65, 57 FR 37314, Aug. 18, 1992; 57 FR 47993, Oct. 21, 1992; Amdt. 93-78, 64 FR 53565, Oct. 1, 1999]

**§ 93.226 Allocation of slots in low-demand periods.**

(a) If there are available slots in the following time periods and there are no pending requests for international or EAS operations at these times, FAA will allocate slots upon request on a first-come, first-served basis, as set forth in this section:

(1) Any period for which a slot is available less than 5 days per week.

(2) Any time period for which a slot is available for less than a full season.

(3) For LaGuardia and Washington National Airports:

(i) 6:00 a.m.–6:59 a.m.

(ii) 10:00 p.m.–midnight.

(b) Slots will be allocated only to operators with the economic and operating authority and aircraft required to use the slots.

(c) Requests for allocations under this section shall be submitted in writing to the address listed in §93.221(a)(1) and shall identify the request as made under this section.

(d) The FAA may deny requests made under this section after a determination that all remaining slots in a particular category should be distributed by lottery.

(e) Slots may be allocated on a seasonal or temporary basis under this provision.

[Doc. No. 24105, 51 FR 21718, June 13, 1986]

**§ 93.227 Slot use and loss.**

(a) Except as provided in paragraphs (b), (c), (d), (g), and (l) of this section, any slot not utilized 80 percent of the time over a 2-month period shall be recalled by the FAA.

(b) Paragraph (a) of this section does not apply to slots obtained under §93.225 of this part during:

(1) The first 90 days after they are allocated to a new entrant carrier; or

(2) The first 60 days after they are allocated to a limited incumbent or other incumbent carrier.

(c) Paragraph (a) of this section does not apply to slots of an operator forced by a strike to cease operations using those slots.

(d) In the case of a carrier that files for protection under the Federal bankruptcy laws and has not received a Notice of Withdrawal from the FAA for the subject slot or slots, paragraph (a) of this section does not apply:

(1) During a period after the initial petition in bankruptcy, to any slot held or operated by that carrier, for:

(i) 60 days after the carrier files the initial petition in bankruptcy; and

(ii) 30 days after the carrier, in anticipation of transferring slots, submits information to a Federal government agency in connection with a statutory antitrust, economic impact, or similar review of the transfer, provided that the information is submitted more than 30 days after filing the initial petition in bankruptcy, and provided further that any slot to be transferred has not become subject to withdrawal under any other provision of this § 93.227; and

(2) During a period after a carrier ceases operations at an airport, to any slot held or operated by that carrier at that airport, for:

(i) 30 days after the carrier ceases operations at that airport, provided that the slot has not become subject to withdrawal under any other provision of this § 93.227; and

(ii) 30 days after the parties to a proposed transfer of any such slot comply with requests for additional information by a Federal government agency in connection with an antitrust, economic impact, or similar investigation of the transfer, provided that—

(A) The original notice of the transfer is filed with the Federal agency within 30 days after the carrier ceases operation at the airport;

(B) The request for additional information is made within 10 days of the filing of the notice by the carrier;

(C) The carrier submits the additional information to the Federal agen-

cy within 15 days of the request by such agency; and

(D) Any slot to be transferred has not become subject to withdrawal under any other provision of this § 93.227.

(e) Persons having slots withdrawn pursuant to paragraph (a) of this section must cease all use of those slots upon receipt of notice from the FAA.

(f) Persons holding slots but not using them pursuant to the provisions of paragraphs (b), (c) and (d) may lease those slots for use by others. A slot obtained in a lottery may not be leased after the expiration of the applicable time period specified in paragraph (b) of this section unless it has been operated for a 2-month period at least 65 percent of the time by the operator which obtained it in the lottery.

(g) This section does not apply to slots used for the operations described in § 93.217(a)(1) except that a U.S. air carrier or commuter operator required to file a report under paragraph (i) of this section shall include all slots operated at the airport, including slots described in § 93.217(a)(1).

(h) Within 30 days after an operator files for protection under the Federal bankruptcy laws, the FAA shall recall any slots of that operator, if—(1) the slots were formerly used for essential air service and (2) the Office of the Secretary of Transportation determines those slots are required to provide substitute essential air service to or from the same points.

(i) Every air carrier and commuter operator or other person holding a slot at a high density airport shall, within 14 days after the last day of the 2-month period beginning January 1, 1986, and every 2 months thereafter, forward, in writing, to the address identified in § 93.221(a)(1), a list of all slots held by the air carrier, commuter operator or other person along with a listing of which air carrier or commuter operator actually operated the slot for each day of the 2-month period. The report shall identify the flight number for which the slot was used and the equipment used, and shall identify the flight as an arrival or departure. The report shall identify any common ownership or control of, by, or with any other carrier as defined in § 93.213(c) of this subpart. The report

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shall be signed by a senior official of the air carrier or commuter operator. If the slot is held by an "other person," the report must be signed by an official representative.

(j) The Chief Counsel of the FAA may waive the requirements of paragraph (a) of this section in the event of a highly unusual and unpredictable condition which is beyond the control of the slot-holder and which exists for a period of 9 or more days. Examples of conditions which could justify waiver under this paragraph are weather conditions which result in the restricted operation of an airport for an extended period of time or the grounding of an aircraft type.

(k) The Chief Counsel of the FAA may, upon request, grant a waiver from the requirements of paragraph (a) of this section for a slot used for the domestic segment of an intercontinental all-cargo flight. To qualify for a waiver, a carrier must operate the slot a substantial percentage of the time and must return the slot to the FAA in advance for the time periods it will not be used.

(l) The FAA will treat as used any slot held by a carrier at a High Density Traffic Airport on Thanksgiving Day, the Friday following Thanksgiving Day, and the period from December 24 through the first Saturday in January.

[Doc. No. 24105, 50 FR 52195, Dec. 20, 1985, as amended by Amdt. 93-52, 51 FR 21718, June 13, 1986; Amdt. 93-65, 57 FR 37315, Aug. 18, 1992; Amdt. 93-71, 59 FR 58771, Nov. 15, 1994]

**Subpart T—Ronald Reagan Washington National Airport Traffic Rules**

SOURCE: Docket No. 25143, 51 FR 43587, Dec. 3, 1986; Admt. 93-82, 68 FR 9795, Feb. 28, 2003, unless otherwise noted.

