



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

Advisory Circular

Subject: Public Aircraft Operations—Manned and Unmanned **Date:** DRAFT **AC No:** 00-1.1C
Initiated by: AFS-800 **Change:**

1 PURPOSE OF THIS ADVISORY CIRCULAR (AC). This AC provides information to assist in determining whether government-owned or government-contracted manned and unmanned aircraft (UA) operations conducted within the territory of the United States are public or civil aircraft operations under the statutory definition of “public aircraft” in Title 49 of the United States Code (49 U.S.C.) §§ [40102\(a\)\(41\)](#) and [40125](#) (the statute). Additionally, this AC contains Federal Aviation Administration (FAA) policy pertaining to civil aircraft operators that provide contract support to government entities. The intent of this material is to better define the responsibilities of the parties to these contracts.

Note: This is a guidance document. Its content is not legally binding in its own right and will not be relied upon by the Department as a separate basis for affirmative enforcement action or other administrative penalty. Conformity with the guidance document is voluntary only. Nonconformity will not affect rights and obligations under existing statutes and regulations.

2 AUDIENCE. This AC provides information for any person who engages in manned and unmanned public aircraft operations (PAO) as defined by the statute.

3 WHERE YOU CAN FIND THIS AC. You can find this AC on the FAA’s website at https://www.faa.gov/regulations_policies/advisory_circulars and the Dynamic Regulatory System (DRS) at <https://drs.faa.gov>.

4 WHAT THIS AC CANCELS. AC 00-1.1B, Public Aircraft Operations—Manned and Unmanned, dated September 21, 2018, is canceled.

5 RELATED REGULATIONS:

- Title 14 of the Code of Federal Regulations (14 CFR).
- Title 49 U.S.C. §§ [40102\(a\)\(41\)](#) and [40125](#).

6 RELATED READING MATERIAL (current editions). FAA Order [8900.1](#), Flight Standards Information Management System:

- Volume 3, Chapter 14, Section 1, General Information on Public Aircraft Operations.
 - Volume 3, Chapter 14, Section 2, Public Aircraft Operations and Surveillance Government Aircraft Operations Versus Civil Aircraft Operations.
-

7 BACKGROUND.

- 7.1 Statutory Criteria.** PAO are limited by the statute to certain government operations within U.S. airspace. The Air Commerce Act of 1926 established the concept of “public aircraft.” The legislative history to the Act explains that public aircraft are exempt from the airworthiness requirements and regulations pertaining to the rating of airmen, but public aircraft are generally not exempt from the air traffic rules (refer to Congressional Record—House (May 13, 1926)). Congress explained that the air traffic rules govern the navigation, protection, and identification of all aircraft, including rules for taking off and alighting, altitudes for flight, and rules for preventing collisions (e.g., the 14 CFR part [91](#) air traffic and operating rules). That is why, today, the FAA applies certain 14 CFR part 91 operation regulations but does not apply aircraft certification, airmen certification, maintenance, or inspection regulations to public aircraft. In other words, although these operations must continue to comply with certain general operating rules, including those applicable to all aircraft in the National Airspace System (NAS), other civil certification and safety oversight regulations do not apply to these operations. Accordingly, some aspects of PAO are not subject to FAA oversight.
- 7.2 Considerations.** Whether an operation qualifies as a PAO is determined on a flight-by-flight basis under the terms of the statute. The considerations when determining PAO are the ownership or exclusive lease of the aircraft, the operator of the aircraft, the purpose of the flight, and the persons on board the aircraft.
- 7.3 Civil Aircraft Operation.** Any operation that does not meet the statutory criteria for a PAO (or that is not considered a state aircraft operation) is a civil aircraft operation and must be conducted in accordance with all FAA regulations applicable to the operation. The public aircraft statute sets forth criteria that determine whether a government operation qualifies as a PAO.
- 7.4 Statutory Provisions.** Title 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. These statutory provisions provide the legal basis for operation of public aircraft in the United States (see Appendix [A](#), Public Aircraft Statute). The FAA recognizes that these statutory provisions may be difficult to apply to aircraft operations conducted by civil contractors for government entities. This AC reiterates the FAA’s policy for civil operators contracting with government entities and defines the responsibilities of the parties affected by these contracts (see Figure [1](#), Decision Flowcharts for PAO). Unmanned Aircraft Systems (UAS) used for PAO will likely need a waiver of at least the right-of-way requirement of 14 CFR § [91.113](#) given a UAS cannot meet the regulation’s see-and-avoid requirements. This UAS may qualify for a PAO Certificate of Waiver or Authorization (CoW/A) under the terms of the statute and other criteria for PAO UAS operating in the NAS. UAS operators should contact the Safety and Integration Division regarding specific questions on operations of UAS as public aircraft that may not be addressed in this AC (see Appendix [B](#), Contact Information).
- 7.5 Format.** We are presenting the material in this AC in the format of Frequently Asked Questions (FAQ) regarding PAO. We are also including some simplified flowcharts

