

VOLUME 16 UNMANNED AIRCRAFT SYSTEMS

CHAPTER 4 OPERATIONAL REQUIREMENTS AND APPROVAL

Section 1 Public Operations

16-4-1-1 GENERAL APPLICABILITY AND REQUIREMENTS. This section applies to Unmanned Aircraft Systems (UAS) operations conducted in the National Airspace System (NAS) other than in active restricted and prohibited areas designated for aviation use, and provides information and limited guidance on air traffic policies and prescribes procedures for the planning, coordination, and services involving the operation of public aircraft operations (PAO) of UAS in the NAS.

16-4-1-3 AUDIENCE. The primary audience for this section is all regional Flight Standards divisions (RFS) and Flight Standards District Office (FSDO) aviation safety inspectors (ASI). The secondary audience includes headquarters (HQ) Flight Standards Service (AFS) policy divisions responsible for implementation.

16-4-1-5 BACKGROUND. Title 49 of the United States Code (49 U.S.C.) § 40102 (a)(41) provides the definition of “public aircraft” and 49 U.S.C. § 40125 provides the qualifications for public aircraft status. At a very high level, “public aircraft” are utilized in support of “governmental functions” as defined in Title 49 U.S.C., and may be owned and operated by the government, or exclusively leased for at least 90 continuous days by the government of a state, the District of Columbia, or a territory or possession of the United States, or a political subdivision of one of these governments, except as provided in 49 U.S.C. § 40125(b). The most current version of Advisory Circular (AC) 00-1.1, Public Aircraft Operations, describes applicable statutory provisions, and includes contact information for policy questions. Additional information may be found in Volume 3, Chapter 14, Sections 1 and 2.

16-4-1-7 OVERSIGHT. PAO are limited by statute to certain government operations within U.S. airspace, and must comply with certain general operating rules applicable to all aircraft in the NAS. Other civil certification and safety oversight regulations do not apply to PAO and most aspects of PAO are not subject to FAA oversight. For example, PAO may self-certify standards for unmanned aircraft (UA) airworthiness as well as pilot certification, qualification and medical standards. However, if a public entity elects to operate under civil regulations, such as the conduct of operations under Section 333 of the FAA Modernization and Reform Act of 2012 (FMRA), then those operations would be subject to oversight by ASIs. Government agencies may conduct both public and civil aircraft operations with the same aircraft. However, when conducting operations under civil regulations, the operator will be required to maintain the aircraft in accordance with the appropriate regulations applicable to civil aircraft operations. Any aircraft or operation certificated by the FAA is subject to surveillance regardless of whether they are operating as public or civil. Government-owned aircraft operators that are conducting PAOs should be included in the FSDO’s annual planned surveillance activities to ensure that the operator’s status remains unchanged.

16-4-1-9 CERTIFICATE OF WAIVER OR AUTHORIZATION (COA). Current FAA policy for UAS operations is that no person may operate a UAS in the NAS without specific

authority. For UAS operating as public aircraft, the authority is the COA. The Air Traffic Organization (ATO) issues COAs to public operators for specific UA activities after receipt and a successful review of the operator's application. Applicants must provide sufficient information to support the proposed operations including a thorough description of their organizational structure, safety management process and technical capabilities that may include the following information:

- Organizational and operational points of contact (POC).
- Operational description (e.g., method of navigation, see-and-avoid).
- Systems description (e.g., airframe, control station, communications).
- Airframe performance characteristics.
- Airworthiness.
- Contingency procedures (e.g., lost command/control link, lost communications, and emergency).
- Avionics equipment.
- Lighting.
- Frequency spectrum analysis.
- Method of air traffic control (ATC) communications.
- Surveillance capability (for example, electronic and visual).
- System monitoring/recording capability.
- Flightcrew qualifications.
- Flight operations description (flight plan).
- Special circumstances.
- Reports of past incidents or accidents (for those applicants who have previously held a COA).

NOTE: For further information on ATO COA processing requirements see the most current version of Joint Order JO 7210.3, Facility Operations and Administration, and Notice JO 7210.891, Unmanned Aircraft Operations in the National Airspace System (NAS).

16-4-1-11 GENERAL OPERATING PROCEDURES. Public UA operations within restricted, prohibited and active warning areas do not require a COA; however, operations conducted outside of these areas require a COA from the ATO. UAS operations may be conducted within Class A, B, C, D, E, and/or G airspace. Operators must submit an application to the ATO at least 60 business days prior to the start of proposed operations.

A. COA Expirations. COAs typically expire on the stated termination date (2 years from the effective date) unless sooner surrendered by the proponent or revoked by the issuing agency.

B. Emergency and National Disaster COA Availability. Emergency and national disaster COAs are available to law enforcement, first responders, and other government entities upon request.

16-4-1-13 RELATED PUBLICATIONS.

- FAA Order 1100.161, Air Traffic Safety Oversight.
- FAA Order 8900.1, Volume 3, Chapter 14.
- FAA Order JO 7110.65, Air Traffic Control.
- FAA Order JO 7210.3, Facility Operation and Administration.
- FAA Order JO 7610.4, Special Operations. (This document contains Sensitive Unclassified Information (SUI) and is made available in accordance with FAA Order 1600.75 on a need-to-know basis. For information, visit: http://www.faa.gov/air_traffic/publications/spec_ops/.)
- Notice JO 7210.891, Unmanned Aircraft Operations in the National Airspace System (NAS).
- AC 00-1.1, Public Aircraft Operations.
- Title 49 U.S.C. § 40102 (a)(41).
- Title 49 U.S.C. § 40125.

16-4-1-15 through 16-4-1-29 RESERVED.