**§ 93.251 Applicability.**

This subpart prescribes rules applicable to the operation of aircraft to or from Ronald Reagan Washington National Airport.

**§ 93.253 Nonstop operations.**

No person may operate an aircraft nonstop in air transportation between Ronald Reagan Washington National

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Airport and another airport that is more than 1,250 miles away from Ronald Reagan Washington National Airport.

**Subpart U—Special Flight Rules in the Vicinity of Grand Canyon National Park, AZ**

SOURCE: Doc. No. 28537, 61 FR 69330, Dec. 31, 1996, unless otherwise noted.

**§ 93.301 Applicability.**

This subpart prescribes special operating rules for all persons operating aircraft in the following airspace, designated as the Grand Canyon National Park Special Flight Rules Area: That airspace extending from the surface up to but not including 18,000 feet MSL within an area bounded by a line beginning at Lat. 35°55'12" N., Long. 112°04'05" W.; east to Lat. 35°55'30" N., Long. 111°45'00" W.; to Lat. 35°59'02" N., Long. 111°36'03" W.; north to Lat. 36°15'30" N., Long. 111°36'06" W.; to Lat. 36°24'49" N., Long. 111°47'45" W.; to Lat. 36°52'23" N., Long. 111°33'10" W.; west-northwest to Lat. 36°53'37" N., Long. 111°38'29" W.; southwest to Lat. 36°35'02" N., Long. 111°53'28" W.; to Lat. 36°21'30" N., Long. 112°00'03" W.; west-northwest to Lat. 36°30'30" N., Long. 112°35'59" W.; southwest to Lat. 36°24'46" N., Long. 112°51'10" W., thence west along the boundary of Grand Canyon National Park (GCNP) to Lat. 36°14'08" N., Long. 113°10'07" W.; west-southwest to Lat. 36°09'30" N., Long. 114°03'03" W.; southeast to Lat. 36°05'11" N., Long. 113°58'46" W.; thence south along the boundary of GCNP to Lat. 35°58'23" N., Long. 113°54'14" W.; north to Lat. 36°00'10" N., Long. 113°53'48" W.; northeast to Lat. 36°02'14" N., Long. 113°50'16" W.; to Lat. 36°02'17" N., Long. 113°53'48" W.; northeast to Lat. 36°02'14" N., Long. 113°50'16" W.; to Lat. 36°02'17" N., Long. 113°49'11" W.; southeast to Lat. 36°01'22" N., Long. 113°48'21" W.; to Lat. 35°59'15" N., Long. 113°47'13" W.; to Lat. 35°57'51" N., Long. 113°46'01" W.; to Lat. 35°57'45" N., Long. 113°45'23" W.; southwest to Lat. 35°54'48" N., Long. 113°50'24" W.; southeast to Lat. 35°41'01" N., Long. 113°35'27" W.; thence clockwise via the 4.2-nautical mile radius of the Peach Springs VORTAC to Lat. 36°38'53" N., Long.

113°27'49" W.; northeast to Lat. 35°42'58" N., Long. 113°10'57" W.; north to Lat. 35°57'51" N., Long. 113°11'06" W.; east to Lat. 35°57'44" N., Long. 112°14'04" W.; thence clockwise via the 4.3-nautical mile radius of the Grand Canyon National Park Airport reference point (Lat. 35°57'08" N., Long. 112°08'49" W.) to the point of origin.

[Doc. No. 5926, 65 FR 17742, Apr. 4, 2000]

### § 93.303 Definitions.

For the purposes of this subpart:

*Allocation* means authorization to conduct a commercial air tour in the Grand Canyon National Park (GCNP) Special Flight Rules Area (SFRA).

*Commercial air tour* means any flight conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing. If the operator of a flight asserts that the flight is not a commercial air tour, factors that can be considered by the Administrator in making a determination of whether the flight is a commercial air tour include, but are not limited to—

- (1) Whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;
- (2) Whether a narrative was provided that referred to areas or points of interest on the surface;
- (3) The area of operation;
- (4) The frequency of flights;
- (5) The route of flight;
- (6) The inclusion of sightseeing flights as part of any travel arrangement package; or
- (7) Whether the flight in question would or would not have been canceled based on poor visibility of the surface.

*Commercial Special Flight Rules Area Operation* means any portion of any flight within the Grand Canyon National Park Special Flight Rules Area that is conducted by a certificate holder that has operations specifications authorizing flights within the Grand Canyon National Park Special Flight Rules Area. This term does not include operations conducted under an FAA Form 7711-1, Certificate of Waiver or Authorization. The types of flights covered by this definition are set forth in the "Las Vegas Flight Standards District Office Grand Canyon National Park Special Flight Rules Area Proce-

dures Manual" which is available from the Las Vegas Flight Standards District Office.

*Flight Standards District Office* means the FAA Flight Standards District Office with jurisdiction for the geographical area containing the Grand Canyon.

*GCNP quiet aircraft technology designation* means an aircraft that is subject to § 93.301 and has been shown to comply with the noise limit specified in appendix A of this part.

*Number of passenger seats* means the number of passenger seats for which an individual aircraft is configured.

*Park* means Grand Canyon National Park.

*Special Flight Rules Area* means the Grand Canyon National Park Special Flight Rules Area.

[65 FR 17732, Apr. 4, 2000, as amended at 70 FR 16092, Mar. 29, 2005]

### § 93.305 Flight-free zones and flight corridors.

Except in an emergency or if otherwise necessary for safety of flight, or unless otherwise authorized by the Flight Standards District Office for a purpose listed in 93.309, no person may operate an aircraft in the Special Flight Rules Area within the following flight-free zones:

(a) *Desert View Flight-free Zone*. That airspace extending from the surface up to but not including 14,500 feet MSL within an area bounded by a line beginning at Lat. 35°59'58" N., Long. 111°52'47" W.; thence east to Lat. 36°00'00" N., Long. 111°51'04" W.; thence north to 36°00'24" N., Long. 111°51'04" W.; thence east to 36°00'24" N., Long. 111°45'44" W.; thence north along the GCNP boundary to Lat. 36°14'05" N., Long. 111°48'34" W.; thence southwest to Lat. 36°12'06" N., Long. 111°51'14" W.; to the point of origin; but not including the airspace at and above 10,500 feet MSL within 1 nautical mile of the western boundary of the zone. The corridor to the west between the Desert View and Bright Angel Flight-free Zones, is designated the "Zuni Point Corridor." This corridor is 2 nautical miles wide for commercial air tour flights and 4 nautical miles wide for transient and general aviation operations.

