

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
Air Traffic Organization Policy

N JO 7210.820

Effective Date:
September 4, 2012

Cancellation Date:
March 7, 2013

SUBJ: Temporary Flight Restrictions (TFR)

- 1. Purpose of This Notice.** This notice clarifies the application of 14 CFR 91.137(a)1, (a)2, and (a)3, specifically when a TFR may be utilized for law enforcement activities when a disaster or hazard exists. Additionally, this notice amplifies the requirement for a hazard to exist when applying 14 CFR 91.137(a)3 TFR to prevent unsafe congestion due to sightseeing and other aircraft above an incident or event that may generate a high degree of public interest.
- 2. Audience.** This notice applies to the following Air Traffic Organization (ATO) service units: En Route and Oceanic, Terminal, Mission Support, and System Operations; and all associated air traffic control facilities.
- 3. Where Can I Find This Notice?** This notice is available on the MyFAA employee Web site at https://employees.faa.gov/tools_resources/orders_notices/ and on the air traffic publications Web site at http://www.faa.gov/air_traffic/publications/.
- 4. Procedures.** Amend FAA Order JO 7210.3, Chapter 19, Temporary Flight Restrictions, Sections 1, 2, 4, and 5 as follows:

Section 1. General Information

19-1-1. PURPOSE

This section prescribes guidelines and procedures regarding the use and issuance of regulatory temporary flight restrictions (TFRs).

19-1-2. AUTHORITY

a. The FAA Administrator has sole and exclusive authority over the navigable airspace of the United States. The Administrator has broad authority under Section 40103 of Title 49 of the United States Code (U.S.C.) to regulate, control, and develop plans for the use of the navigable airspace and to formulate policy for navigable airspace. See also 49 U.S.C. Section 40101(d).

b. Title 14 of the Code of Federal Regulations (14 CFR) parts 91 and 99 contain regulations addressing temporary flight restrictions and Special Security Instructions.

19-1-3. REASONS FOR ISSUING A TFR

While not all inclusive, a TFR may be issued for the following reasons: toxic gas leaks or spills; fumes from flammable agents which, if fanned by rotor or propeller wash, could endanger persons or property on the surface or in other aircraft; volcanic eruptions that could endanger airborne aircraft and occupants; hijacking incidents that may endanger persons or property on the surface, or airborne aircraft and occupants; aircraft accident/incident sites; aviation or ground resources engaged in wildfire suppression; aircraft relief activities

following a disaster; aerial demonstrations or major sporting events. A Special Security Instruction may be issued for reasons of national security.

19-1-4. TYPES OF TFRs

TFRs may be issued under the following regulations:

- a. Section 91.137, Temporary Flight Restrictions in the Vicinity of Disaster/Hazard Areas.
- b. Section 91.138, Temporary Flight Restrictions in National Disaster Areas in the State of Hawaii.
- c. Section 91.139, Emergency Air Traffic Rules.
- d. Section 91.141, Flight Restrictions in the Proximity of the Presidential and Other Parties.
- e. Section 91.143, Flight Limitation in the Proximity of Space Flight Operations.
- f. Section 91.145, Management of Aircraft Operations in the Vicinity of Aerial Demonstrations and Major Sporting Events.
- g. Section 99.7, Special Security Instructions.

19-1-5. TFR NOTAM CONTENT

TFR NOTAMs must comply with procedures detailed in FAA Order JO 7930.2, Notices to Airmen (NOTAM).

19-1-6. TFR INFORMATION

- a. Educational information regarding TFRs can be found in 14 CFR parts 91 and 99, and the Aeronautical Information Manual.
- b. National Airspace System (NAS) users or other interested parties should contact the nearest flight service station for TFR information. Additionally, you can find TFR information on automated briefings, Notice to Airmen (NOTAM) publications, and on the Internet at <http://www.faa.gov>. The FAA also distributes TFR information to aviation user groups and requests these groups to further disseminate the information to their members.

19-1-7. TFRs OUTSIDE OF THE UNITED STATES AND ITS TERRITORIES

TFRs are only implemented for sovereign U.S. airspace and its territories. If restrictions are located in an area that extends beyond the 12-mile coastal limit or a U.S. border, the NOTAM will contain language limiting the restriction to the airspace of the U.S., and its territories and possessions. The FAA may issue an advisory via the NOTAM System to inform affected users of any hazard or dangerous information outside of the sovereign U.S. airspace and its territories.

