

## § 11.61

### PETITIONS FOR RULEMAKING AND FOR EXEMPTION

#### **§ 11.61 May I ask FAA to adopt, amend, or repeal a regulation, or grant relief from the requirements of a current regulation?**

(a) Using a petition for rulemaking, you may ask FAA to add a new regulation to title 14 of the Code of Federal Regulations (14 CFR) or ask FAA to amend or repeal a current regulation in 14 CFR.

(b) Using a petition for exemption, you may ask FAA to grant you relief from current regulations in 14 CFR.

#### **§ 11.63 How and to whom do I submit my petition for rulemaking or petition for exemption?**

(a) For a petition of rulemaking or exemption filed under part 139 of this chapter:

(1) To the appropriate FAA airport field office in whose area the petitioner proposes to establish or has established its airport; and

(2) To the U.S. Department of Transportation, Docket Management System, 400 7th Street, SW., Room PL 401, Washington, DC 20591-0001 or to this Internet address: <http://dms.dot.gov/>.

(b) For all other cases,

(1) By paper submissions, send the original signed copy of your petition for rulemaking or exemption to this address: U.S. Department of Transportation, Docket Management System, 400 7th Street, SW., Room PL 401, Washington, DC 20591-0001.

(2) By electronic submission, submit your petition for rulemaking or exemption to FAA through the Internet using the Docket Management System Web site at this Internet address: <http://dms.dot.gov/>.

(c) In the future, FAA may designate other means by which you can submit petitions.

(d) Submit your petition for exemption 120 days before you need the exemption to take effect.

[Amdt. 11-50, 69 FR 22386, Apr. 26, 2004]

#### **§ 11.73 How does FAA process petitions for rulemaking?**

After we have determined the disposition of your petition, we will contact you in writing about our decision.

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The FAA may respond to your petition for rulemaking in one of the following ways:

(a) If we determine that your petition justifies our taking the action you suggest, we may issue an NPRM or ANPRM. We will do so no later than 6 months after the date we receive your petition. In making our decision, we consider:

(1) The immediacy of the safety or security concerns you raise;

(2) The priority of other issues the FAA must deal with; and

(3) The resources we have available to address these issues.

(b) If we have issued an ANPRM or NPRM on the subject matter of your petition, we will consider your arguments for a rule change as a comment in connection with the rulemaking proceeding. We will not treat your petition as a separate action.

(c) If we have begun a rulemaking project in the subject area of your petition, we will consider your comments and arguments for a rule change as part of that project. We will not treat your petition as a separate action.

(d) If we have tasked ARAC to study the general subject area of your petition, we will ask ARAC to review and evaluate your proposed action. We will not treat your petition as a separate action.

(e) If we determine that the issues you identify in your petition may have merit, but do not address an immediate safety concern or cannot be addressed because of other priorities and resource constraints, we may dismiss your petition. Your comments and arguments for a rule change will be placed in a database, which we will examine when we consider future rulemaking.

#### **§ 11.75 Does FAA invite public comment on petitions for rulemaking?**

Generally, FAA does not invite public comment on petitions for rulemaking.

#### **§ 11.77 Is there any additional information I must include in my petition for designating airspace?**

In petitions asking FAA to establish, amend, or repeal a designation of airspace, including special use airspace,