

CHANGE

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

**ORDER
2150.3B
CHG 6**

National Policy

Effective Date:

10/10/14

SUBJ: Compliance and Enforcement Bulletin 2014-2:

- 1. Purpose.** This change to FAA Order 2150.3B provides guidance on actions applicable to persons who operate: (1) an Unmanned Aircraft System (UAS) in violation of the Federal Aviation Regulations (14 C.F.R.); or (2) a Model Aircraft that endangers the safety of the National Airspace System (e.g., in violation of 14 C.F.R. §§ 91.13-91.15, 91.113, 91.126-135, 91.137-145, and 14 C.F.R. part 73).
- 2. Who this change affects.** The change affects all agency personnel who investigate, report, or process enforcement actions involving the operation of UAS in the NAS.
- 3. Disposition of Transmittal Paragraph.** Retain this transmittal sheet until the directive is cancelled by a new directive.

PAGE CHANGE CONTROL CHART

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| | | Appendix H, H-8 thru H-10 | 10/10/14 |
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- 4. Administrative Information.** This Order change is distributed to divisions and branches in Washington headquarters, regions, and centers and to all field offices and facilities.


Michael P. Huerta
Administrator

COMPLIANCE AND ENFORCEMENT BULLETIN NO. 2014-2

SUBJECT: Actions for persons who operate: (1) an Unmanned Aircraft System (UAS) in violation of the Federal Aviation Regulations (14 C.F.R.); or (2) a Model Aircraft¹ that endangers the safety of the National Airspace System (e.g., in violation of 14 C.F.R. §§ 91.13-91.15, 91.113, 91.126-135, 91.137-145, and 14 C.F.R. part 73).

DISCUSSION: The FAA's safety mandate under 49 U.S.C. § 40103 requires the agency 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. There is an increasing number of UAS operations conducted in the United States that are operated contrary to applicable statutory and regulatory requirements. These operations may create unacceptable levels of safety risk in the National Airspace System (NAS). Based on the FAA's growing concern about the safety of UAS operations in the United States, the FAA will use its resources to educate UAS operators about regulatory compliance and, when appropriate, use administrative and legal enforcement action to gain compliance.

ACTION: Until further notice, the following compliance and enforcement procedures are in effect for all violations of statutory and regulatory requirements applicable to UAS operations.

- Aviation safety inspectors will coordinate with AFS-80 in initiating and processing administrative actions.
- Any coordination involving law enforcement organizations will be accomplished in accordance with the Memorandum of Understanding between the Office of Security and Hazardous Materials Safety (ASH) and Aviation Safety (AVS).²
- Questions regarding how the aviation safety inspector exercises judgment in a particular case as to whether administrative or legal enforcement action is appropriate are coordinated with AFS-80 and the appropriate Regional Counsel's Office.
- AFS-80, in conjunction with the investigating aviation safety inspector, will provide a recommendation to the appropriate legal counsel's office based on the facts of the case and in accordance with the guidance in this Compliance and Enforcement Bulletin.³
- The FAA's Regional Counsel Offices will coordinate with FAA's Office of Chief Counsel, Enforcement Division, in initiating and processing legal enforcement actions.

¹ For purposes of this Bulletin, "Model Aircraft" means a "model aircraft" as defined in section 336(c) of the FAA Modernization and Reform Act of 2012 (Public Law 112-95) and operated in accordance with the criteria set forth in section 336(a) of Public Law 112-95.

² See MOU between ASH and AVS on Aviation Safety, Security, Intelligence and Law Enforcement Coordination between the ASH Law Enforcement Assistance Program (LEAP) and the Flight Standards Service (AFS) Special Emphasis Investigations Team (SEIT).

³ See FAA Order 2150.3B, Chapter 2, Paragraph 4.

- If the operation of a UAS that is authorized to conduct operations (e.g., pursuant to a public aircraft Certificate of Authorization or Waiver (COA), exemption, or with an airworthiness certificate and civil aircraft COA) is contrary to applicable operational requirements, the FAA may cite the operator for violations of those operational requirements in any enforcement action determined to be appropriate.
- If the operation of a Model Aircraft endangers the safety of the National Airspace, the FAA may cite violations of applicable operational regulations (e.g., in violation of 14 C.F.R. §§ 91.13-91.15, 91.113, 91.126-135, 91.137-145, and 14 C.F.R. part 73) in any enforcement action determined to be appropriate.
- In cases in which UAS operations are conducted for other than hobby or recreational purposes and without FAA authorization (e.g., without a public aircraft COA, without an exemption, or without an airworthiness certificate and civil aircraft COA) or are conducted outside the parameters of section 336(a) and (c) of Public Law 112-95, the FAA may cite violations for lack of appropriate certification, e.g., pilot and aircraft certification, as well as any operational regulations that were violated, in any enforcement action determined to be appropriate.

Factors to Consider in Determining a Course of Action - When an aviation safety inspector determines that, in accordance with Flight Standards policy in 8900.1, enforcement is the appropriate course of action, the aviation safety inspector must determine whether administrative or legal enforcement action would be appropriate to gain compliance. In that event, the aviation safety inspector will consider the following factors in addition to those listed in FAA Order 2150.3B, Chapter 5, in determining whether to take administrative action or legal enforcement action:

- Whether the violation was a first-time and inadvertent violation;
- Whether the violation involves repeated or intentional violations; and
- Whether the safety risk resulting from the operation in terms of actual or potential endangerment to the NAS was low/medium/high.⁴

Guidance for Legal Enforcement Sanction Determination - Follow these procedures if, as a result of following Flight Standards guidance in FAA Order 8900.1 on UAS, the aviation safety inspector determines that administrative or legal enforcement action is necessary and appropriate to gain regulatory compliance. In determining what action to take in any UAS case, the FAA will apply the following general guidance:

- A first-time, inadvertent violation that poses a low actual or potential risk to safety but one in which the aviation safety inspector determines compliance cannot be gained

⁴ See Order 2150.3B Appendix F for definition of "Safety Risk."

through education warrants administrative action (warning notices or letters of correction, with associated documentation (See FAA Order 2150.3B, Chapter 5, Paragraph 3)).

- When sufficient evidence exists to support a violation that poses a medium or high actual or potential risk to safety, legal enforcement action is appropriate. For example, legal enforcement action is appropriate when a UAS operation has a medium or high risk of endangering the operation of another aircraft or endangering persons or property on the ground. In addition, repeated or intentional violations generally warrant legal enforcement action.

In making a sanction determination, the guidance provided in Order 2150.3B, Chapter 7 and Appendix B shall be applied. Appendix B sets forth ranges applicable to various individuals and entities.

- A violation that poses a medium actual or potential risk to safety generally warrants a civil penalty in the minimum to moderate range.⁵
- A violation that poses a high actual or potential risk to safety generally warrants a civil penalty in the maximum range.
- Repeated or intentional violations generally warrant a civil penalty in the applicable maximum range.

For a deliberate, egregious violation by a certificate holder, regardless of whether the certificate holder is exercising the privileges of the certificate in connection with the violations associated with a UAS operation, certificate action, may be appropriate. Such certificate action may be in addition to a civil penalty.

⁵ A certificate holder should appreciate the potential for endangerment that operating a UAS contrary to the FAA's safety regulations may cause. Accordingly, a violator's status as a certificate holder is an aggravating factor that may warrant a civil penalty above the moderate range for a single, first-time, inadvertent violation.