19-1-8. TFR QUESTIONS

Direct any questions or concerns regarding TFRs to the ATO service area manager having jurisdiction over the TFR area. You may also contact Mission Support, Airspace, Regulations, and ATC Procedures Group, FAA Headquarters, Washington, D.C., at (202) 267-8783.

Section 2. Temporary Flight Restrictions in the Vicinity of Disaster/ Hazard Areas (14 CFR Section 91.137)

19-2-1. PURPOSE

This section prescribes guidelines and procedures regarding the management of aircraft operations in the vicinity of disaster/hazard areas in accordance with 14 CFR Section 91.137. TFRs issued under this section are for disaster/hazard situations that warrant regulatory measures to restrict flight operations for a specified amount of airspace, on a temporary basis, in order to provide protection of persons or property in the air or on the ground.

19-2-2. RATIONALE

TFRs in accordance with 14 CFR Section 91.137 are issued when necessary to:

- a.** 14 CFR 91.137 a(1) - Protect persons and property on the surface or in the air from an existing or imminent hazard associated with an incident on the surface when the presence of low flying aircraft would magnify, alter, spread, or compound that hazard.
- b.** 14 CFR 91.137 a(2) - Provide a safe environment for the operation of disaster relief aircraft.
- c.** 14 CFR 91.137 a(3) - Prevent an unsafe congestion of sightseeing and other aircraft above an incident or event that may generate a high degree of public interest.

NOTE—

This provision applies only to disaster/hazard incidents of limited duration that would attract an unsafe congestion of sightseeing aircraft.

19-2-3. SITUATIONS FOR RESTRICTIONS

TFRs in accordance with 14 CFR Section 91.137 may be issued for, but are not limited to, the following situations:

- a.** 14 CFR 91.137(a)(1): toxic gas leaks or spills; flammable agents or fumes that, if fanned by rotor or propeller wash, could endanger persons or property on the surface or, if entered by an aircraft, could endanger persons or property in the air; volcanic eruptions that could endanger airborne aircraft and occupants; nuclear accident or incident; and hijackings.
- b.** 14 CFR 91.137(a)(2): aviation or ground resources engaged in wildfire suppression; and aircraft relief activities following a disaster (for example, earthquake, tidal wave, flood, etc.).
- c.** 14 CFR 91.137(a)(3): disaster/hazard incidents of limited duration that would attract an unsafe congestion of sightseeing aircraft, such as aircraft accident sites.

19-2-4. REQUESTING AUTHORITIES

A TFR under 14 CFR Section 91.137 may be requested by various entities, including military commands; regional directors of the Office of Emergency Planning; Civil Defense State Directors; civil authorities directing or coordinating air operations associated with disaster relief; civil authorities directing or coordinating organized relief air operations (including representatives of the Office of Emergency Planning, U.S. Forest Service, and state aeronautical agencies); and law enforcement agencies.

19-2-5. ISSUING TFRS

- a.** FAA Headquarters or the ATO service area managers (or designee) having jurisdiction over the area concerned may issue a TFR.

- b. TFRs issued for hijacking events may be issued by FAA Headquarters or the ATO service area managers (or designee) in consultation with Transportation Security Administration (TSA).
- c. ARTCC managers (or designee) may issue TFRs in accordance with 14 CFR Sections 91.137(a)(1) and (a)(2)
- d. TFRs issued in accordance with 14 CFR Section 91.137(a)(3) require FAA Headquarters approval.
- e. TFRs issued for law enforcement activities require approval from the ATO Director of System Operations Security (or designee).

NOTE-

Law enforcement activities that may warrant TFRs include, but are not limited to, situations where there is a direct hazard to aircraft (for example, shots fired at aircraft) or where the presence of aircraft could exacerbate the danger to personnel on the ground (for example, SWAT or other personnel moving into position, etc.).

