

# NOTICE

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION

N 8900.292

National Policy

Effective Date:  
4/8/15

Cancellation Date:  
4/8/16

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**SUBJ:** Aviation-Related Videos or Other Electronic Media on the Internet

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**1. Purpose of This Notice.** This notice provides guidance to aviation safety inspectors (ASI) regarding actions to be taken when notified of videos or other electronic media posted to the Internet depicting the operation of aircraft in the National Airspace System (NAS) that may be contrary to Title 14 of the Code of Federal Regulations (14 CFR) or statute.

**2. Audience.** The primary audience for this notice is all Flight Standards District Office (FSDO) ASIs, regional Flight Standards divisions (RFSO), and International Field Offices (IFO)/International Field Units (IFU). The secondary audience includes Flight Standards (AFS) branches and divisions in the regions and in headquarters (HQ).

**3. Where You Can Find This Notice.** You can find this notice on the MyFAA employee Web site at [https://employees.faa.gov/tools\\_resources/orders\\_notices](https://employees.faa.gov/tools_resources/orders_notices). Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <http://fsims.avs.faa.gov>. Operators can find this notice on the Federal Aviation Administration's (FAA) Web site at <http://fsims.faa.gov>. This notice is available to the public at [http://www.faa.gov/regulations\\_policies/orders\\_notices](http://www.faa.gov/regulations_policies/orders_notices).

**4. Background.** There are an escalating number of videos or other electronic media posted to the Internet which depict aviation-related activities. Some of these posted videos may depict operations that are contrary to 14 CFR, statute, or safe operating practices. ASIs and other AFS personnel are expected to use critical thinking when addressing electronic media showing such activity. The FAA will use education to encourage voluntary compliance with applicable statutory and regulatory requirements when appropriate. However, the FAA will use administrative action or legal enforcement action to gain compliance if such action is necessary to maintain safety within the NAS.

**5. Unmanned Aircraft Systems (UAS).** UAS videos, in particular, are increasingly appearing on the Internet. UAS videos may depict aircraft being flown in a variety of classes of airspace and at varying altitudes. Inspectors are to follow the protocol below when receiving notification of videos with potentially noncompliant UAS operations posted to the Internet. This notice provides an outline and protocol for inspectors when initiating educational outreach. When responding to a notification that requires contact with a UAS operator, follow the guidance contained in FAA Notice N 8900.268, Education, Compliance, and Enforcement of Unauthorized Unmanned Aircraft Systems Operators. If counseling in the form of an informational letter is

warranted, send the UAS Informational Letter Template for Inspectors (see Appendix A). The letter must not be altered other than to fill in the appropriate address of the operator and FSDO along with your contact information and signature. If the educational outreach is ineffective in gaining compliance, the UAS operator is noncompliant or uncooperative, or the UAS operation resulted in a medium to high potential or actual endangerment to the NAS, the inspector is to continue their investigation as outlined in N 8900.268.

**6. Manned Aircraft.** When receiving notification of videos or other electronic media with potentially noncompliant manned aircraft operations posted to the Internet, inspectors are to follow guidance provided in FAA Order 8900.1, Flight Standards Information Management System (FSIMS), Volume 14; and the current edition of FAA Order 2150.3, FAA Compliance and Enforcement Program.

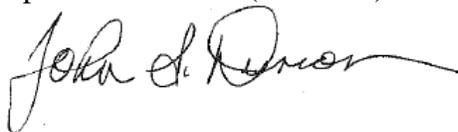
**7. Evidence.** In all cases, the FAA must have acceptable evidence in support of all alleged facts in order to take legal enforcement action. Inspectors are reminded that:

- Electronic media posted on the Internet is only one form of evidence which may be used to support an enforcement action and it must be authenticated;
- Electronic media posted on the Internet is ordinarily not sufficient evidence alone to determine that an operation is not in compliance with 14 CFR; however, electronic media may serve as evidence of possible violations and may be retained for future enforcement action; and
- Inspectors have no authority to direct or suggest that electronic media posted on the Internet must be removed.