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(b) *Bright Angel Flight-free Zone.* That airspace extending from the surface up to but not including 14,500 feet MSL within an area bounded by a line beginning at Lat. 35°58'39" N., Long. 111°55'43" W.; north to Lat. 36°12'41" N., Long. 111°53'54" W.; northwest to Lat. 36°18'18" N., Long. 111°58'15" W.; thence west along the GCNP boundary to Lat. 36°20'11" N., Long. 112°06'25" W.; south-southwest to Lat. 36°09'31" N., Long. 112°11'15" W.; to Lat. 36°04'16" N., Long. 112°17'20" W.; thence southeast along the GCNP boundary to Lat. 36°01'54" N., Long. 112°11'24" W.; thence clockwise via the 4.3-nautical mile radius of the Grand Canyon National Park Airport reference point (Lat. 35°57'08" N., Long. 112°08'49" W.) to Lat. 35°59'37" N., Long. 112°04'29" W.; thence east along the GCNP boundary to the point of origin; but not including the airspace at and above 10,500 feet MSL within 1 nautical mile of the eastern boundary or the airspace at and above 10,500 feet MSL within 2 nautical miles of the northwestern boundary. The corridor to the east, between this flight-free zone and the Desert View Flight-free Zone, is designated the "Zuni Point Corridor." The corridor to the west, between the Bright Angel and Toroweap/Shinumo Flight-free Zones, is designated the "Dragon Corridor." This corridor is 2 nautical miles wide for commercial air tour flights and 4 nautical miles wide for transient and general aviation operations. The Bright Angel Flight-free Zone does not include the following airspace designated as the Bright Angel Corridor: That airspace one-half nautical mile on either side of a line extending from Lat. 36°14'57" N., Long. 112°08'45" W. and Lat. 36°15'01" N., Long. 111°55'39" W.

(c) *Toroweap/Shinumo Flight-free Zone.* That airspace extending from the surface up to but not including 14,500 feet MSL within an area bounded by a line beginning at Lat. 36°05'44" N., Long. 112°19'27" W.; north-northeast to Lat. 36°10'49" N., Long. 112°13'19" W.; to Lat. 36°21'02" N., Long. 112°08'47" W.; thence west and south along the GCNP boundary to Lat. 36°10'58" N., Long. 113°08'35" W.; south to Lat. 36°10'12" N., Long. 113°08'34" W.; thence in an easterly direction along the park boundary to the point of origin; but not including the

following airspace designated as the "Tuckup Corridor": at or above 10,500 feet MSL within 2 nautical miles either side of a line extending between Lat. 36°24'42" N., Long. 112°48'47" W. and Lat. 36°14'17" N., Long. 112°48'31" W. The airspace designated as the "Fossil Canyon Corridor" is also excluded from the Toroweap/Shinumo Flight-free Zone at or above 10,500 feet MSL within 2 nautical miles either side of a line extending between Lat. 36°16'26" N., Long. 112°34'35" W. and Lat. 36°22'51" N., Long. 112°18'18" W. The Fossil Canyon Corridor is to be used for transient and general aviation operations only.

(d) *Sanup Flight-free Zone.* That airspace extending from the surface up to but not including 8,000 feet MSL within an area bounded by a line beginning at Lat. 35°59'32" N., Long. 113°20'28" W.; west to Lat. 36°00'55" N., Long. 113°42'09" W.; southeast to Lat. 35°59'57" N., Long. 113°41'09" W.; to Lat. 35°59'09" N., Long. 113°40'53" W.; to Lat. 35°58'45" N., Long. 113°40'15" W.; to Lat. 35°57'52" N., Long. 113°39'34" W.; to Lat. 35°56'44" N., Long. 113°39'07" W.; to Lat. 35°56'04" N., Long. 113°39'20" W.; to Lat. 35°55'02" N., Long. 113°40'43" W.; to Lat. 35°54'47" N., Long. 113°40'51" W.; southeast to Lat. 35°50'16" N., Long. 113°37'13" W.; thence along the park boundary to the point of origin.

[Doc. No. 28537, 61 FR 69330, Dec. 31, 1996, as amended by Amdt. 93–80, 65 FR 17742, Apr. 4, 2000]

EFFECTIVE DATE NOTE: By Doc. No. FAA–2001–8690, 68 FR 9498, Feb. 27, 2003, §93.305 was amended by staying paragraphs (a) and (b), effective Feb. 20, 2003, until Feb. 20, 2006. At 71 FR 9441, Feb. 24, 2006, the stay was further extended until Feb. 20, 2011.

§ 93.307 Minimum flight altitudes.

Except in an emergency, or if otherwise necessary for safety of flight, or unless otherwise authorized by the Flight Standards District Office for a purpose listed in 93.309, no person may operate an aircraft in the Special Flight Rules Area at an altitude lower than the following:

- (a) *Minimum sector altitudes*—(1) *Commercial air tours*—(i) *Marble Canyon Sector.* Lees Ferry to Boundary Ridge: 6,000 feet MSL.
- (ii) *Supai Sector.* Boundary Ridge to Supai Point: 7,500 feet MSL.

(iii) *Diamond Creek Sector*. Supai Point to Diamond Creek: 6,500 feet MSL.

(iv) *Pearce Ferry Sector*. Diamond Creek to the Grand Wash Cliffs: 5,000 feet MSL.

(2) *Transient and general aviation operations*—(i) *Marble Canyon Sector*. Lees Ferry to Boundary Ridge: 8,000 feet MSL.

