

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Operating Limitations at Newark Liberty International Airport**

AGENCY: Department of Transportation, Federal Aviation Administration (FAA).

ACTION: Extension to order.

SUMMARY: This action extends the order limiting the number of scheduled aircraft operations at Newark Liberty International Airport (EWR), which was most recently extended on September 29, 2025, by approximately one year, through October 30, 2027.

DATES: This action is effective on October 25, 2026.

ADDRESSES: If you wish to review the background documents or comments received in this proceeding, you may go to <http://www.regulations.gov> at any time and follow the online instructions for accessing the electronic docket. You may also go to the U.S. Department of Transportation's Docket Operations in Room W12-140 on the ground floor of the West Building at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Al Meilus, Slot Administration and Capacity Analysis, FAA ATO System Operations Services, AJR-G5, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267-2822; email 7-awa-slotadmin@faa.gov.

SUPPLEMENTARY INFORMATION:**I. Summary**

On June 10, 2025, FAA issued a final order limiting operations at EWR ("the June 2025 order").¹ The June 2025 order was set to expire on December 31, 2025, aligned with the expected completion of runway construction projects. On August 12, 2025, FAA published a notice that invited comments on its proposal to extend the June 2025 order.² Air Traffic Controller staffing levels at EWR did not materially change immediately after the May 2025 delay reduction meetings, necessitating consideration of an extension. FAA issued an extension of the order on September 29, 2025, ("the September 2025 order") and amended the operating limitations to 36 arrivals and departures

per hour, or 72 hourly operations total.³ This reflected the manageable rate of operations at EWR upon the completion of runway construction with the level of staffing at the airport at the time.

Now, FAA issues this one-year extension of the September 2025 order to address continued staffing deficiencies at EWR and to provide additional time for controller onboarding and training. Although FAA has improved its staffing pipeline across the national airspace system (NAS), the level of certified professional air traffic controllers (CPCs) will not significantly improve before close of the Summer 2027 scheduling season. As such, FAA has determined that current operating limitations order must be extended to ensure that operations are limited to a rate that is safely manageable for this level of CPCs on staff at EWR.

II. Authority

The U.S. Government has exclusive sovereignty over the airspace of the United States.⁴ Under this broad authority, Congress has delegated to the Administrator extensive and plenary authority to ensure the safety of aircraft and the efficient use of the nation's navigable airspace. In this regard, the Administrator shall assign the use of navigable airspace by regulation or order under such terms, conditions and limitations as he may deem necessary to ensure its efficient use.⁵ The Administrator may modify or revoke an assignment when required in the public interest.⁶ Furthermore, in carrying out the Administrator's safety responsibilities under the statute, the Administrator must consider controlling the use of the navigable airspace and regulating civil operations in that airspace in the interest of the safety and efficiency of those operations.⁷

FAA's statutory authority to manage "the efficient use of airspace" encompasses its management of the nationwide system of air commerce and air traffic control. Ensuring the efficient use of the airspace means that FAA shall take all necessary steps to prevent extreme congestion at an airport from

disrupting or adversely affecting the overall air traffic system for which FAA is responsible. Further, delays at EWR frustrate the efficient operations of air carriers transporting passengers to and from this important region. The impacts of delays at EWR spread throughout the NAS, resulting in substantial economic loss and inconvenience for the traveling public, air carriers, shippers, and others.

FAA finds that notice and comment procedures under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest, as no significant substantive changes are included in this action.

III. Background

On April 6, 2016, FAA designated EWR as a Level 2 schedule-facilitated airport under the International Air Transportation Association (IATA) Worldwide Slot Guidelines (WSG), effective October 30, 2016.⁸

FAA does not allocate slots or impose minimum usage requirements at EWR. Level 2 schedule facilitation depends upon close and continuous discussions and voluntary agreement between carriers and FAA to reduce congestion. At Level 2 airports, FAA provides priority consideration for flights approved by FAA and operated by the carrier in those approved times in the prior scheduling season when FAA reviews proposed flights for facilitation in the next corresponding scheduling season. Only those flights that were actually operated as approved in a scheduling season generally receive priority for the next corresponding scheduling season. However, FAA notes that the usual Level 2 processes include flexibility for the facilitator to prioritize planned flights that are canceled in advance or on the day of the scheduled operation due to operational impacts beyond the control of the carrier. Previously, FAA implemented targeted scheduling limits at EWR in an effort to minimize delay and congestion. The current nominal targeted scheduling limit for EWR is 77 operations per hour.⁹