(see Figure [1](#)) to aid in determining whether certain operations qualify as PAO. The flowcharts are intended to be used to aid government entities to determine whether certain flights they operate qualify for operation as PAO under the statute.

8 DISCUSSION.

8.1 What Aircraft Are Considered Public Aircraft? Public aircraft are defined in 49 U.S.C. § 40102(a)(41) (see Appendix [A](#)).

8.2 Are All Operations by Government Entities PAO? Not necessarily; the statute restricts PAO to those that do not have a commercial purpose or would not be typically flown by a commercial entity and, where applicable, to flights with certain persons on board. A government entity may unintentionally conduct civil operations that would be subject to the regulations in 14 CFR. All government entities are advised to become acquainted with the basics of the statutory requirements.

8.3 What Circumstances Enter into the Determination of a PAO? The statute includes provisions on aircraft ownership/exclusive lease, the entity operating the aircraft, the persons on board, and the purpose of the flight to determine whether operations are public or civil. In accordance with 49 U.S.C. § 40125(b), at no time may a public operation have a commercial purpose. Reimbursement for PAO is strictly limited to one set of circumstances defined in the statute (refer to 49 U.S.C. § 40125(a)(1)), though certain military operations under [10](#) U.S.C. may involve other statutory considerations. It is important to note that the “commercial purpose” provision of the statute does not prohibit government entities from contracting civil operators for the purposes of conducting PAO. The provision prohibits reimbursement for the government entity but does not prohibit contractors from being paid for conducting eligible PAO (see paragraph [11.3](#)).

8.4 Are All Operations by the Armed Forces PAO? Not necessarily; the U.S. Military is covered under a separate paragraph of the statute (49 U.S.C. § 40125(c)) to include much of its routine operation. Separate provisions in that paragraph determine the status of certain operations performed by civil contractors that require a designation by the Secretary of Defense.

8.4.1 Operations of Armed Forces Aircraft. Operations by the Armed Forces of their own aircraft (or those they operate) are covered by 49 U.S.C. § 40125(c), including operations in accordance with 10 U.S.C.; those operated in performance of a governmental function under [14](#), [31](#), [32](#), or [50](#) U.S.C., provided they are not used for a commercial purpose; and certain operations chartered to provide transportation or other commercial air service, as that term is defined in 49 U.S.C. § 40102(a)(41)(E), to the Armed Forces. The FAA does not make the determination of operation under any of these titles for the Armed Forces—it defers to the Armed Forces for those determinations.

8.4.2 Public Aircraft Designation. Title 49 U.S.C. § 40125(c)(1)(C) provides that aircraft chartered to provide transportation or other commercial air service to the U.S. Armed Forces only qualify as PAO when the Secretary of Defense designates the operation of

the chartered aircraft as required in the national interest. As discussed earlier in this AC, PAO status remains valid only within U.S. airspace. Similar to civil government-contracted operations, all such chartered operations will be considered civil until the FAA has notice of the Secretary’s designation.