(ii) *Supai Sector*. Boundary Ridge to Supai Point: 10,000 feet MSL.

(iii) *Diamond Creek Sector*. Supai Point to Diamond Creek: 9,000 feet MSL.

(iv) *Pearce Ferry Sector*. Diamond Creek to the Grand Wash Cliffs: 8,000 feet MSL.

(b) *Minimum corridor altitudes*—(1) *Commercial air tours*—(i) *Zuni Point Corridors*. 7,500 feet MSL.

(ii) *Dragon Corridor*. 7,500 feet MSL.

(2) *Transient and general aviation operations*—(i) *Zuni Point Corridor*. 10,500 feet MSL.

(ii) *Dragon Corridor*. 10,500 feet MSL.

(iii) *Tuckup Corridor*. 10,500 feet MSL.

(iv) *Fossil Canyon Corridor*. 10,500 feet

[Doc. No. 28537, 61 FR 69330, Dec. 31, 1996, as amended by Amdt. 93-80, 65 FR 17742, 17743, Apr. 4, 2000]

### § 93.309 General operating procedures.

Except in an emergency, no person may operate an aircraft in the Special Flight Rules Area unless the operation is conducted in accordance with the following procedures. (NOTE: The following procedures do not relieve the pilot from see-and-avoid responsibility or compliance with the minimum safe altitude requirements specified in § 91.119 of this chapter.):

(a) Unless necessary to maintain a safe distance from other aircraft or terrain remain clear of the flight-free zones described in § 93.305;

(b) Unless necessary to maintain a safe distance from other aircraft or terrain, proceed through the Zuni Point, Dragon, Tuckup, and Fossil Canyon Flight Corridors described in § 93.305 at the following altitudes unless otherwise authorized in writing by the Flight Standards District Office:

(1) *Northbound*. 11,500 or 13,500 feet MSL.

(2) *Southbound*. 10,500 or 12,500 feet MSL.

(c) For operation in the flight-free zones described in § 93.305, or flight below the altitudes listed in § 93.307, is authorized in writing by the Flight Standards District Office and is conducted in compliance with the conditions contained in that authorization. Normally authorization will be granted for operation in the areas described in § 93.305 or below the altitudes listed in § 93.307 only for operations of aircraft necessary for law enforcement, fire-fighting, emergency medical treatment/evacuation of persons in the vicinity of the Park; for support of Park maintenance or activities; or for aerial access to and maintenance of other property located within the Special Flight Rules Area. Authorization may be issued on a continuing basis;

(d) Is conducted in accordance with a specific authorization to operate in that airspace incorporated in the operator's operations specifications and approved by the Flight Standards District Office in accordance with the provisions of this subpart;

(e) Is a search and rescue mission directed by the U.S. Air Force Rescue Coordination Center;

(f) Is conducted within 3 nautical miles of Grand Canyon Bar Ten Airstrip, Pearce Ferry Airstrip, Cliff Dwellers Airstrip, Marble Canyon Airstrip, or Tuweep Airstrip at an altitude less than 3,000 feet above airport elevation, for the purpose of landing at or taking off from that facility; or

(g) Is conducted under an instrument flight rules (IFR) clearance and the pilot is acting in accordance with ATC instructions. An IFR flight plan may not be filed on a route or at an altitude that would require operation in an area described in § 93.305.

[Doc. No. 28537, 61 FR 69330, Dec. 31, 1996, as amended by Amdt. 93-80, 65 FR 17742, 17743, Apr. 4, 2000]

### § 93.311 Minimum terrain clearance.

Except in an emergency, when necessary for takeoff or landing, or unless otherwise authorized by the Flight Standards District Office for a purpose listed in § 93.309(c), no person may operate an aircraft within 500 feet of any terrain or structure located between

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the north and south rims of the Grand Canyon.

**§93.313 Communications.**

Except when in contact with the Grand Canyon National Park Airport Traffic Control Tower during arrival or departure or on a search and rescue mission directed by the U.S. Air Force Rescue Coordination Center, no person may operate an aircraft in the Special Flight Rules Area unless he monitors the appropriate frequency continuously while in that airspace.

**§93.315 Requirements for commercial Special Flight Rules Area operations.**

Each person conducting commercial Special Flight Rules Area operations must be certificated in accordance with Part 119 for Part 135 or 121 operations and hold appropriate Grand Canyon National Park Special Flight Rules Area operations specifications.

[65 FR 17732, Apr. 4, 2000]

**§93.316 [Reserved]**

**§93.317 Commercial Special Flight Rules Area operation curfew.**

Unless otherwise authorized by the Flight Standards District Office, no person may conduct a commercial Special Flight Rules Area operation in the Dragon and Zuni Point corridors during the following flight-free periods:

- (a) Summer season (May 1–September 30)—6 p.m. to 8 a.m. daily; and
- (b) Winter season (October 1–April 30)—5 p.m. to 9 a.m. daily.

[65 FR 17732, Apr. 4, 2000]

**§93.319 Commercial air tour limitations.**

(a) Unless excepted under paragraph (f) or (g) of this section, no certificate holder certificated in accordance with part 119 for part 121 or 135 operations may conduct more commercial air tours in the Grand Canyon National Park in any calendar year than the number of allocations specified on the certificate holder's operations specifications.

(b) The Administrator determines the number of initial allocations for each certificate holder based on the total number of commercial air tours con-

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ducted by the certificate holder and reported to the FAA during the period beginning on May 1, 1997 and ending on April 30, 1998, unless excepted under paragraph (g).

(c) Certificate holders who conducted commercial air tours during the base year and reported them to the FAA receive an initial allocation.

(d) A certificate holder must use one allocation for each flight that is a commercial air tour, unless excepted under paragraph (f) or (g) of this section.

(e) Each certificate holder's operation specifications will identify the following information, as applicable:

- (1) Total SFRA allocations; and
- (2) Dragon corridor and Zuni Point corridor allocations.

