

(b) **INSTALLATION AND OPERATION.**—The Administrator shall require by regulation that, not later than 30 months after the date certification is made under subsection (a)(2) of this section, TCAS-II be installed and operated on each civil aircraft that has a maximum passenger capacity of at least 31 seats and is used to provide air transportation of passengers, including intrastate air transportation of passengers. The Administrator may extend the deadline in this subsection for not more than 2 years if the Administrator finds the extension is necessary to promote—

- (1) a safe and orderly transition to the operation of a fleet of civil aircraft described in this subsection equipped with TCAS-II; or
- (2) other safety objectives.

(c) **OPERATIONAL EVALUATION.**—Not later than December 30, 1990, the Administrator shall establish a one-year program to collect and assess safety and operational information from civil aircraft equipped with TCAS-II for the operational evaluation of TCAS-II. The Administrator shall encourage foreign air carriers that operate civil aircraft equipped with TCAS-II to participate in the program.

(d) **AMENDING SCHEDULE FOR WINDSHEAR EQUIPMENT.**—The Administrator shall consider the feasibility and desirability of amending the schedule for installing airborne low-altitude windshear equipment to make the schedule compatible with the schedule for installing TCAS-II.

(e) **DEADLINE FOR DEVELOPMENT AND CERTIFICATION.**—(1) The Administrator shall complete developing and certifying TCAS-III as soon as possible.

(2) Necessary amounts may be appropriated from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to carry out this subsection.

(f) **INSTALLING AND USING TRANSPONDERS.**—The Administrator shall prescribe regulations requiring that, not later than December 30, 1990, operating transponders with automatic altitude reporting capability be installed and used for aircraft operating in designated terminal airspace where radar service is provided for separation of aircraft. The Administrator may provide for access to that airspace (except terminal control areas and airport radar service areas) by nonequipped aircraft if the Administrator finds the access will not interfere with the normal traffic flow.

(g) **CARGO COLLISION AVOIDANCE SYSTEMS.**—

(1) **IN GENERAL.**—The Administrator shall require by regulation that, no later than December 31, 2002, collision avoidance equipment be installed on each cargo aircraft with a maximum certificated takeoff weight in excess of 15,000 kilograms.

(2) **EXTENSION OF DEADLINE.**—The Administrator may extend the deadline established by paragraph (1) by not more than 2 years if the Administrator finds that the extension is needed to promote—

- (A) a safe and orderly transition to the operation of a fleet of cargo aircraft equipped with collision avoidance equipment; or
- (B) other safety or public interest objectives.

(3) **COLLISION AVOIDANCE EQUIPMENT DEFINED.**—In this subsection, the term “collision avoidance equipment” means equipment that provides protection from mid-air collisions using technology that provides—

(A) cockpit-based collision detection and conflict resolution guidance, including display of traffic; and

(B) a margin of safety of at least the same level as provided by the collision avoidance system known as TCAS-II.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1198; Pub. L. 106-181, title V, §502, Apr. 5, 2000, 114 Stat. 132.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44716(a) .....	49 App.:1421(f)(1).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §601(f); added Dec. 30, 1987, Pub. L. 100-223, §203(b), 101 Stat. 1518; Dec. 15, 1989, Pub. L. 101-236, §2, 103 Stat. 2060.
44716(b) .....	49 App.:1421(f)(2), (4).	
44716(c) .....	49 App.:1421(f)(3).	
44716(d) .....	49 App.:1421(f)(5).	
44716(e) .....	49 App.:1421 (note).	Dec. 30, 1987, Pub. L. 100-223, §203(d), 101 Stat. 1519.
44716(f) .....	49 App.:1421(f)(6).	

In subsection (c), the words “In conducting the program” are omitted as surplus.

In subsection (e)(1), the word “research” is omitted as included in “developing”.

In subsection (e)(2), the words “established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502)” are added for consistency in the revised title.

In subsection (f), the words “Not later than 6 months after December 30, 1987, the Administrator shall promulgate a final rule” and “Such final rule” are omitted as executed.

Editorial Notes

AMENDMENTS

2000—Subsec. (g). Pub. L. 106-181 added subsec. (g).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in subsec. (a)(3) of this section, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and the 8th item on page 138 of House Document No. 103-7.

§ 44717. Aging aircraft

(a) **INSPECTIONS AND REVIEWS.**—The Administrator of the Federal Aviation Administration shall prescribe regulations that ensure the continuing airworthiness of aging aircraft. The regulations prescribed under subsection (a) of this section—

- (1) at least shall require the Administrator to make inspections, and review the maintenance and other records, of each aircraft an air carrier uses to provide air transportation that the Administrator decides may be necessary to enable the Administrator to decide

whether the aircraft is in safe condition and maintained properly for operation in air transportation;

(2) at least shall require an air carrier to demonstrate to the Administrator, as part of the inspection, that maintenance of the aircraft's age-sensitive parts and components has been adequate and timely enough to ensure the highest degree of safety;

(3) shall require the air carrier to make available to the Administrator the aircraft and any records about the aircraft that the Administrator requires to carry out a review; and

(4) shall establish procedures to be followed in carrying out an inspection.