**Note:** Electronic media posted on a video Web site does not automatically constitute a commercial operation or commercial purpose, or other non-hobby or non-recreational use.

**8. Action.** Until further notice, the above procedures are in effect for gathering videos or other electronic media on the Internet as evidence and interpreting the status of a Web site that contains electronic media relevant to an investigation.

**9. Disposition.** We will incorporate the information in this notice into Order 8900.1 before this notice expires. Direct any questions concerning this notice to Ronald Forsyth, Commercial Operations Branch (AFS-820) at [ronald.a.forsyth@faa.gov](mailto:ronald.a.forsyth@faa.gov), (717) 774-8271 ext. 253.



John S. Duncan  
Director, Flight Standards Service

**Appendix A. UAS Informational Letter Template for Inspectors**

U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Flight Standards District Office  
FSDO Address

Date

Name  
Address

Dear :

The purpose of this letter is to provide you with information about the laws and regulations regarding Unmanned Aircraft System (UAS) operations conducted within the National Airspace System (NAS). The NAS is “the common network of U.S. airspace; air navigation facilities, equipment and services, airports or landing areas . . . . Included are system components shared jointly with the military.”<sup>1</sup> The Federal Aviation Administration’s (FAA) safety mandate under Title 49 of the United States Code (49 U.S.C.) § 40103 requires it to regulate aircraft operations conducted in the NAS, which include UAS operations, to protect persons and property on the ground and to prevent collisions between aircraft and other aircraft or objects.

**A UAS is an Aircraft**

A UAS is an “aircraft” as defined in the FAA’s authorizing statutes and is therefore subject to regulation by the FAA. Title 49 U.S.C. § 40102(a)(6) defines an “aircraft” as “any contrivance invented, used, or designed to navigate, or fly in, the air.” The FAA’s regulations (Title 14 of the Code of Federal Regulations (14 CFR) part 1, § 1.1) similarly define an “aircraft” as “a device that is used or intended to be used for flight in the air.” Because an unmanned aircraft is a contrivance/device that is invented, used, and designed to fly in the air, it meets the definition of “aircraft.” The FAA has promulgated regulations that apply to the operation of all aircraft, whether manned or unmanned, and irrespective of the altitude at which the aircraft is operating. For example, 14 CFR part 91, § 91.13 prohibits any person from operating an aircraft in a careless or reckless manner so as to endanger the life or property of another.

An important distinction for UAS operators to be aware of is whether the UAS is being operated for hobby or recreational purposes or for some other purpose. This distinction is important because there are specific requirements in the FAA Modernization and Reform Act of 2012,

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<sup>1</sup> Refer to the FAA Pilot/Controller Glossary (Apr. 3, 2014), available at [http://www.faa.gov/air\\_traffic/publications/media/pcg\\_4-03-14.pdf](http://www.faa.gov/air_traffic/publications/media/pcg_4-03-14.pdf).

Public Law (PL) 112-95 (the Act), that pertain to “Model Aircraft” operations, which are conducted solely for hobby or recreational purposes.

### **Model Aircraft Operations**

Section 336(c) of the law defines “Model Aircraft” as “. . . an unmanned aircraft that is—

- (1) capable of sustained flight in the atmosphere;
- (2) flown within visual line of sight of the person operating the aircraft; and
- (3) flown for hobby or recreational purposes.”

Each element of this definition must be met for a UAS to be considered a Model Aircraft under the Act. Under Section 336(a) of the Act, the FAA is restricted from conducting further rulemaking specific to Model Aircraft as defined in section 336(c) so long as the Model Aircraft operations are conducted in accordance with the requirement of section 336(a). Section 336(a) requires that—

- “(1) the aircraft is flown strictly for hobby or recreational use;
- (2) the aircraft is operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization;
- (3) the aircraft is limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program administered by a community-based organization;
- (4) the aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft; and
- (5) when flown within 5 miles of an airport, the operator of the aircraft provides the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport) with prior notice of the operation (model aircraft operators flying from a permanent location within 5 miles of an airport should establish a mutually-agreed upon operating procedure with the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport)).”