(f) Certificate holders satisfying the requirements of §93.315 of this subpart are not required to use a commercial air tour allocation for each commercial air tour flight in the GCNP SFRA provided the following conditions are satisfied:

(1) The certificate holder conducts its operations in conformance with the routes and airspace authorizations as specified in its Grand Canyon National Park Special Flight Rules Area operations specifications;

(2) The certificate holder must have executed a written contract with the Hualapai Indian Nation which grants the certificate holder a trespass permit and specifies the maximum number of flights to be permitted to land at Grand Canyon West Airport and at other sites located in the vicinity of that airport and operates in compliance with that contract; and

(3) The certificate holder must have a valid operations specification that authorizes the certificate holder to conduct the operations specified in the contract with the Hualapai Indian Nation and specifically approves the number of operations that may transit the Grand Canyon National Park Special Flight Rules Area under this exception.

(g) Certificate holders conducting commercial air tours at or above 14,500 feet MSL but below 18,000 feet MSL who did not receive initial allocations in 1999 because they were not required to report during the base year may operate without an allocation when conducting air tours at those altitudes.

Certificate holders conducting commercial air tours in the area affected by the eastward shift of the SFRA who did not receive initial allocations in 1999 because they were not required to report during the base year may continue to operate on the specified routes without an allocation in the area bounded by longitude line 111 degrees 42 minutes east and longitude line 111 degrees 36 minutes east. This exception does not include operation in the Zuni Point corridor.

[65 FR 17732, Apr. 4, 2000]

**§ 93.321 Transfer and termination of allocations.**

(a) Allocations are not a property interest; they are an operating privilege subject to absolute FAA control.

(b) Allocations are subject to the following conditions:

(1) The Administrator will re-authorize and re-distribute allocations no earlier than two years from the effective date of this rule.

(2) Allocations that are held by the FAA at the time of reallocation may be distributed among remaining certificate holders, proportionate to the size of each certificate holder's allocation.

(3) The aggregate SFRA allocations will not exceed the number of operations reported to the FAA for the base year beginning on May 1, 1997 and ending on April 30, 1998, except as adjusted to incorporate operations occurring for the base year of April 1, 2000 and ending on March 31, 2001, that operate at or above 14,500 feet MSL and below 18,000 feet MSL and operations in the area affected by the eastward shift of the SFRA bounded by longitude line 111 degrees 42 minutes east to longitude 111 degrees 36 minutes east.

(4) Allocations may be transferred among Part 135 or Part 121 certificate holders, subject to all of the following:

(i) Such transactions are subject to all other applicable requirements of this chapter.

(ii) Allocations authorizing commercial air tours outside the Dragon and Zuni Point corridors may not be transferred into the Dragon and Zuni Point corridors. Allocations authorizing commercial air tours within the Dragon and Zuni Point corridors may be trans-

ferred outside of the Dragon and Zuni Point corridors.

(iii) A certificate holder must notify in writing the Las Vegas Flight Standards District Office within 10 calendar days of a transfer of allocations. This notification must identify the parties involved, the type of transfer (permanent or temporary) and the number of allocations transferred. Permanent transfers are not effective until the Flight Standards District Office re-issues the operations specifications reflecting the transfer. Temporary transfers are effective upon notification.

(5) An allocation will revert to the FAA upon voluntary cessation of commercial air tours within the SFRA for any consecutive 180-day period unless the certificate holder notifies the FSDO in writing, prior to the expiration of the 180-day time period, of the following: the reason why the certificate holder has not conducted any commercial air tours during the consecutive 180-day period; and the date the certificate holder intends on resuming commercial air tours operations. The FSDO will notify the certificate holder of any extension to the consecutive 180-days. A certificate holder may be granted one extension.

(6) The FAA retains the right to redistribute, reduce, or revoke allocations based on:

- (i) Efficiency of airspace;
- (ii) Voluntary surrender of allocations;
- (iii) Involuntary cessation of operations; and
- (iv) Aviation safety.

[65 FR 17733, Apr. 4, 2000]

**§ 93.323 Flight plans.**

Each certificate holder conducting a commercial SFRA operation must file a visual flight rules (VFR) flight plan in accordance with § 91.153. This section does not apply to operations conducted in accordance with § 93.309(g). The flight plan must be on file with a FAA Flight Service Station prior to each flight. Each VFR flight plan must identify the purpose of the flight in the "remarks" section according to one of the types set forth in the "Las Vegas Flight Standards District Office Grand Canyon National Park Special Flight Rules Area Procedures Manual" which

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is available from the Las Vegas Flight Standards District Office.

[65 FR 17733, Apr. 4, 2000]

**§ 93.325 Quarterly reporting.**

(a) Each certificate holder must submit in writing, within 30 days of the end of each calendar quarter, the total number of commercial SFRA operations conducted for that quarter. Quarterly reports must be filed with the Las Vegas Flight Standards District Office.

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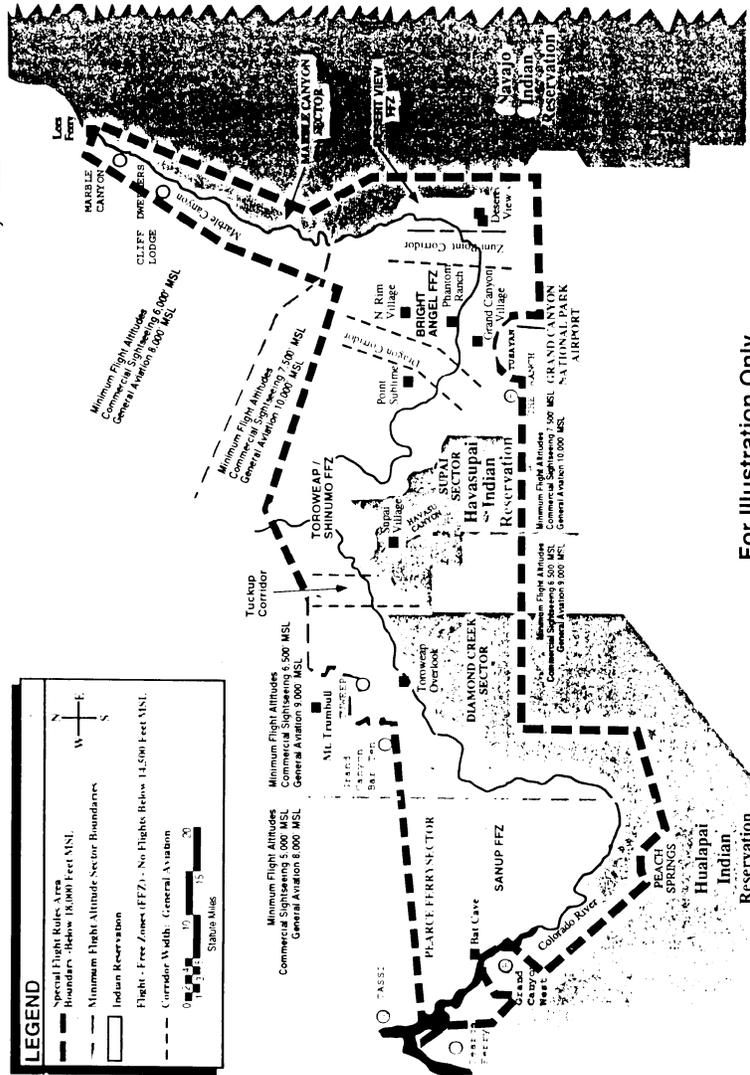
(b) Each quarterly report must contain the following information.

