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INFORMATION PAPER

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Fifth NAM/CAR Air Navigation Implementation Working Group Meeting (ANI/WG/5)
Mexico City, Mexico, 27 to 31 May, 2019

Agenda Item 2: Review and Follow-up to Valid Conclusions/Decisions of the ANI/WG/04, NACC/WG/05 and GREPECAS/18 Meetings

2.1 Follow-up and performance and monitoring assessment of the NAM/CAR Regional Performance-Based Air Navigation Implementation Plan (RPBANIP)

ACCESS TO UNITED STATES ADS-B AIRSPACE AFTER JANUARY 1, 2020

(Presented by the United States)

EXECUTIVE SUMMARY

In 2010, the United States Federal Aviation Administration (FAA) published a regulatory requirement for all aircraft operating within specified airspace to be equipped with Automatic Dependent Surveillance – Broadcast (ADS-B) Out technology by January 1, 2020, according to Title 14 of the U.S. Code of Federal Regulations (14 CFR) sections 91.225 and 91.227. This requirement will affect all flights in the specified airspace.

This paper reminds the Meeting of the FAA's commitment to the fast approaching ADS-B compliance date.

Strategic Objectives:

- Safety
- Air Navigation Capacity and Efficiency
- Security & Facilitation
- Economic Development of Air Transport
- Environmental Protection

1. Introduction

1.1 This paper reminds the meeting of the approaching ADS-B Out compliance date for all operations in specified U.S. airspace after January 1, 2020. It describes the ways in which the FAA has demonstrated its commitment to that date. It notes that there will be provisions to allow non-routine access to the airspace by aircraft without operable or compliant ADS-B avionics. The meeting should note that such provisions should not be relied upon for routine access to U.S. airspace where ADS-B will be required.

2. Discussion

In 2010, the United States (U.S.) Federal Aviation Administration (FAA) published a regulatory requirement for all aircraft operating within specified airspace to be equipped with Automatic Dependent Surveillance – Broadcast (ADS-B) Out technology by January 1, 2020, according to Title 14 of the U.S. Code of Federal Regulations (14 CFR) sections 91.225 and 91.227. In this paper, these regulatory provisions are collectively referred to as the “rule” and will affect all flights in the specified airspace.

2.1 Since rule publication, the FAA has consistently demonstrated commitment to the compliance date. The FAA completed the deployment of ADS-B ground radios in 2014 and has since been using ADS-B as a surveillance source in most ATC facilities; all FAA ATC facilities will use ADS-B by the end of 2019. For more than four years, FAA has been collaboratively working with commercial operators, the avionics industry, and the international and general aviation communities to ensure awareness of the rule and working to identify and resolve barriers to equipping with ADS-B Out by January 1, 2020. In domestic and international forums and aviation publications, the FAA has clearly stated commitment to the compliance date and provided informational resources to aid compliance.

2.2 Under U.S. law, the rule only applies to the sovereign airspace of the United States. This is defined as any airspace which is over the land comprising the constituent States of the U.S., the District of Columbia, Puerto Rico, Guam, and all other territories or possessions of the United States, including the territorial waters surrounding these land regions out to 12 nautical miles from their coastlines. The rule does not apply to U.S.-managed international airspace. The rule does not apply to any airspace which is not sovereign to the United States, which the U.S. manages under an agreement with another country. Note however, that in U.S.-managed airspace where the rule does not apply, aircraft which are equipped with ADS-B Version 2, in compliance with the rule, may receive preferential ATC services.

2.3 The rule requires all operators to broadcast ADS-B Out information when operating in specified airspace, with few exceptions. States with operators that intend to operate within the specified U.S. airspace are encouraged to promote awareness of this approaching compliance date and the associated equipment and performance requirements. As stated in the preamble to the rule and in previous public statements by FAA, an aircraft that is not equipped to meet the performance requirements of the rule may be denied access to the specified airspace.

2.4 FAA recognizes that extenuating circumstances will arise that require an aircraft without appropriate ADS-B avionics be permitted in airspace where it is required. The ADS-B rule includes provisions for such circumstances. There are provisions for aircraft that are not equipped and aircraft on which the ADS-B system is inoperative. It is important to note that procedures to accommodate these aircraft are exceptions to the rule and were not intended to grant routine access to the specified airspace.

2.5 Title 14 of the U.S. Code of Federal Regulations (14 CFR) section 91.225 stipulates that requests for authorization for an aircraft without appropriate ADS-B avionics to operate in ADS-B-designated airspace must be made at least one hour before the operation. Requests for operation of an aircraft with an inoperative ADS-B system may be made at any time. FAA is currently working to establish procedures for requesting such authorizations. However, ATC authorizations may contain conditions necessary to provide the appropriate level of safety for all operators in the airspace. Furthermore, ATC may not be able to grant authorizations in all cases for a variety of reasons, including workload, runway configurations, air traffic flows, and weather conditions.

2.6 To clarify these matters in more detail for operators, the FAA has issued a Notice in the U.S. Federal Register as Docket No. FAA-2019-0239. States with operators planning to operate in the airspace designated in 14 CFR 91.225 are urged to read this Notice a copy of which downloaded at: <https://www.federalregister.gov/documents/2019/04/01/2019-06184/statement-of-policy-for-authorizations-to-operators-of-aircraft-that-are-not-equipped-with-automatic>

3. Conclusion

The FAA maintains its commitment to requiring that aircraft operating within specified airspace be equipped with ADS-B Out technology after January 1, 2020. Provisions will be made for non-routine access of aircraft without appropriate ADS-B avionics to operate in airspace where ADS-B is required. However, ATC authorizations for such access may not always be granted and may contain conditions necessary to provide the appropriate level of safety for all operators in the airspace. To avoid disruptions to their operations in U.S. airspace, operators are encouraged to equip with a compliant ADS-B Out system.