19-2-6. DEGREE OF RESTRICTIONS

- a. Section 91.137(a)(1). Restrictions issued in accordance with this section prohibit all aircraft from operating in the designated area unless that aircraft is participating in the disaster/hazard relief activities and is being operated under the direction of the official in charge of on-scene emergency response activities.
- b. Section 91.137(a)(2). Restrictions issued in accordance with this section prohibit all aircraft from operating in the designated area unless at least one of the following conditions is met:
 1. The aircraft is participating in hazard relief activities and is being operated under the direction of the official in charge of on-scene emergency response activities.
 2. The aircraft is carrying law enforcement officials.
 3. The aircraft is operating under an ATC approved IFR flight plan.
 4. The operation is conducted directly to or from an airport within the area, or is necessitated by the impracticability of VFR flight above or around the area due to weather or terrain. Notification must be given to the ATC facility or office that was specified in the NOTAM for coordination with the official in charge of on-scene emergency response activities. Also, the operation does not hamper or endanger relief activities and is not conducted for observing the disaster.
 5. The aircraft is carrying properly accredited news representatives, and prior to entering the area, a flight plan is filed.

NOTE-

Coordination with the official in charge of on-scene emergency response activities is required prior to ATC allowing any IFR or VFR aircraft to enter into the TFR area.

- c. Section 91.137(a)(3). Restrictions issued in accordance with this section prohibit all aircraft from operating in the designated area unless at least one of the following conditions is met:
 1. The operation is conducted directly to or from an airport within the area, or is necessitated by the impracticability of VFR flight above or around the area due to weather or terrain, and the operation is not conducted for the purpose of observing the incident or event. Notification must be given to the ATC facility that was specified in the NOTAM for coordination with the official in charge of the activity.
 2. The aircraft is operating under an ATC approved IFR flight plan.
 3. The aircraft is carrying incident or event personnel, or law enforcement officials.
 4. The aircraft is carrying properly accredited news representatives and, prior to entering that area, a flight plan is filed with FSS or the ATC facility specified in the NOTAM. Flight plans must include aircraft identification, type, and color; radio frequencies to be used; proposed times of entry to and exit from the TFR area; the name of news media or organization and purpose of flight.

19-2-7. RESPONSIBILITIES

a. All FAA personnel approving or issuing TFRs must ensure that restrictions meet regulatory criteria and are issued in accordance with FAA directives.

b. The ATO Director of System Operations Security (or designee) must:

1. Review and, if warranted, approve TFRs issued for law enforcement activities in accordance with the provisions of 14 CFR Section 91.137.

2. Act as the operational representative for media concerns regarding active 14 CFR 91.137 TFRs.

c. ATO service area managers (or designee) must:

1. Review all flight restrictions in their jurisdiction issued in accordance with 14 CFR 91.137 at least every 30 days.

2. Coordinate with affected air traffic facilities, event personnel, and local authorities when applicable.

3. Coordinate with TSA when hijacking situations are involved.

d. ARTCC air traffic managers (or designee) having jurisdiction over the area concerned must:

1. Accept requests for and, if warranted, establish TFRs in accordance with the provisions of 14 CFR Sections 91.137(a)(1) and 91.137(a)(2).

2. Contact the System Operations Support Center (SOSC) at (202) 267-8276 to obtain approval for TFRs requested for law enforcement activities.

3. Inform all affected facilities of the TFR; including location, altitude, and effective times.

4. Coordinate with SUA using agencies when a TFR may impact SUA activities.

5. Notify the Regional Operations Center when a 91.137(a)(1) TFR has been issued. Ensure information is passed to Service Center Operations Support Group (OSG) and SOSC personnel.

6. Reroute IFR traffic around the TFR, unless prior approval is obtained from the on-scene coordinator.

7. Maintain a chronological log of all TFR related actions on FAA Form 7230-4, Daily Record of Facility Operation Log, to include:

(a) The name and the organization of the person requesting the TFR.

(b) A brief description of the situation.

(c) The estimated duration of the restrictions.

(d) The name of the agency responsible for on-scene emergency activities and the telephone or other communications contact.

(e) A description of the location of the affected area.

8. Act as, or designate, an ATC coordination facility. The coordination facility must serve, if assistance is required, as a primary “communication facility” for communications between the emergency control authorities and affected aircraft.