- (1) Make and model of aircraft;
- (2) Identification number (registration number) for each aircraft;
- (3) Departure airport for each segment flown;
- (4) Departure date and actual Universal Coordinated Time, as applicable for each segment flown;
- (5) Type of operation; and
- (6) Route(s) flown.

[65 FR 17733, Apr. 4, 2000]

APPENDIX TO SUBPART U OF PART 93—SPECIAL FLIGHT RULES IN THE VICINITY OF THE GRAND CANYON NATIONAL PARK, AZ

PART 93 - SUBPART U  
SPECIAL FLIGHT RULES IN THE VICINITY  
OF THE GRAND CANYON NATIONAL PARK, AZ.



**LEGEND**

- Special Flight Rules Area Boundaries - Below 18,000 Feet MSL.
- Minimum Flight Altitude Sector Boundaries.
- Indian Reservation.
- Flight - Free Zones (FFZ) - No Flights Below 14,500 Feet MSL.
- Corridor Widths - General Aviation.
- 0 10 20 Statute Miles.

For Illustration Only  
**NOT FOR USE IN NAVIGATION**

APPENDIX A TO SUBPART U OF PART 93—  
GCNP QUIET AIRCRAFT TECHNOLOGY  
DESIGNATION

This appendix contains procedures for determining the GCNP quiet aircraft technology designation status for each aircraft subject to §93.301 determined during the

noise certification process as prescribed under part 36 of this chapter. Where no certificated noise level is available, the Administrator may approve an alternative measurement procedure.

*Aircraft Noise Limit for GCNP Quiet Aircraft Technology Designation*

## §93.331

A. For helicopters with a flyover noise level obtained in accordance with the measurement procedures prescribed in Appendix H of 14 CFR part 36, the limit is 80 dB for helicopters having a seating configuration of two or fewer passenger seats, increasing at 3 dB per doubling of the number of passenger seats for helicopters having a seating configuration of three or more passenger seats. The noise limit for helicopters with three or more passenger seats can be calculated by the formula:

$$\text{EPNL(H)} = 80 + 10\log(\# \text{ PAX seats}/2) \text{ dB}$$

B. For helicopters with a flyover noise level obtained in accordance with the measurement procedures prescribed in Appendix J of 14 CFR part 36, the limit is 77 dB for helicopters having a seating configuration of two or fewer passenger seats, increasing at 3 dB per doubling of the number of passenger seats for helicopters having a seating configuration of three or more passenger seats. The noise limit for helicopters with three or more passenger seats can be calculated by the formula:

$$\text{SEL(J)} = 77 + 10\log(\# \text{ PAX seats}/2) \text{ dB}$$

C. For propeller-driven airplanes with a measured flyover noise level obtained in accordance with the measurement procedures prescribed in Appendix F of 14 CFR part 36 without the performance correction defined in Sec. F35.201(c), the limit is 69 dB for airplanes having a seating configuration of two or fewer passenger seats, increasing at 3 dB per doubling of the number of passenger seats for airplanes having a seating configuration of three or more passenger seats. The noise limit for propeller-driven airplanes with three or more passenger seats can be calculated by the formula:

$$\text{LMax(F)} = 69 + 10\log(\# \text{ PAX seats}/2) \text{ dB}$$

D. In the event that a flyover noise level is not available in accordance with Appendix F of 14 CFR part 36, the noise limit for propeller-driven airplanes with a takeoff noise level obtained in accordance with the measurement procedures prescribed in Appendix G is 74 dB or 77 dB, depending on 14 CFR part 36 amendment level, for airplanes having a seating configuration of two or fewer passenger seats, increasing at 3 dB per doubling of the number of passenger seats for airplanes having a seating configuration of three or more passenger seats. The noise limit for propeller-driven airplanes with three or more passenger seats can be calculated by the formula:

$$\text{LMax(G)} = 74 + 10\log(\# \text{ PAX seats}/2) \text{ dB for certifications obtained under 14 CFR part 36, Amendment 21 or earlier;}$$

$$\text{LMax(G)} = 77 + 10\log(\# \text{ PAX seats}/2) \text{ dB for certifications obtained under 14 CFR part 36, Amendment 22 or later.}$$

[FAA-2003-14715, 70 FR 16092, Mar. 29, 2005]

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### Subpart V—Washington, DC Metropolitan Area Special Flight Rules Area

SOURCE: Doc. No. FAA-2004-17005, 73 FR 76213, Dec. 16, 2008, unless otherwise noted.

EFFECTIVE DATE NOTE: At 73 FR 76213, Dec. 16, 2008, subpart V was added, effective Feb. 17, 2009.