Air Traffic Controller Staffing Status

In July 2024, FAA transferred air traffic control (ATC) oversight for the Newark area, known as Area C, to the Philadelphia TRACON (PHL). PHL's current targeted staffing number remains at 114 Certified Professional Controllers (CPCs); the current number of onboard controllers at PHL is 74, representing 64.9 percent of the staffing target. Within PHL, Area C's targeted

³ See Operating Limitations at Newark Liberty International Airport, 90 FR 46730 (September 29, 2025).

⁴ 49 U.S.C. 40103.

⁵ 49 U.S.C. 40103(b)(1), as previously codified in 49 U.S.C. App. § 307(a). Title 49 was recodified by Public Law 103-222, 108 Stat. 745 (1994). The textual revisions were not intended to result in substantive changes to the law. The recodification stated that the words in § 307(a) "under such terms, conditions, and limitations as he may deem" were omitted as surplus. H. Rpt. 103-180 (103d Cong., 1st Sess. 1993) at 262.

⁶ *Id.*

⁷ 49 U.S.C. 40101(d)(4).

⁸ 81 FR 19861 (April 6, 2016).

⁹ 89 FR 43501 (May 17, 2024).

¹ See Operating Limitations at Newark Liberty International Airport, Order Establishing Targeted Scheduling Limits, 90 FR 24482 (June 10, 2025).

² See Operating Limitations at Newark Liberty International Airport, Notice of Request for Comment, 90 FR 38881 (August 12, 2025).

staffing number is 46 CPCs. Currently, Area C has 28 CPCs, representing 60.8 percent of the staffing target. By the end of July 2026, six CPCs currently assigned to Area C will return to the New York Terminal Radar Approach Control facility (N90), which previously managed the Newark area. Eight additional CPCs that are temporarily assigned to Area C have extended their assignment to the end of July 2028. ATO is taking action to replace the six temporary CPCs. PHL now has a total of 28 trainees, with 19 trainees assigned to Area C. Overall, the staffing level of CPCs assigned to EWR has decreased slightly compared to last summer. As such, FAA finds that it is not in the interest of safety or reasonable to lift the operating limitations given the number of CPCs presently serving EWR. Although the staffing pipeline is improving, FAA does not expect the target number of CPCs assigned to EWR to be realized before the end of the Summer 2027 scheduling season.

EWR's Performance Under Operating Limitation Order

On-time performance for arrivals remains at 75 percent despite the implementation of the operating limitations.¹⁰ As such, the existing operating limitations remain necessary in order to prevent a decrease in performance at the airport.

IV. Allocation Method

Allocations of timings will be made proportionally based on an air carriers' operations at EWR. For Winter 2026/2027 and Summer 2027, FAA will continue to limit arrivals and departures to no more than 36 arrivals and 36 departures per hour.

As with the September 2025 order, FAA will carry each carrier's reductions per hour from the Summer 2025 scheduling season at EWR to the extent practicable, to the Winter 2026/2027 and Summer 2027 schedules.

FAA will work to ensure the targeted schedule for each carrier each hour will be proportional to their approved schedules for each individual season, taking into account that schedules may be different from one season to the next.

V. Hourly Targeted Scheduling Limitations

From October 25, 2026, through October 30, 2027, the daily scheduling limit is 72 hourly operations, or 36 arrivals and departures each per hour. FAA will work with carriers to ensure more balanced operations within each

30-minute interval of each schedule-facilitated hour.

VI. Foreign Air Carriers

FAA will accept any returns from foreign carriers through the IATA process. FAA will also work with all carriers, including foreign air carriers, as usual in responding to requests and confirming times that are available subject to the limits described above.