9. Issue flight restrictions, NOTAM, and appropriate cancellation in a timely manner.

e. All air traffic facilities must:

1. To the maximum extent possible, render assistance to the agency requesting the TFR.

2. Disseminate TFR information to all affected pilots in the area by all possible means.

3. Refer all media requests for information concerning TFRs to the SOSC at (202) 267-8276.

19-2-8. REVISIONS AND CANCELLATIONS

a. When restrictions are necessary beyond the published termination date/time, the ARTCC must ensure that a revised NOTAM and an appropriate cancellation are issued.

b. When the ARTCC within whose area the restrictions are established receives information from the ATO service area or the agency that requested the restrictions that the restrictions are no longer required, the ARTCC must take action to cancel them. If the information is received by another facility, that facility must notify the ARTCC, which will take appropriate action.

c. When it is obvious that the restrictions are no longer required but a cancellation request has not been received, the ARTCC must take action to ascertain the status of the restrictions from the ATO service area or the agency that requested the restrictions, and if appropriate, cancel them.

Section 4. Emergency Air Traffic Rules (14 CFR Section 91.139)

19-4-1. PURPOSE

TFRs issued in accordance with 14 CFR Section 91.139 utilize NOTAMs to advise of the issuance and operations under emergency air traffic rules and regulations.

19-4-2. REQUESTING AUTHORITIES

Whenever the Administrator determines that an emergency condition exists, or will exist, relating to the FAA's ability to operate the air traffic control system and during which normal flight operations under this chapter cannot be conducted consistent with the required levels of safety and efficiency:

a. The Administrator issues an immediately effective air traffic rule or regulation in response to that emergency condition.

b. The Administrator (or designee) may utilize the NOTAM system to provide notification of the issuance of the rule or regulation.

19-4-3. ISSUING TFRS

TFRs issued in accordance with 14 CFR Section 91.139 may be issued by the FAA Administrator (or designee), the Chief Operating Officer of the ATO, FAA ATO Headquarters, or the ATO Director of System Operations Security.

19-4-4. DEGREE OF RESTRICTIONS

a. NOTAMs issued communicate information concerning the rules and regulations that govern flight operation, the use of navigation facilities, and designation of that airspace in which the rules and regulations apply.

b. When a NOTAM has been issued under this section, no person may operate an aircraft, or other device governed by the regulation concerned, within the designated airspace except in accordance with the authorizations, terms and conditions prescribed in the regulation covered by the NOTAM.

Section 5. Flight Restrictions in the Proximity of the Presidential and Other Parties (14 CFR Section 9.141)

19-5-1. PURPOSE

TFRs issued in accordance with 14 CFR Section 91.141 address air security with respect to airspace over presidential and other parties.

19-5-2. REQUESTING AUTHORITIES

A TFR under 14 CFR Section 91.141 may be requested by the Washington headquarters office of the U.S. Government agency responsible for the protection of the person concerned. This agency will contact FAA Headquarters in accordance with established procedures and request the necessary regulatory action.

19-5-3. ISSUING TFRS

TFRs issued in accordance with 14 CFR Section 91.141 may be issued by the ATO Director of System Operations Security (or designee).

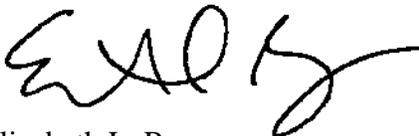
19-5-4. DEGREE OF RESTRICTIONS

No person may operate an aircraft over or in the vicinity of any area to be visited or traveled by the President, the Vice President, or other public figures contrary to the restrictions established by the FAA and published in a NOTAM.

19-5-5. PROCEDURES

Flight restrictions in the proximity of the President, Vice President, and other parties must be in accordance with FAA Order JO 7610.4, Special Operations.

5. Distribution. This notice is distributed to the following ATO service units: Terminal, En Route and Oceanic, System Operations, and Mission Support; the Office of ATO Safety and Technical Training; the Air Traffic Safety Oversight Service; the William J. Hughes Technical Center; and the Mike Monroney Aeronautical Center.



Elizabeth L. Ray
Vice President, Mission Support Services
Air Traffic Organization

August 3, 2012
Date Signed