#### §93.331 Purpose and applicability of this subpart.

This subpart prescribes special air traffic rules for aircraft operating in the Washington, DC Metropolitan Area. Because identification and control of aircraft is required for reasons of national security, the areas described in this subpart constitute national defense airspace. The purpose of establishing this area is to facilitate the tracking of, and communication with, aircraft to deter persons who would use an aircraft as a weapon, or as a means of delivering weapons, to conduct an attack on persons, property, or buildings in the area. This subpart applies to pilots conducting any type of flight operations in the airspace designated as the Washington, DC Metropolitan Area Special Flight Rules Area (DC SFRA) (as defined in §93.335), which includes the airspace designated as the Washington, DC Metropolitan Area Flight Restricted Zone (DC FRZ) (as defined in §93.335).

#### §93.333 Failure to comply with this subpart.

(a) *Any violation.* The FAA may take civil enforcement action against a pilot for violations, whether inadvertent or intentional, including imposition of civil penalties and suspension or revocation of airmen's certificates.

(b) *Knowing or willful violations.* The DC FRZ and DC SFRA were established for reasons of national security under the provisions of 49 U.S.C. 40103(b)(3). Areas established by the FAA under that authority constitute "national defense airspace" as that term is used in 49 U.S.C. 46307. In addition to being subject to the provisions of paragraph (a) of this section, persons who knowingly or willfully violate national defense airspace established pursuant to 49 U.S.C. 40103(b)(3) may be subject to criminal prosecution.

**§ 93.335 Definitions.**

For purposes of this subpart—

*DC FRZ flight plan* is a flight plan filed for the sole purpose of complying with the requirements for VFR operations into, out of, and through the DC FRZ. This flight plan is separate and distinct from a standard VFR flight plan, and does not include search and rescue services.

*DC SFRA flight plan* is a flight plan filed for the sole purpose of complying with the requirements for VFR operations into, out of, and through the DC SFRA. This flight plan is separate and distinct from a standard VFR flight plan, and does not include search and rescue services.

*Fringe airports* are the following airports located near the outer boundary of the Washington, DC Metropolitan Area Special Flight Rules Area: Barnes (MD47), Flying M Farms (MD77), Mountain Road (MD43), Robinson (MD14), and Skyview (51VA).

*Washington, DC Metropolitan Area Flight Restricted Zone (DC FRZ)* is an area bounded by a line beginning at the Washington VOR/DME (DCA) 311° radial at 15 nautical miles (NM) (Lat. 38°59'31" N., Long. 077°18'30" W.); then clockwise along the DCA 15 nautical mile arc to the DCA 002° radial at 15 NM (Lat. 39°06'28" N., Long. 077°04'32" W.); then southeast via a line drawn to the DCA 049° radial at 14 NM (Lat. 39°02'18" N., Long. 076°50'38" W.); thence south via a line drawn to the DCA 064° radial at 13 NM (Lat. 38°59'01" N., Long. 076°48'32" W.); thence clockwise along the 13 NM arc to the DCA 276° radial at 13 NM (Lat. 38°50'53" N., Long. 077°18'48" W.); thence north to the point of beginning, excluding the airspace within a one nautical mile radius of the Free-way Airport, W00, Mitchellville, MD from the surface up to but not including flight level (FL) 180. The DC FRZ is within and part of the Washington, DC Metropolitan Area SFRA.

*Washington, DC Metropolitan Area Special Flight Rules Area (DC SFRA)* is an area of airspace over the surface of the earth where the ready identification, location, and control of aircraft is required in the interests of national security. Specifically, the DC SFRA is that airspace, from the surface to, but not including, FL 180, within a 30-mile

radius of Lat. 38°51'34" N., Long. 077°02'11" W., or the DCA VOR/DME. The DC SFRA includes the DC FRZ.

[Doc. No. FAA-2004-17005, 73 FR 76213, Dec. 16, 2008; Amdt. 93-91, 73 FR 79314, Dec. 29, 2008]

**§ 93.337 Requirements for operating in the DC SFRA.**

A pilot conducting any type of flight operation in the DC SFRA must comply with the restrictions listed in this subpart and all special instructions issued by the FAA in the interest of national security. Those special instructions may be issued in any manner the FAA considers appropriate, including a NOTAM. Additionally, a pilot must comply with all of the applicable requirements of this chapter.

**§ 93.339 Requirements for operating in the DC SFRA, including the DC FRZ.**

(a) Except as provided in paragraphs (b) and (c) of this section and in § 93.345, or unless authorized by Air Traffic Control, no pilot may operate an aircraft, including an ultralight vehicle or any civil aircraft or public aircraft, in the DC SFRA, including the DC FRZ, unless—

(1) The aircraft is equipped with an operable two-way radio capable of communicating with Air Traffic Control on appropriate radio frequencies;

(2) Before operating an aircraft in the DC SFRA, including the DC FRZ, the pilot establishes two-way radio communications with the appropriate Air Traffic Control facility and maintains such communications while operating the aircraft in the DC SFRA, including the DC FRZ;

(3) The aircraft is equipped with an operating automatic altitude reporting transponder;

(4) Before operating an aircraft in the DC SFRA, including the DC FRZ, the pilot obtains and transmits a discrete transponder code from Air Traffic Control, and the aircraft's transponder continues to transmit the assigned code while operating within the DC SFRA;

(5) For VFR operations, the pilot must file and activate a DC FRZ or DC SFRA flight plan by obtaining a discrete transponder code. The flight plan

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is closed upon landing at an airport within the DC SFRA or when the aircraft exits the DC SFRA;

(6) Before operating the aircraft into, out of, or through the Washington, DC Tri-Area Class B Airspace Area, the pilot receives a specific Air Traffic Control clearance to operate in the Class B airspace area; and

(7) Before operating the aircraft into, out of, or through Class D airspace area that is within the DC SFRA, the pilot complies with § 91.129 of this chapter.

(b) Paragraph (a)(5) of this section does not apply to operators of Department of Defense aircraft, law enforcement operations, or lifeguard or air ambulance operations under an FAA/TSA airspace authorization, if the flight crew is in contact with Air Traffic Control and is transmitting an Air Traffic Control-assigned discrete transponder code.

