

**VOLUME 3 GENERAL TECHNICAL ADMINISTRATION****CHAPTER 14 PUBLIC AIRCRAFT****Section 2 Public Aircraft Operations and Surveillance Government Aircraft Operations Versus Civil Aircraft Operations****3-556 PROGRAM TRACKING AND REPORTING SUBSYSTEM (PTRS) ACTIVITY CODES.** Reserved.

**3-557 OBJECTIVE.** This chapter contains guidance and information for aviation safety inspectors (ASI) assigned to or working with government-owned aircraft, or public aircraft, as defined in Title 49 of the United States Code (49 U.S.C.), § 40102(a)(41).

**3-558 GENERAL.** On October 25, 1994, the President signed the Independent Safety Board Act Amendments, which contained a major change in the definition of public aircraft. Public aircraft are exempt from many types of Federal Aviation Administration (FAA) regulations. The current edition of Advisory Circular (AC) 00-1.1, Government Aircraft Operations, includes the FAA's interpretation of key statutory terms in reference to the new definition. The AC will assist operators of government-owned aircraft in determining whether their aircraft operations are public aircraft operations under the definition. It is important for ASIs to obtain the AC and understand its contents.

**3-559 STATUTORY PROVISIONS.** Under the statute, which became effective April 23, 1995, many former public aircraft operations may now be subject to the regulations applicable to civil aircraft operations. For example, aircraft used to transport passengers will, in some circumstances, no longer be considered public aircraft. Unless they receive an exemption from the Administrator, the operators of such aircraft will need to meet civil aircraft requirements such as those pertaining to certification, maintenance, and training.

**A.** Aircraft owned and operated by the Armed Forces and the intelligence agencies of the United States will retain their public aircraft status unless operated for commercial purposes.

**B.** Except as provided in the current edition of AC 00-1.1, Chapter 1, subparagraphs 2g through i, government-owned aircraft operators transporting passengers or transporting property for commercial purposes will now be required to operate in accordance with the applicable regulations.

**C.** It is still considered a public aircraft operation when government-owned aircraft operators transport (for other than commercial purposes) crewmembers or other persons aboard the aircraft whose presence is required to perform, or whose presence is associated with the performance of, a governmental function such as firefighting, search and rescue, law enforcement, aeronautical research, or biological or geological resource management. It is not sufficient to show that the passengers are being transported to perform one of the governmental functions; the use of the aircraft must be necessary for the performance of the mission.

**3-560 EXEMPTIONS.** Field office personnel have no authority to allow government operators to conduct operations that do not comply with the regulations. A government agency may, in appropriate circumstances, seek either a regulatory or statutory exemption. An applicant for an exemption should be directed to follow the exemption process set forth in Title 14 of the Code of Federal Regulations (14 CFR) part 11. Agencies that apply for statutory exemptions are required to show that they have an acceptable aviation safety program (ASP) to ensure safe operations. The ASP should be submitted with the petition for exemption by following the procedures outlined in part 11. The Flight Standards District Office (FSDO) has jurisdiction over the applicant's operation and will be asked to review the safety program and give an opinion on whether the program meets the requirements for issuing the exemption. The FSDO will be expected to provide written justification for its recommendations.

**3-561 ASSISTANCE.** Regional coordinators have been selected to assist in answering questions concerning this issue and may be contacted through the ASI's Regional Office (RO). Until further notice, questions concerning enforcement and legal interpretations will be forwarded to the Washington headquarters (HQ). Regional coordinators will forward questions to either the Aircraft Maintenance Division (AFS-300) or the General Aviation and Commercial Division (AFS-800).

**3-562 TYPE CERTIFICATION INQUIRIES.** Questions concerning type certification, including Supplemental Type Certificates (STC), should be directed to the operator's local FSDO.

**3-563 AIRWORTHINESS CERTIFICATION.** Any requests for airworthiness certification should be handled in accordance with the guidance provided in the current edition of FAA Order 8130.2, Airworthiness Certification of Aircraft and Related Products. Original airworthiness certification requests should be directed to the appropriate Manufacturing Inspection District Office (MIDO) for handling. If the MIDO cannot support the request, the FSDO may accomplish the certification after a letter of delegation has been received from the MIDO as described in Order 8130.2.

**3-564 AIRCRAFT USED FOR DUAL PURPOSES.** Government agencies may conduct both public and civil aircraft operations with the same aircraft. However, the operator will be required to maintain the aircraft in accordance with the appropriate regulations applicable to civil aircraft operations. Aircraft that hold airworthiness certificates should be handled as follows:

**A.** If the operation is a public aircraft operation and no modifications are made to the aircraft, the airworthiness certificate may be displayed in the aircraft as required by 14 CFR part 91, § 91.203(b).

**B.** When the public aircraft operation involves altering the aircraft temporarily, it is not necessary for the operator to surrender the airworthiness certificate or remove it from the aircraft. However, an inspection and logbook entry will be required prior to the aircraft operating as a civil aircraft. For example, when the public aircraft operation requires the removal of a door during the public aircraft operation, an authorized individual must perform the door installation and return to service before the aircraft is operated as a civil aircraft.

