



U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

JAN - 5 2017

David Schober
10919 Green Valley Rd.
Union Bridge, MD 21791

Re: Automatic Dependent Surveillance-Broadcast Out equipment requirements

Dear Mr. Schober:

This letter responds to your request for a legal interpretation dated July 7, 2015, regarding the Automatic Dependent Surveillance-Broadcast (ADS-B) Out equipment requirements in 14 C.F.R. § 91.225. Specifically, you have asked whether these requirements apply to aircraft originally certificated without an electrical system but which have subsequently had batteries or electric starters installed.

Section 91.225(b) requires aircraft operating in certain airspace to have equipment installed that meets: (1) the performance requirements of TSO-C166b (Extended Squitter ADS-B and Traffic Information Service-Broadcast Equipment Operating on the Radio Frequency of 1090 MHz) or TSO-C154c (Universal Access Transceiver ADS-B Equipment Operating on the Frequency of 978 MHz); and (2) the requirements of § 91.227. These equipment requirements do not apply to “any aircraft that was not originally certificated with an electrical system, or that has not subsequently been certified with such a system installed, including balloons and gliders.” 14 C.F.R. § 91.225(e).

You note that the exception for aircraft to be equipped with a transponder in § 91.215(a)(5) uses the term “engine-driven electrical system” rather than simply “electrical system” as in the ADS-B Out exception in § 91.225(e). In the notice of proposed rulemaking (NPRM) and final rule for ADS-B Out, the FAA did not indicate that the omission of the word “engine-driven” from § 91.225(e) was intended to mean something different from the transponder regulation. In fact, in describing the transponder exception in the ADS-B Out NPRM, the FAA used the term “electrical system” rather than “engine-driven electrical system.” 72 FR 56947, 56958 fn.23 (Oct. 5, 2007). As such, we have concluded that the same aircraft excluded from the transponder requirement are excluded from the ADS-B Out equipment. Accordingly, an aircraft that subsequently has been installed with batteries or an electric starter would not be required to equip for ADS-B Out. The FAA may consider a technical amendment in the future to remove any confusion due to the discrepancy between the language in § 91.215(a)(5) and § 91.225(e).

This response was prepared by Anne Moore, an attorney in the Regulations Division of the Office of the Chief Counsel, and coordinated with the Aircraft Certification Service. If you have any additional questions regarding this matter, please contact my office at (202) 267-3073.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lorelei Peter".

Lorelei Peter
Assistant Chief Counsel for Regulations