

**§ 13.235 Judicial review of a final decision and order.**

(a) In cases under the Federal aviation statute, a party may seek judicial review of a final decision and order of the Administrator, as provided in 49 U.S.C. 46110(a), and, as applicable, in 49 U.S.C. 46301(d)(7)(D)(iii), 46301(g), or 47532.

(b) In cases under the Federal hazardous materials transportation statute, a party may seek judicial review of a final decision and order of the Administrator, as provided in 49 U.S.C. 5127.

(c) A party seeking judicial review of a final order issued by the Administrator may file a petition for review in the United States Court of Appeals for the District of Columbia Circuit or in the United States Court of Appeals for the circuit in which the party resides or has its principal place of business.

(d) The party must file the petition for review no later than 60 days after service of the Administrator's final decision and order.

[Doc. No. FAA-2006-26477, 71 FR 70465, Dec. 5, 2006]

**Subpart H—Civil Monetary Penalty Inflation Adjustment**

SOURCE: Docket No. 28762, 61 FR 67445, Dec. 20, 1996, unless otherwise noted.

**§ 13.301 Inflation adjustments of civil monetary penalties.**

(a) This subpart provides the maximum civil monetary penalties or range of minimum and maximum civil monetary penalties for each statutory civil penalty subject to FAA jurisdiction, as adjusted for inflation.

(b) Each adjustment to a maximum civil monetary penalty or to minimum and maximum civil monetary penalties that establish a civil monetary penalty range applies to actions initiated under this part for violations occurring on or after July 31, 2019, notwithstanding references to specific civil penalty amounts elsewhere in this part.

(c) Minimum and maximum civil monetary penalties are as follows:

**TABLE 1 TO § 13.301: MINIMUM AND MAXIMUM CIVIL MONETARY PENALTY AMOUNTS FOR CERTAIN VIOLATIONS**

United States Code citation	Civil monetary penalty description	2018 minimum penalty amount	New minimum penalty amount for violations occurring on or after 07/31/2019, adjusted for inflation	2018 maximum penalty amount	New maximum penalty amount for violations occurring on or after 07/31/2019, adjusted for inflation
49 U.S.C. 5123(a)(1) ....	Violation of hazardous materials transportation law.	N/A	N/A	\$79,976 .....	\$81,993.
49 U.S.C. 5123(a)(2) ....	Violation of hazardous materials transportation law resulting in death, serious illness, severe injury, or substantial property destruction.	N/A	N/A	\$186,610 .....	\$191,316.
49 U.S.C. 5123(a)(3) ....	Violation of hazardous materials transportation law relating to training.	\$481	\$493	\$79,976 .....	\$81,993.
49 U.S.C. 46301(a)(1) ..	Violation by a person other than an individual or small business concern under 49 U.S.C. 46301(a)(1)(A) or (B).	N/A	N/A	\$33,333 .....	\$34,174.
49 U.S.C. 46301(a)(1) ..	Violation by an airman serving as an airman under 49 U.S.C. 46301(a)(1)(A) or (B) (but not covered by 46301(a)(5)(A) or (B)).	N/A	N/A	\$1,466 .....	\$1,501.

