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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97-AWP-31]

Modification to Class D Airspace; Hayward, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class D airspace area at Hayward, CA. The existing Class D airspace area at Hayward Air Terminal extends outward to 5.6 miles. The FAA has determined that the existing 5.6-mile radius is unjustified based on existing air traffic control requirements and should be reduced. This action reduces the radius of the Hayward Class D airspace area to 3.5 miles, but retains an extension from 3.5-mile radius to 5.2 miles southeast of the airport to accommodate Instrument Flight Rule (IFR) arrivals. The intended effect of this action is to eliminate those portions of the Hayward Class D airspace area which are not necessary to meet terminal air traffic requirements.

EFFECTIVE DATE: 0901 UTC, April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Debra Trindle, Airspace Specialist, Airspace Branch, AWP-520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725-6613.

SUPPLEMENTARY INFORMATION:

History

On August 11, 1997, the FAA proposed to amend 14 CFR part 71 to modify the Class D airspace area at Hayward, CA (62 FR 42954). The determination that the existing 5.6-mile radius at Hayward Air Terminal is not

justified and should be reduced, has made this action necessary. The intended effect of this proposed action would eliminate those portions of the Hayward Class D airspace which are not necessary to meet air traffic control requirements.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Five comments to the proposal were received. The alterations adopted by this rule are based on the FAA's analysis of the airspace and a review of the written comments submitted to the docket. Some of the comments submitted addressed subject areas that were not relevant to this rulemaking and will not be discussed. Class D airspace designations are published in paragraph 5000 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. Class D airspace designation listed in this document will be published subsequently in the Order.

Discussion of Comments

The FAA received five written comments regarding the proposed alteration of the Hayward Class D airspace. The comments received were from the Northern California Airspace Users Working Group (NCAUWG), the Aircraft Owners and Pilots Association (AOPA), and the Coalition for Responsible Airport Management and Policy (CRAMP). The FAA has determined that the alterations to the Hayward Class D airspace area, as contained herein, are necessary and will promote the most safe and efficient use of airspace.

Summarization of Comments

(1) AOPA, NCUAWG, and CRAMP proposed that visual reference points be included to allow circumnavigation of the Class D arrival extension. Class D airspace descriptions are published using the following methods: latitude and longitude, radials and Distance Measuring Equipment (DME) from existing Navigational Aids (NAVAIDS), and bearing from the Airport Reference Point (ARP). Presently, visual reference points are used only when describing Class B and Class C airspace areas. The use of visual reference points to describe Class D airspace areas will be taken under advisement.

(2) AOPA and CRAMP requested that Class D arrival extension be classified as Class E airspace. AOPA requested the FAA issue a waiver to FAA Order 7400.2D, Procedures for Handling Airspace Matters, allowing the airspace within the extension to be classified as Class E airspace. FAA Order 7400.2D states that a surface area arrival extension of two miles or less, will remain part of the basic surface area. The FAA establishes Class D airspace to contain terminal arrival operations, and may include any extensions necessary to contain arrival aircraft operating under IFR.

(3) CRAMP does not concur with the proposed revision of Hayward Class D airspace, stating that the FAA has offered no justification for its proposal. The FAA requires justification for all proposed Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAP's) from the airport authority that initiated the action. Justification for this proposed GPS SIAP to Runway (RWY) 28L was received from the Hayward Air Terminal authority. This information is on file in the Office of the Manager, Los Angeles Flight Procedures Office, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. Further justification was provided in the form of a Notice of Proposed Rulemaking (NPRM), which was published in the **Federal Register** on August 11, 1997. The primary purpose of the GPS SIAP to RWY 28L at Hayward Air Terminal is to provide expanded airport capability to train pilots for the latest in global positioning approaches, to allow operations in lower weather minimums, and to provide general aviation relief at neighboring Metropolitan Oakland International Airport.

(4) CRAMP questioned the FAA as to whether an analysis had been done as to the effects on circumnavigating traffic that either did not want, or could not get, ATC services. The FAA did not provide an analysis of this type, since air traffic control services are available at the Hayward Air Traffic Control Tower.

(5) CRAMP stated that the mileages were not specified as statute or nautical miles. All mileages contained in airspace descriptions are nautical, as prescribed in FAA Order 7400.2D.

The Rule

This amendment to 14 CFR part 71 modifies the Class D airspace area at Hayward, CA. The FAA is reducing the overall dimensions of the Class D airspace area at Hayward Air Terminal, CA. Where a FAA airport traffic control tower (ATCT) is in operation, the FAA establishes Class D airspace to contain terminal operations. Class D airspace areas generally extend outward from the center of an airport as far as is necessary to contain intended operations, and may include any extensions necessary to contain arriving and departing aircraft operating under Instrument Flight Rules (IFR). The existing Class D airspace area at Hayward Air Terminal extends outward to 5.6 miles, excluding the airspace within the San Francisco Class B, and Oakland Class C, airspace areas. The FAA has determined, based on present air traffic control requirements, that the 5.6-mile radius is not justified. Therefore, this action reduces the radius of the Hayward Class D airspace area to 3.5 miles, but retains an extension from the 3.5-mile radius to 5.2 miles southeast of the airport to accommodate IFR arrivals. Airspace within the Oakland Class C airspace area is excluded. The intended effect of this action is to eliminate those portions of the Hayward Class D airspace area which are not necessary to meet terminal air traffic control requirements. The area will be depicted on appropriate aeronautical charts for pilot reference.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this regulation—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 5000 Class D Airspace

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AWP CA D Hayward, CA [Revised]

Hayward Air Terminal, CA

(Lat. 37°39'34"N, long. 122°07'21"W)

Metropolitan Oakland International Airport

(Lat. 37°43'17"N, long. 122°13'15"W)

That airspace extending upward from the surface to but not including 1,500 feet MSL within a 3.5-mile radius of the Hayward Air Terminal and within 1.8 miles each side of the 119° bearing from the Hayward Air Terminal, extending from the 3.5-mile radius to 5.2 miles southeast of the Hayward Air Terminal, excluding that portion within the Metropolitan Oakland International Airport, CA, Class A airspace area. This Class D airspace area is effective during the specific dates and times established in advance in a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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Issued in Los Angeles, California, on January 21, 1998.

George D. Williams,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 98–3569 Filed 2–11–98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AWP–29]

Modification of Class E Airspace; Yuma, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace areas at Yuma, AZ. The development of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 17 and a GPS SIAP to RWY 21R at Yuma Marine Corps Air Station (MCAS)-Yuma International Airport has made this action necessary. Additional controlled airspace extending upward from the surface, and from 700 feet above ground level (AGL) is needed to contain aircraft executing the approaches. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Yuma MCAS-Yuma International Airport, Yuma, AZ.

EFFECTIVE DATE: 0901 UTC April 23, 1998.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

History

On October 17, 1997, the FAA proposed to amend 14 CFR part 71 to modify the Class E airspace areas at Yuma, AZ (62 FR 53987). The development of two GPS SIAP's at Yuma MCAS-Yuma International Airport has made this action necessary. The intended effect of this action is to provide additional controlled airspace extending upward from the surface, and from 700 feet AGL, to contain aircraft executing the GPS RWY 17 SIAP and the GPS RWY 21R SIAP to Yuma MCAS-Yuma International Airport, Yuma, AZ.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas designated as an extension to a Class D or Class E surface area, and for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraphs 6004 and 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Minor changes have been made to this proposal to ensure continuity with surrounding airspace areas.