Mr. Rowayne A. Schatz,
Executive Director
DoD Policy Board on Federal Aviation (PBFA)
Attn: Col Daniel C. Furleigh
1480 Air Force Pentagon, Room 4D755 (HAF/A3OJ)
Washington, DC 20330

Dear Mr. Schatz,

This letter is in response to the Department of Defense’s (DoD) request for an authorization under Title 14 of the Code of Federal Regulations (14 CFR) § 91.225(g) to operate aircraft not equipped with Automatic Dependent Surveillance – Broadcast (ADS-B) Out in airspace areas where ADS-B Out is required, after January 1, 2020. The DoD has requested a national letter of authorization covering all of its operations involving non-equipped aircraft in airspace areas where ADS-B Out is required. This document (1) authorizes non-ADS-B Out equipped aircraft owned and operated by DoD to operate in airspace areas where ADS-B is required, as defined in §§ 91.225(a), (b), and (d), and (2) fulfills the procedural requirements in § 91.225(g)(2) allowing for a deviation.

Section 91.225 requires the use of ADS-B Out in aircraft operating in certain airspace after January 1, 2020. As such, after January 1, 2020, all aircraft operating in airspace where ADS-B Out is required must comply with the equipage and use requirement identified in §§ 91.225(a), (b), and (d), unless otherwise authorized. Section 91.225(g) allows persons to request air traffic control (ATC) authorization to operate in airspace where ADS-B Out is required while operating aircraft that do not meet the ADS-B Out requirements.

The DoD submitted this request because it may not equip all of its aircraft operating in airspace where ADS-B Out is required by January 1, 2020. The DoD explained that the delays in equipage are the result of available resources, related avionics upgrade schedules, budget plans, aircraft lifecycles, and Operational Security (OPSEC) concerns. Due to the nature of DoD operations, a request for authorization for each DoD operation is not feasible as it would hinder its responsiveness to events and undermine its role in preserving national security and ensuring military readiness. The FAA finds that, given the scope and nature of DoD operations in the National Airspace System (NAS), it is prudent for FAA to grant a national authorization, and
military readiness. The FAA finds that, given the scope and nature of DoD operations in the National Airspace System (NAS), it is prudent for FAA to grant a national authorization, and that this authorization would not degrade the safety of the NAS as ATC will continue to surveil DoD aircraft pursuant to § 91.215.

This authorization will satisfy the requirements of § 91.225(g) as it relates solely to a deviation for non-equipped aircraft and will fulfill DoD’s obligation to seek authorization from each ATC facility having jurisdiction over the concerned airspace at least 1 hour in advance of any operation. The dissemination of the authorization within the FAA satisfies the need to notify each ATC facility with jurisdiction over the ADS-B Out airspace in which DoD aircraft will operate. Issuing this authorization is consistent with FAA’s efforts to accommodate DoD’s national security and defense mission requirements after the ADS-B Out rule goes into effect.

This authorization applies only to: aircraft owned and operated by DoD; DoD-contracted aircraft that have been given public aircraft status by DoD when conducting operations on behalf of DoD; civil aircraft when operating on behalf of DoD; and foreign State aircraft conducting operations in U.S. airspace, pursuant to an agreement or arrangement with DoD. This authorization does not relieve foreign State aircraft from following current State Department requirements for operations to/from or transiting the U.S.

In consideration of the foregoing, I am granting DoD a national authorization to operate non-ADS-B Out equipped aircraft owned and operated by DoD in airspace where ADS-B Out is required. This national authorization satisfies the requirements of §§ 91.225(a), (b), (d), and (g)(2) without degrading the safety of the NAS and ensuring DoD’s ability to fulfill its national security mission.

This authorization is effective immediately and terminates on December 31, 2024, unless superseded, rescinded, or extended.

If you need further assistance, please contact my staff at (202) 267-2943.

Sincerely,

Maurice Hoffman
Director, Airspace Services
Mission Support Services

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1 This authorization does not relieve those DoD-contracted and civil operators from the requirement to equip pursuant to § 91.227 with ADS-B-Out if they operating in ADS-B airspace while conducting operations not on behalf of DoD.