Section 336(b) of the law, however, makes clear that the FAA has the authority under its existing regulations to pursue legal enforcement action against persons operating Model Aircraft in accordance with section 336(a) and 336(c) when the operations endanger the safety of the NAS. Nothing in section 336 otherwise alters or restricts the FAA’s statutory authority to pursue enforcement action against any UAS operator, even those whose operations are conducted in accordance with sections 336(a) and (c) that endanger the safety of the NAS. For example, a model aircraft operation conducted in accordance with section 336(a) and (c) may be subject to an enforcement action for violation of § 91.13 if the operation is conducted in a careless or reckless manner so as to endanger the life or property of another.

### **UAS Operations that are not Model Aircraft Operations**

Operations of UASs that are not Model Aircraft operations as defined in section 336(c) of the law and conducted in accordance with section 336(a) of the law, may only be operated with specific authorization from the FAA. The FAA currently authorizes UAS operations that are not for hobby or recreational purposes through one of two avenues: 1) the issuance of Certificates of

Waiver or Authorization (COA); and 2) the issuance of special airworthiness certificates. The FAA also has a third avenue with which to potentially authorize UAS operations through its exemption process when it determines that such operations are in the public interest.

**1. COA.** In accordance with § 91.903, the FAA grants COAs to applicants waiving compliance with certain regulatory requirements listed in § 91.905. The applicants must be able to show that they are able to safely conduct operations in the NAS. The COA contains terms with which the applicant must comply in order to conduct operations. The FAA generally has restricted the issuance of these certificates to government entities that operate UASs as it implements the provisions in its Integration of Civil Unmanned Aircraft Systems (UAS) in the National Airspace System (NAS) Roadmap. The entire Roadmap is available on our Web site at: [http://www.faa.gov/uas/media/UAS\\_Roadmap\\_2013.pdf](http://www.faa.gov/uas/media/UAS_Roadmap_2013.pdf). The FAA also issues COAs on an emergency basis when: 1) a situation exists in which there is distress or urgency and there is an extreme possibility of a loss of life; 2) the proponent has determined that manned flight operations cannot be conducted efficiently; and 3) the proposed UAS is operating under a current approved COA for a different purpose or location. The FAA is also using the COA process to expand the use of civil UASs in the arctic region as required under section 332 of the law.

**2. Airworthiness Certification.** For civil operators, you can apply for a special airworthiness certificate under 14 CFR part 21 (refer to the current edition of FAA Order 8130.34, Airworthiness Certification of Unmanned Aircraft Systems and Optionally Piloted Aircraft). The full civil type certification process allows for production and commercial operation of UAS and is a lengthy process typically undertaken by aircraft manufacturers.

**3. Issuance of Exemptions.** In accordance with 14 CFR part 11, §§ 11.15 and 11.61–11.103 and the FAA's authority in 49 U.S.C. § 44701(f), the FAA may grant exemptions from regulatory requirements. The exemption process allows for the submission of a petition to the FAA outlining why the granting of an exemption would be in the public interest, the need for the exemption, and the reasons why granting the petition would not adversely affect safety or would provide a level of safety equal to the rules from which the exemption is sought. The FAA has indicated its willingness to review petitions for exemption by civil UAS operators that want to operate for other than hobby or recreational purposes. Under section 333 of the Act, operators in appropriate circumstances can be exempted from airworthiness certification and other related regulatory provisions.

Finally, UAS operators must understand that all UAS operations that are not operated as Model Aircraft under section 336 of the Act are subject to current and future FAA regulation. At a minimum, any such flights are currently required under the FAA's regulations to be operated with a certificated aircraft, with a certificated pilot, and with specific FAA authorization.

### **For All UAS Operators**

More information regarding UAS operations is available at the FAA UAS Integration Office's (AFS-80) Web site: <http://www.faa.gov/uas/>

4/8/15

N 8900.292  
Appendix A

If you require additional information please contact me at [contact information].

In conclusion, we hope the information provided to you in this letter will assist you in conducting safe UAS operations in compliance with the FAA's regulations.

Sincerely,

Aviation Safety Inspector—Operations