**C.** When the modification is substantial and involves more than the simple removal and/or installation of equipment, the operator should obtain the required FAA approval before conducting civil aircraft operations. Where the modification is such that it permanently invalidates the airworthiness certificate of the aircraft, the FSDO should seek the voluntary surrender of the certificate. If the aircraft owner refuses to surrender the certificate, the FSDO should follow the procedures in the current edition of FAA Order 2150.3, FAA Compliance and Enforcement Program.

**D.** The FAA has allowed a certificate holder that also conducts public aircraft operations to retain the aircraft on its operations specifications (OpSpecs) when certain requirements have been met. Generally, those requirements necessitate that the FAA approves permanent installations and modifications. Temporary alterations must be corrected and the appropriate inspection and maintenance entries must be made before the aircraft is returned to service.

### **3-565 SURVEILLANCE.**

**A.** Government-owned aircraft operators holding any type of FAA certification will be included in the normal surveillance activities such as spot inspections of the aircraft and aircraft records. This includes any aircraft exclusively leased to the Federal Government. Any aircraft or operation certificated by the FAA is subject to this surveillance regardless of whether they are operating as public or civil. For example, if an operation is considered public and the operator holds an airworthiness certificate, its maintenance records are eligible for review. If an ASI encounters an operator that states it is operating under public status and the ASI has questions concerning that operation, contact the regional public aircraft coordinator for assistance.

**B.** Government-owned aircraft operators that are conducting public aircraft operations should be included in the FSDO's annual planned surveillance activities to ensure that the operator's status remains unchanged.

**3-566 GOVERNMENTAL FUNCTIONS.** Not all activities conducted by government agencies are considered governmental functions within the meaning of the new definition. The accepted functions include "firefighting, search and rescue, law enforcement, aeronautical research, or biological or geological resource management," or other comparable functions. In each instance, the use of an aircraft must be necessary to perform the function. In some cases, training flights may be considered acceptable where the training is being performed aboard aircraft that is necessary for the performance of the training. AC 00-1.1 provides examples of situations that may be encountered by the field ASI. If an ASI has any questions regarding other functions comparable to those listed above or the nature of an operation, the ASI should seek assistance from the regional coordinator.

### **3-567 PREREQUISITES AND COORDINATION REQUIREMENTS.**

**A. Prerequisites.** Successful completion of the appropriate Airworthiness Indoctrination course(s).

**B. Coordination.** This task may require coordination between Maintenance, Avionics, and Operations ASIs.

### **3-568 REFERENCES, FORMS, AND JOB AIDS.**

#### **A. References (current editions):**

- AC 00-1.1, Government Aircraft Operations.
- Title 49 U.S.C. §§ 40102(a)(41) and 40125.

**B. Forms.** None.

**C. Job Aids.** None.

### **3-569 PROCEDURES.**

**A.** FSDO managers should ensure that a site visit is held with each government agency in their geographic area. This visit is necessary to determine whether the agency conducts operations that are subject to the regulations applicable to civil aircraft operations. Upon determining that a government agency will be required to conduct its aircraft operations as civil aircraft, the FSDO should assist the government agency in meeting the requirements of 14 CFR. Additionally, the FSDOs should provide the maximum assistance and advice to agencies that desire to operate in accordance with 14 CFR while conducting public aircraft operations.

**B.** Any government-owned aircraft that is not operated as a public aircraft will need to comply with all the appropriate certification, maintenance, and operating rules that apply to civil aircraft operations. For example, if the aircraft does not have a current inspection as required by § 91.409, it may not operate until the required inspection is accomplished.

**3-570 PTRS.** Each responsible field office will verify that all PTRS entries associated with government-owned aircraft include either the word “public” (exclusively used in public operations) or the word “civil” (civil operations) as the first characters in the National Use field. If the operator has both public and civil operations, enter “civil” in the National Use field. The PTRS activity codes for government-owned aircraft will be the same as those entries for identical activities involving civil aircraft. For example, if a government agency operating an SD3-30 contacts the FSDO and it is determined that the operator should be operating under 14 CFR part 135, then the ASI would open the PTRS using either activity code 3207 or 1213 and enter “civil” in the National Use field.

**A.** To monitor compliance with the rule, PTRS entries should be recorded for every contact with operators of government-owned aircraft.

**B.** After determining that a government-owned aircraft operator must meet the requirements for civil aircraft operations, standard PTRS codes should be used for the type of activity or surveillance being conducted. When accomplishing site visits on public operators who remain public, the inspector may use PTRS codes 1470, 3470, and 5470. These codes have been

changed and do not require a 14 CFR entry. All other activities in association with public operators should use the same activity codes (1470, 3470, and 5470) and then enter the applicable PTRS activity code in the tracking block.

**C.** Using the Civil Aviation Registry to monitor the implementation of this change, it is critical to enter the “N” number into the Aircraft Registration Number block. The “N” number for each aircraft operated by the government agency should be entered into the initial PTRS action for that agency. If more than one aircraft is operated, enter the additional registration numbers in the comment section using opinion code “I” and comment code “816.”

**D.** Government operators who are operating their aircraft under part 91 are to have a 14 CFR part 125 deviation designator assigned to them by the Aviation Data Systems Branch (AFS-620) and tracked in the enhanced Vital Information Database (eVID) in this manner. The assignment of a part 125 deviation designator is for tracking purposes only; they are not deviation holders.

**3-571 TASK OUTCOMES.** Complete the PTRS record.

**3-572 FUTURE ACTIVITIES.** None.

**RESERVED.** Paragraphs 3-573 through 3-590.