(b) WHEN AND HOW INSPECTIONS AND REVIEWS SHALL BE CARRIED OUT.—(1) Inspections and reviews required under subsection (a)(1) of this section shall be carried out as part of each heavy maintenance check of the aircraft conducted after the 14th year in which the aircraft has been in service.

(2) Inspections under subsection (a)(1) of this section shall be carried out as provided under section 44701(a)(2)(B) and (C) of this title.

(c) AIRCRAFT MAINTENANCE SAFETY PROGRAMS.—The Administrator shall establish—

(1) a program to verify that air carriers are maintaining their aircraft according to maintenance programs approved by the Administrator;

(2) a program—

(A) to provide inspectors and engineers of the Administration with training necessary to conduct auditing inspections of aircraft operated by air carriers for corrosion and metal fatigue; and

(B) to enhance participation of those inspectors and engineers in those inspections; and

(3) a program to ensure that air carriers demonstrate to the Administrator their commitment and technical competence to ensure the airworthiness of aircraft that the carriers operate.

(d) FOREIGN AIR TRANSPORTATION.—(1) The Administrator shall take all possible steps to encourage governments of foreign countries and relevant international organizations to develop standards and requirements for inspections and reviews that—

(A) will ensure the continuing airworthiness of aging aircraft used by foreign air carriers to provide foreign air transportation to and from the United States; and

(B) will provide passengers of those foreign air carriers with the same level of safety that will be provided passengers of air carriers by carrying out this section.

(2) Not later than September 30, 1994, the Administrator shall report to Congress on carrying out this subsection.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1199.)

## HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44717(a) .....	49 App.:1421 (note).	Oct. 28, 1991, Pub. L. 102-143, §§ 402(a), (b)(1), (c)-(e), 405, 105 Stat. 951, 952.
44717(b) .....	49 App.:1421 (note).	Oct. 28, 1991, Pub. L. 102-143, § 402(b)(2), (3), 105 Stat. 951.
44717(c) .....	49 App.:1421 (note).	Oct. 28, 1991, Pub. L. 102-143, § 403, 105 Stat. 952.
44717(d) .....	49 App.:1421 (note).	Oct. 28, 1991, Pub. L. 102-143, § 404, 105 Stat. 952.

In subsections (a) and (c), before clause (1), the words “Not later than 180 days after the date of the enactment of this title” are omitted as obsolete.

In subsection (a), before clause (1), the text of section 405 of the Department of Transportation and Related Agencies Appropriations Act, 1992 (Public Law 102-143, 105 Stat. 952) is omitted as surplus because the complete name of the Administrator of the Federal Aviation Administration is used the first time the term appears in a section. The word “regulations” is substituted for “rule” because the terms are synonymous. In clauses (2)-(4), the words “required by the rule” are omitted as surplus. In clause (2), the words “structure, skin, and other” are omitted as surplus. In clause (3), the words “inspection, maintenance, and other” are omitted as surplus.

In subsection (c)(1), the word “Administrator” is substituted for “Federal Aviation Administration” for consistency in the revised title.

In subsection (d)(1), before clause (A), the words “governments of foreign countries” are substituted for “foreign governments” for consistency in the revised title and with other titles of the United States Code.

#### § 44718. Structures interfering with air commerce or national security

(a) NOTICE.—By regulation or by order when necessary, the Secretary of Transportation shall require a person to give adequate public notice, in the form and way the Secretary prescribes, of the construction, alteration, establishment, or expansion, or the proposed construction, alteration, establishment, or expansion, of a structure or sanitary landfill when the notice will promote—

(1) safety in air commerce;

(2) the efficient use and preservation of the navigable airspace and of airport traffic capacity at public-use airports; or

(3) the interests of national security, as determined by the Secretary of Defense.

(b) STUDIES.—

(1) IN GENERAL.—Under regulations prescribed by the Secretary, if the Secretary decides that constructing or altering a structure may result in an obstruction of the navigable airspace, an interference with air or space navigation facilities and equipment or the navigable airspace, or, after consultation with the Secretary of Defense, an adverse impact on military operations and readiness, the Secretary of Transportation shall conduct an aeronautical study to decide the extent of any adverse impact on the safe and efficient use of the airspace, facilities, or equipment. In conducting the study, the Secretary shall—

(A) consider factors relevant to the efficient and effective use of the navigable airspace, including—

(i) the impact on arrival, departure, and en route procedures for aircraft operating under visual flight rules;