

CHAPTER 47. ISSUE A CERTIFICATE OF WAIVER FOR RESTRICTED CATEGORY CIVIL AIRCRAFT

SECTION 1. BACKGROUND

1. PROGRAM TRACKING AND REPORTING SUBSYSTEM (PTRS) ACTIVITY CODE. 1230

2. OBJECTIVE. The objective of this task is to determine whether or not an applicant is eligible for issuance of a Certificate of Waiver in accordance with Title 14 of the Code of Federal Regulations (14 CFR) part 91, § 91.313(e) for the operation of a restricted category civil aircraft. Successful completion of this task results in the issuance of a Certificate of Waiver or the disapproval of the application for the waiver.

A. 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. However, the general operating rules of part 91 will apply to public aircraft, unless otherwise stated in the rule.

B. 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 former public aircraft operations remain public aircraft operations under the new definition. It is important for ASIs to obtain the AC and understand its contents.

3. GENERAL.

A. Definitions.

(1) Restricted Category Civil Aircraft. In many cases only minor modifications of a standard category aircraft are made to install special equipment which will require the aircraft to be placed in a restricted category. This minor modification may actually have little or no effect on the performance or structural integrity of the aircraft and, therefore, issuance of a waiver may be a relatively simple procedure with little need existing for strict limitations in the special provisions section of the waiver. On the other hand, a standard aircraft or surplus military aircraft may be required to undergo extensive modifications to install

special equipment or to increase its operating weight. In this instance a waiver may be issued, but in all probability it would require more restrictive special provisions. Any special provision considered necessary in the interest of safety should be included when issuing a waiver of § 91.313(e).

(2) Special Purpose Operations. Generally, aircraft that have been certificated in the restricted category have been modified for special purpose operations. Title 14 CFR part 21, § 21.25 defines special purpose operations as:

(a) Agricultural (spraying, dusting, and seeding, and livestock and predatory animal control);

(b) Forest and wildlife conservation;

(c) Aerial surveying (photography, mapping, and oil and mineral exploration);

(d) Patrolling (pipelines, power lines, and canals);

(e) Weather control (cloud seeding);

(f) Aerial advertising (skywriting, banner towing, airborne signs and public address systems); and

(g) Any other operation specified by the Administrator

(3) Surplus Military Aircraft. Problems have been encountered by operators who purchase surplus military aircraft and attempt to have them certificated in the Standard Airworthiness Category. In many instances, although the aircraft may have type-certificated counterparts, these surplus aircraft are certificated in the restricted category because the cost involved in meeting requirements for standard airworthiness certificates is prohibitive. These aircraft may have been extensively modified or operated in combat conditions. In other cases, they may have been operated and maintained to the highest possible standards. This should be considered when processing an application for waiver of § 91.313(e) involving surplus military aircraft with regard to necessary special provisions. Any questions regarding airworthiness (such as performance, structural integrity, etc.) should

be referred to an airworthiness inspector or the Aircraft Certification Service.

B. Authority. Restricted category civil aircraft may not be operated over a densely populated area, in a congested airway, or near a busy airport where passenger transport operations are conducted except under the provisions of a Certificate of Waiver (§ 91.313(e)).

C. Aircraft Operating Limitations.

(1) Restricted category civil aircraft must be operated in accordance with a FAA Form 8130-7, Special Airworthiness Certificate and its associated operating limitations.

(2) For turbine-powered airplanes, piston-powered aircraft with over 800 horsepower (hp), rotorcraft, large airplanes (over 12,500 lbs), and any other aircraft as deemed necessary, a limitation concerning pilot qualifications may have been prescribed. An example of this limitation is “The pilot-in-command of this aircraft must, as applicable, hold an appropriate category/class rating, have an aircraft type rating, or possess a letter of authorization issued by an Flight Standards Inspector.”

(3) The FAA airworthiness inspector/aircraft engineer may also prescribe additional operating limitations as deemed necessary for the special purpose involved. The additional limitations will be enumerated on a separate sheet, dated, signed, and attached to FAA Form 8130-7, Special Airworthiness Certificate.

D. Special Provisions. Since each application needs to be evaluated on an individual basis, it would be impracticable to list all special provisions that might be necessary when issuing a waiver to 14 CFR § 91.313(e). However, the following is a partial list of subjects that may require special provisions:

- (1) Specific routes.
- (2) What runways can be used.
- (3) What airports may be used.
- (4) The number of operations where applicable.
- (5) Minimum weather criteria.
- (6) Considerations for diminished aircraft performance.

E. Waiver Application and Approval. Applications for operation of restricted category civil aircraft in

accordance with 14 CFR 91.313 are processed at the local Flight Standards District Office (FSDO).

F. Forms Used. FAA Form 7711-2, Application for a Certificate of Waiver or Authorization (Figure 47-1), is a multi-purpose form used to apply for FAA Form 7711-1, Certificate of Waiver or Authorization (Figure 47-2). All items on the form may not be applicable to the application.

G. Submission. The completion and submission of FAA Form 7711-2 is the sole responsibility of the applicant. FAA Form 7711-2 should be submitted at least 5 days before the proposed operation.

H. Approval or Denial. At least 3 days before the event the district office must approve or disapprove the application. Once approved, FAA Form 7711-2 becomes a part of FAA Form 7711-1. The district office manager, or a designated representative, shall sign the waiver upon approval.

I. Expiration Date. An FAA Form 7711-1 expires not later than 12 calendar months from the date of issuance or the termination of the proposed operation. A Certificate of Waiver must be re-applied for and then re-issued by the FSDO.

J. Vital Information Subsystem (VIS) Office File. The inspector should establish an operator VIS record of all operators issued waivers for a 12-calendar month period, i.e., industrial operator with a lighted advertising sign. However, a VIS record is not required for operators issued waivers for a one-time operation.

K. Assistance. Regional Coordinators have been selected to assist in answering any of your questions concerning this issue and may be contacted through your regional office. Until further notice, questions concerning enforcement and legal interpretations will be forwarded to Washington Headquarters. Regional Coordinators will forward such questions to the hotline. If unable to contact your Regional Coordinator you may call the hotline at (703) 661-0333 (extension 5054 or 5055). It is important to keep the Regional Coordinator advised in this case.

L. Type Certification Inquires. Questions concerning type certification, including Supplemental Type Certificates (STC), should be directed to the appropriate identified in AC 20-126, Aircraft Certification Service Field Office Listing (current edition).

4. STATUTORY PROVISIONS. Under the new statute, many former public aircraft operations may now be subject to the regulations applicable to civil aircraft