VII. Unscheduled Operations and New Scheduled Operations

Based upon current projections and the ongoing temporary conditions in place, FAA does not expect to accommodate new scheduled operations at EWR. Permitting new scheduled operations could exacerbate the existing conditions and undo the purpose of these operating limitations, which is to achieve operational stability at EWR as training of additional staff continues.

FAA will continue to accommodate other unscheduled operations, such as cargo, charter, or nonscheduled foreign carrier operations, on a "first come, first serve" basis to the extent such operators can be accommodated at EWR. All requests must be submitted to and approved by the FAA Slot Administration Office at 7-awa-slotadmin@faa.gov. In addition, these operations must also obtain approval from the EWR terminal to operate as appropriate. FAA encourages operators to utilize nearby airports to access the region while this Order is in effect.

VIII. Additional Operational Modifications

Based on FAA's experience with capacity-constrained airports, FAA anticipates that carriers may occasionally need to modify their schedules for operational or other reasons while this Order is in effect. Accordingly, this Order provides a mechanism through which such carriers can modify their schedules.

Carriers operating at EWR must obtain the Administrator's written approval before making a schedule change to outside the hourly window associated with an authorized timing.

FAA recognizes that there may be unexpected disruptions due to operation issues, weather, or other circumstances beyond the carriers' control. Since EWR is a Level 2 airport, FAA will work with the carriers on any additional relief needed to prioritize impacted operations for the purpose of establishing operational baselines for the next corresponding season.

IX. National Environmental Policy Act

On June 4, 2025, FAA prepared a categorical exclusion (CATEX) document applicable to the original order that is herein being extended. The CATEX relied upon FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, paragraphs 5–6.5(j), 5–6.6(d), and 5–6.6(f).^{11 12} On July 1, 2025, Secretary of Transportation Sean P. Duffy signed Department of Transportation (DOT) Order 5610.1D. Paragraph 18 of DOT Order 5610.1D states that an Operating Administration (OA) such as FAA "may rely on any pre-existing EIS, EA, or determination that a [CATEX] applies to a given project" if the actions are substantially the same. FAA has determined that the extension of the currently effective order is substantially the same as the original order for purposes of compliance with the National Environmental Policy Act (NEPA), 42 U.S.C. 4321, *et seq.*

X. Order

Accordingly, with respect to flight operations at EWR, under the authority provided to the Secretary of Transportation and the FAA Administrator by 49 U.S.C. 40101, 40103, 40113, and 41722, it is hereby ordered that:

1. This Order modifies the targeted scheduling limit for arrivals and departures at EWR during the affected hours for the U.S. air carriers who operate at EWR as reflected by authorized scheduled timings. FAA will not accommodate authorized scheduled timings under this Order to any person or entity other than a certificated U.S. air carrier with appropriate economic authority and FAA operating authority under 14 CFR part 121, 129, or 135 (revised allocations based upon proportionality to air carriers that contributed timings during delay reduction meetings). This Order further affirms that FAA will not accommodate new requests or re-timings into schedule-facilitated hours with 36 arrivals and 36 departures if such a request will result in exceeding the hourly limit ("no backfills"). Finally,

¹¹ On June 30, 2025, the FAA issued an updated environmental order, FAA Order 1050.1G, *FAA National Environmental Policy Act Implementing Procedures*. However, the CATEX was prepared prior to the effective date of the new order. The CATEX categories referenced above are located in paragraphs B–2.5(j), B–2.6(d), and B–2.6(f) of the updated order.

¹² FAA Order 1050.1F has subsequently been replaced by FAA Order 1050.1G, "Environmental Impacts: Policies and Procedures." Paragraphs 5–6.5(j), 5–6.6(d), and 5–6.6(f) from FAA Order 1050.1F, referenced in this section, can now be found in FAA Order 1050.1G, paragraphs B–2.5.j, B–2.6.d, and B–2.6.f.

¹⁰ Cirium data for the period June 6, 2025, through March 7, 2026.

