



[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2020-0766; Airspace Docket No. 20-AWP-38]

RIN 2120-AA66

Proposed Modification of Class D and Establishment of Class E Airspace; Hayward, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify the Class D airspace, establish Class E airspace extending upward from the surface, and establish Class E airspace as an extension to the Class D and Class E surface areas at Hayward Executive Airport, Hayward, CA. After a biennial review of the airspace, the FAA found it necessary to amend the existing airspace for the safety and management of Instrument Flight Rules (IFR) operations at this airport. This action would also update the airport name, amend the geographical coordinates for Hayward Executive and Metropolitan Oakland International airports to match the FAA's database and make a minor editorial change replacing the outdated term Airport/Facility Directory with the term Chart Supplement.

DATES: Comments must be received on or before **[INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590; telephone: 1-800-647-5527, or (202) 366-9826. You must identify

FAA Docket No. FAA-2020-0766; Airspace Docket No. 20-AWP-38, at the beginning of your comments. You may also submit comments through the Internet at <https://www.regulations.gov>.

FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at https://www.faa.gov/air_traffic/publications/. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA).

For information on the availability of FAA Order 7400.11E at NARA, email:

fedreg.legal@nara.gov, or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

FOR FURTHER INFORMATION CONTACT: Richard Roberts, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S. 216th Street, Des Moines, WA 98198; telephone (206) 231-2245.

SUPPLEMENTARY INFORMATION:

Authority for this Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class D airspace and establish Class E airspace to support IFR operations at Hayward Executive Airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2020-0766; Airspace Docket No. 20-AWP-38". The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at <https://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's web page at https://www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the "ADDRESSES" section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the

Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S. 216th Street, Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the ADDRESSES section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying the lateral dimensions of the Class D, establishing a new Class E surface area and establishing a Class E extension to the Class D and Class E surface areas.

The Class D would be expanded from 3.5 miles to within a 4-mile radius of the airport, excluding the airspace in the Oakland Metropolitan Airport Class C Surface Area. The extension 1.8 miles each side of the 119° bearing to the southeast is no longer needed and would be removed. These modifications would bring the airspace up to current standards and provide additional protection for circling.

Class E airspace extending upward from the surface would be established with the same lateral boundaries as the Class D. This would provide improved safety for operations within this area when the Airport Traffic Control Tower is not staffed.

Class E airspace as an extension to the Class D and Class E surface areas would be established to capture aircraft as they descend through 1,000 feet AGL while using the RNAV Approach to Runway 28L.

In addition, the term Airport Facility/Directory would be replaced with Chart Supplement, the name of the airport and the geographical coordinates for Hayward Executive and Metropolitan Oakland International airports would be updated to match the FAA's National Airspace System Resource (NASR) database.

Class D and Class E airspace designations are published in paragraph 5000, 6002, 6004, of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR Part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

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, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (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, when promulgated, would not have a

significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures” prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71 - DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

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

Authority: 49 U.S.C. 106(f), 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 Part 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 5000. Class D Airspace

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AWP CA D Hayward, CA [Amended]

Hayward Executive Airport, CA
(lat. 37°39'32"N, long. 122°07'18"W)

Metropolitan Oakland International Airport
(lat. 37°43'17"N, long. 122°13'16"W)

That airspace extending upward from the surface to, but not including, 1,500 feet MSL within a 4-mile radius of the Hayward Executive Airport, Hayward CA excluding that portion within the Metropolitan Oakland International Airport, Class C airspace. This Class D airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002. Class E Airspace Designated as Surface Areas.

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AWP CA E2 Hayward, CA [New]

Hayward Executive Airport, CA
(lat. 37°39'32"N, long. 122°07'18"W)
Metropolitan Oakland International Airport
(lat. 37°43'17"N, long. 122°13'16"W)

That airspace extending upward from the surface to but not including 1,500 feet MSL within a 4-mile radius of the Hayward Executive Airport, Hayward CA excluding that portion within the Metropolitan Oakland International Airport, Class C airspace. This Class E airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6004. Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

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AWP CA E4 Hayward, CA [New]

Hayward Executive Airport, CA
(lat. 37°39'32"N, long. 122°07'18"W)

That airspace extending upward from the surface 1.2 miles each side of the 120° bearing from the Hayward Executive Airport extending from the Class D and E2 airspace 4-mile radius to 9 miles from the airport.

Issued in Seattle, Washington, on September 8, 2020.

Byron Chew
Acting Group Manager
Operations Support Group
Western Service Center

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