(c) When operating an aircraft in the VFR traffic pattern at an airport within the DC SFRA (but not within the DC FRZ) that does not have an airport traffic control tower, a pilot must—

(1) File a DC SFRA flight plan for traffic pattern work;

(2) Communicate traffic pattern position via the published Common Traffic Advisory Frequency (CTAF);

(3) Monitor VHF frequency 121.5 or UHF frequency 243.0, if the aircraft is suitably equipped;

(4) Obtain and transmit the Air Traffic Control-assigned discrete transponder code; and

(5) When exiting the VFR traffic pattern, comply with paragraphs (a)(1) through (a)(7) of this section.

(d) When operating an aircraft in the VFR traffic pattern at an airport within the DC SFRA (but not within the DC FRZ) that has an operating airport traffic control tower, a pilot must—

(1) Before departure or before entering the traffic pattern, request to remain in the traffic pattern;

(2) Remain in two-way radio communications with the tower. If the aircraft is suitably equipped, the pilot must also monitor VHF frequency 121.5 or UHF frequency 243.0;

(3) Continuously operate the aircraft transponder on code 1234 unless Air

Traffic Control assigns a different code; and

(4) Before exiting the traffic pattern, comply with paragraphs (a)(1) through (a)(7) of this section.

(e) Pilots must transmit the assigned transponder code. No pilot may use transponder code 1200 while in the DC SFRA.

**§ 93.341 Aircraft operations in the DC FRZ.**

(a) Except as provided in paragraph (b) of this section, no pilot may conduct any flight operation under part 91, 101, 103, 105, 125, 133, 135, or 137 of this chapter in the DC FRZ, unless the specific flight is operating under an FAA/TSA authorization.

(b) Department of Defense (DOD) operations, law enforcement operations, and lifeguard or air ambulance operations under an FAA/TSA airspace authorization are excepted from the prohibition in paragraph (a) of this section if the pilot is in contact with Air Traffic Control and operates the aircraft transponder on an Air Traffic Control-assigned beacon code.

(c) The following aircraft operations are permitted in the DC FRZ:

(1) Aircraft operations under the DCA Access Standard Security Program (DASSP) (49 CFR part 1562) with a Transportation Security Administration (TSA) flight authorization.

(2) Law enforcement and other U.S. Federal aircraft operations with prior FAA approval.

(3) Foreign-operated military and state aircraft operations with a State Department-authorized diplomatic clearance, with State Department notification to the FAA and TSA.

(4) Federal, State, Federal DOD contract, local government agency aircraft operations and part 121, 129 or 135 air carrier flights with TSA-approved full aircraft operator standard security programs/procedures, if operating with DOD permission and notification to the FAA and the National Capital Regional Coordination Center (NCRCC). These flights may land and depart Andrews Air Force Base, MD, with prior permission, if required.

(5) Aircraft operations maintaining radio contact with Air Traffic Control and continuously transmitting an Air

Traffic Control-assigned discrete transponder code. The pilot must monitor VHF frequency 121.5 or UHF frequency 243.0.

(d) Before departing from an airport within the DC FRZ, or before entering the DC FRZ, all aircraft, except DOD, law enforcement, and lifeguard or air ambulance aircraft operating under an FAA/TSA airspace authorization must file and activate an IFR or a DC FRZ or a DC SFRA flight plan and transmit a discrete transponder code assigned by an Air Traffic Control facility. Aircraft must transmit the discrete transponder code at all times while in the DC FRZ or DC SFRA.

**§93.343 Requirements for aircraft operations to or from College Park Airport, Potomac Airfield, or Washington Executive/Hyde Field Airport.**

(a) A pilot may not operate an aircraft to or from College Park Airport, MD, Potomac Airfield, MD, or Washington Executive/Hyde Field Airport, MD unless—

(1) The aircraft and its crew and passengers comply with security rules issued by the TSA in 49 CFR part 1562, subpart A;

(2) Before departing, the pilot files an IFR or DC FRZ or DC SFRA flight plan with the Washington Hub Flight Service Station (FSS) for each departure and arrival from/to College Park, Potomac Airfield, and Washington Executive/Hyde Field airports, whether or not the aircraft makes an intermediate stop;

(3) When filing a flight plan with the Washington Hub FSS, the pilot identifies himself or herself by providing the assigned pilot identification code. The Washington Hub FSS will accept the flight plan only after verifying the code; and

(4) The pilot complies with the applicable IFR or VFR egress procedures in paragraph (b), (c) or (d) of this section.

(b) If using IFR procedures, a pilot must—

(1) Obtain an Air Traffic Control clearance from the Potomac TRACON; and

(2) Comply with Air Traffic Control departure instructions from Washington Executive/Hyde Field, Potomac Airport, or College Park Airport. The

pilot must then proceed on the Air Traffic Control-assigned course and remain clear of the DC FRZ.

(c) If using VFR egress procedures, a pilot must—

(1) Depart as instructed by Air Traffic Control and expect a heading directly out of the DC FRZ until the pilot establishes two-way radio communication with Potomac Approach; and

(2) Operate as assigned by Air Traffic Control until clear of the DC FRZ, the DC SFRA, and the Class B or Class D airspace area.

(d) If using VFR ingress procedures, the aircraft must remain outside the DC SFRA until the pilot establishes communications with Air Traffic Control and receives authorization for the aircraft to enter the DC SFRA.

(e) VFR arrivals:

(1) If landing at College Park Airport a pilot may receive routing via the vicinity of Freeway Airport; or

(2) If landing at Washington Executive/Hyde Field or Potomac Airport, the pilot may receive routing via the vicinity of Maryland Airport or the Nottingham VORTAC.

**§93.345 VFR outbound procedures for fringe airports.**

(a) A pilot may depart from a fringe airport as defined in §93.335 without filing a flight plan or communicating with Air Traffic Control, unless requested, provided:

(1) The aircraft's transponder transmits code 1205;

(2) The pilot exits the DC SFRA by the most direct route before proceeding on course; and

(3) The pilot monitors VHF frequency 121.5 or UHF frequency 243.0.

(b) No pilot may operate an aircraft arriving at a fringe airport or transit the DC SFRA unless that pilot complies with the DC SFRA operating procedures in this subpart.

**PART 95—IFR ALTITUDES**

SPECIAL FEDERAL AVIATION REGULATION NO. 97 [NOTE]

**Subpart A—General**

Sec. 95.1 Applicability.