FAA will accommodate foreign air carrier requests and unscheduled operations in certain hours with availability throughout the schedule-facilitated day, on a “first come, first serve” basis. All requests must be submitted to and approved by the FAA Slot Administration Office at 7-awa-slotadmin@faa.gov. The FAA Vice President, System Operations Services, is the final decision-maker for determinations under this paragraph. The provisions in paragraphs 2 through 11 below apply to the following:

a. All U.S. air carriers conducting scheduled operations at EWR as of the date of this Order, any U.S. air carrier that operates under the same designator code as such carrier, and any air carrier that has or enters into a codeshare agreement with such carrier.

b. All U.S. air carriers operating scheduled or regularly conducted commercial service to EWR while this Order is in effect.

2. This Order establishes daily targeted scheduled arrivals and departures at EWR from 6 a.m. through 10:59 p.m., Eastern Time, until October 30, 2027.

3. This Order takes effect on October 25, 2026, and expires on October 30, 2027.

4. The following procedures apply to authorized scheduled timings at EWR:

a. Scheduled arrivals and departures should not exceed 36 per hour each.

b. The Administrator may change the operating limits if he determines that capacity exists to accommodate additional operations without a significant increase in delays. If delays substantially increase due to circumstances adversely impacting operations, the Administrator may further reduce the operating limitations.

5. Carriers will retain historic priority for the next corresponding season for authorized scheduled timings reduced

or re-timed under the delay reduction proceedings.

6. A carrier operating an authorized scheduled timing may request the Administrator’s approval to move any arrival or departure scheduled from 6 a.m. through 10:59 p.m. to another half hour within that period. Except as provided in paragraph seven, the carrier must receive the written approval of the Administrator, or his delegate, prior to conducting any scheduled arrival or departure. All requests to move an authorized scheduled timing must be submitted to the FAA Slot Administration Office at 7-AWA-Slotadmin@faa.gov and must come from a designated representative of the carrier.

7. Notice of a swap must be submitted in writing to the FAA Slot Administration Office at 7-AWA-Slotadmin@faa.gov and must come from a designated representative of each carrier. FAA must confirm and approve these exchanges in writing prior to the effective date of the exchange.

8. Any authorized scheduled timing not used during the Winter 2026/2027 or Summer 2027 scheduling seasons will not be prioritized for the purposes of establishing an operational baseline for the next corresponding season unless the carrier notifies FAA of a request for prioritization. FAA will review these requests. FAA will respond to the carrier with an acknowledgement of the request and a determination.

9. If FAA determines that a further reduction in targeted scheduled operations is needed, FAA may call an additional scheduling reduction meeting pursuant to 49 U.S.C. 41722.

10. Carriers may voluntarily return up to ten percent of their operations for the Winter 2026/2027 and the Summer 2027 scheduling seasons in addition to the reductions assigned under the Order. This relief includes operations between EWR and Ronald Reagan Washington

National Airport (DCA). Carriers requesting this relief must submit returned operations to the FAA Slot Administration Office at 7-AWA-Slotadmin@faa.gov. Returned operations will be treated as operated for the purposes of establishing an operational baseline for the next corresponding season. FAA may reallocate these operations on a non-historic basis for the duration of this voluntary relief so long as the reallocation does not exceed the hourly operating limitation. This relief is not available for any DCA slots granted by the DOT pursuant to section 505 of the FAA Reauthorization Act of 2024 (Pub. L. 118–63).

11. FAA may enforce this Order through an enforcement action seeking a civil penalty under 49 U.S.C. 46301(a). A carrier that is not a small business as defined in the Small Business Act, 15 U.S.C. 632, will be liable for a civil penalty of up to \$75,000 for every flight it operates above the limits set forth in this Order. A carrier that is a small business as defined in the Small Business Act will be liable for a civil penalty of up to \$16,630 for every flight it operates above the limits set forth in this Order. FAA also could file a civil action in U.S. District Court, under 49 U.S.C. 46106, 46107, seeking to enjoin any air carrier from violating the terms of this Order.

12. FAA may modify or withdraw any provision in this Order on its own or on application by any carrier for good cause shown.

Issued in Washington, DC, on June 18, 2026.

William McKenna,

Chief Counsel.

Bryan Bedford,

Administrator.

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