§ 13.301

14 CFR Ch. I (1–1–21 Edition)

TABLE 1 TO § 13.301: MINIMUM AND MAXIMUM CIVIL MONETARY PENALTY AMOUNTS FOR CERTAIN VIOLATIONS—Continued

United States Code citation	Civil monetary penalty description	2018 minimum penalty amount	New minimum penalty amount for violations occurring on or after 07/31/2019, adjusted for inflation	2018 maximum penalty amount	New maximum penalty amount for violations occurring on or after 07/31/2019, adjusted for inflation
49 U.S.C. 46301(a)(1) ..	Violation by an individual or small business concern under 49 U.S.C. 46301(a)(1)(A) or (B) (but not covered in 49 U.S.C. 46301(a)(5)).	N/A	N/A	\$1,466 .....	\$1,501.
49 U.S.C. 46301(a)(3) ..	Violation of 49 U.S.C. 47107(b) (or any assurance made under such section) or 49 U.S.C. 47133.	N/A	N/A	Increase above otherwise applicable maximum amount not to exceed 3 times the amount of revenues that are used in violation of such section.	No change.
49 U.S.C. 46301(a)(5)(A).	Violation by an individual or small business concern (except an airman serving as an airman) under 49 U.S.C. 46301(a)(5)(A)(i) or (ii).	N/A	N/A	\$13,333 .....	\$13,669.
49 U.S.C. 46301(a)(5)(B)(i).	Violation by an individual or small business concern related to the transportation of hazardous materials.	N/A	N/A	\$13,333 .....	\$13,669.
49 U.S.C. 46301(a)(5)(B)(ii).	Violation by an individual or small business concern related to the registration or recordation under 49 U.S.C. chapter 441, of an aircraft not used to provide air transportation.	N/A	N/A	\$13,333 .....	\$13,669.
49 U.S.C. 46301(a)(5)(B)(iii).	Violation by an individual or small business concern of 49 U.S.C. 44718(d), relating to limitation on construction or establishment of landfills.	N/A	N/A	\$13,333 .....	\$13,669.
49 U.S.C. 46301(a)(5)(B)(iv).	Violation by an individual or small business concern of 49 U.S.C. 44725, relating to the safe disposal of life-limited aircraft parts.	N/A	N/A	\$13,333 .....	\$13,669.
49 U.S.C. 46301(b) .....	Tampering with a smoke alarm device.	N/A	N/A	\$4,280 .....	\$4,388.
49 U.S.C. 46302 .....	Knowingly providing false information about alleged violation involving the special aircraft jurisdiction of the United States.	N/A	N/A	\$23,246 .....	\$23,832.
49 U.S.C. 46318 .....	Interference with cabin or flight crew.	N/A	N/A	\$35,440 .....	\$35,883.
49 U.S.C. 46319 .....	Permanent closure of an airport without providing sufficient notice.	N/A	N/A	\$13,333 .....	\$13,669.

TABLE 1 TO § 13.301: MINIMUM AND MAXIMUM CIVIL MONETARY PENALTY AMOUNTS FOR CERTAIN VIOLATIONS—Continued

United States Code citation	Civil monetary penalty description	2018 minimum penalty amount	New minimum penalty amount for violations occurring on or after 07/31/2019, adjusted for inflation	2018 maximum penalty amount	New maximum penalty amount for violations occurring on or after 07/31/2019, adjusted for inflation
49 U.S.C. 46320 .....	Operating an unmanned aircraft and in so doing knowingly or recklessly interfering with a wildfire suppression, law enforcement, or emergency response effort.	N/A	N/A	\$20,408 .....	\$20,923.
49 U.S.C. 47531 .....	Violation of 49 U.S.C. 47528–47530, relating to the prohibition of operating certain aircraft not complying with stage 3 noise levels.	N/A	N/A	See 49 U.S.C. 46301(a)(1) and (a)(5), above.	See 49 U.S.C. 46301(a)(1) and (a)(5), above.

[84 FR 37068, July 31, 2019]

**Subpart I—Flight Operational Quality Assurance Programs**

**§ 13.401 Flight Operational Quality Assurance Program: Prohibition against use of data for enforcement purposes.**

(a) *Applicability.* This section applies to any operator of an aircraft who operates such aircraft under an approved Flight Operational Quality Assurance (FOQA) program.

(b) *Definitions.* For the purpose of this section, the terms—

(1) *Flight Operational Quality Assurance (FOQA) program* means an FAA-approved program for the routine collection and analysis of digital flight data gathered during aircraft operations, including data currently collected pursuant to existing regulatory provisions, when such data is included in an approved FOQA program.

(2) *FOQA data* means any digital flight data that has been collected from an individual aircraft pursuant to an FAA-approved FOQA program, regardless of the electronic format of that data.

(3) *Aggregate FOQA data* means the summary statistical indices that are associated with FOQA event categories, based on an analysis of FOQA data from multiple aircraft operations.

(c) *Requirements.* In order for paragraph (e) of this section to apply, the operator must submit, maintain, and adhere to a FOQA Implementation and Operation Plan that is approved by the Administrator and which contains the following elements:

(1) A description of the operator’s plan for collecting and analyzing flight recorded data from line operations on a routine basis, including identification of the data to be collected;

(2) Procedures for taking corrective action that analysis of the data indicates is necessary in the interest of safety;

(3) Procedures for providing the FAA with aggregate FOQA data;

(4) Procedures for informing the FAA as to any corrective action being undertaken pursuant to paragraph (c)(2) of this section.

(d) *Submission of aggregate data.* The operator will provide the FAA with aggregate FOQA data in a form and manner acceptable to the Administrator.

(e) *Enforcement.* Except for criminal or deliberate acts, the Administrator will not use an operator’s FOQA data or aggregate FOQA data in an enforcement action against that operator or its employees when such FOQA data or aggregate FOQA data is obtained from