Note: Civilian contractors to the Armed Forces that have valid public aircraft status under 49 U.S.C. § 40125(c) are subject to the FAA policy on submission of a written declaration to the FAA, as discussed in paragraph [9](#).

- 8.5 What Oversight of PAO Does the FAA Have?** The FAA has limited oversight of PAO, though such operations must continue to comply with the regulations applicable to all aircraft operating in the NAS. The government entity conducting the PAO is primarily responsible for oversight of the operation, including aircraft airworthiness and any operational requirements imposed by the government entity. The government agency contracting for the service assumes the primary responsibility for oversight of a PAO.
- 8.6 Does the FAA Prescribe Regulations for PAO?** No, the FAA has no regulatory authority over PAO other than those requirements that apply to all aircraft operating in the NAS.
- 8.7 Which Regulations in 14 CFR Do Not Apply to PAO?** In general, regulations that include the term “civil aircraft” in their applicability do not apply to PAO (e.g., 14 CFR [§ 91.7](#)).
- 8.8 Can I Conduct a PAO Outside of the United States?** No, public aircraft status exists only within U.S. airspace. The FAA does not have the authority to issue State or military aircraft designations. Individual U.S. states and local governments do not have the authority to declare their operations to be State operations. Without an official U.S. Government designation, all aircraft outside U.S. airspace are considered civil.
- 8.9 Can I Carry Passengers on an Aircraft That Is Conducting a PAO?** All persons carried on board must be crewmembers or meet the statutory definition of “qualified non-crewmember” (see Appendix [A](#), 49 U.S.C. § 40125(a)(3)). Carriage of a person other than a crewmember or a qualified non-crewmember makes a flight civil under the terms of the statute. It is important to note that a qualified non-crewmember is either 1) someone whose presence is required to perform, or is associated with the performance of, the governmental function associated with the flight or 2) someone on board an aircraft operated by the Armed Forces or a U.S. intelligence agency; providing air transportation is not a governmental function (except as provided for in 49 U.S.C. § 40125(c)).
- 8.10 What Constitutes a Governmental Function?** The statute provides several examples of governmental functions in 49 U.S.C. § 40125(a)(2). This list is not all-inclusive, and other governmental functions may exist. Functions not listed should not be presumed to be acceptable. The FAA Office of the Chief Counsel (AGC) has issued many legal interpretations determining various operations that would and would not qualify as a “governmental function.” Those interpretations can be found on the FAA’s legal

interpretations web page at https://drs.faa.gov/browse/LEGAL_INTERPRETATIONS/dotypeDetails.

8.11 Can a Government Entity Qualify for a Civil Operating Certificate? Yes, provided the government entity requires a civil operating certificate to conduct proposed operations that cannot be conducted as PAO. Government entities must follow the same application and certification processes and comply with the same regulatory requirements as all other civil applicants. The FAA advises all government entities with a civil operating certificate to establish a clear process for determining whether a flight is a PAO or is conducted under its civil operating certificate.

8.12 If I Am a Government Entity with an Aircraft That Does Not Have a Civil Airworthiness Certificate, May I Use It to Conduct a PAO? Yes, airworthiness requirements do not apply to PAO; however, aircraft that do not have a civil airworthiness certificate may not operate as a civil aircraft. Government entities are cautioned to become familiar with the requirements for PAO status so that they do not unintentionally conduct civil operations with these aircraft. For example, a government entity using surplus military aircraft without civil airworthiness certificates could not receive compensation for any operations with those aircraft (i.e., could not operate them as civil aircraft under any part of 14 CFR).

8.13 Can Multiple Government Entities Operate Under One Certificate of Authorization (CoA)? Yes; however, the government entity who receives the CoA is responsible for each entity.

9 FAA POLICY FOR CONTRACTING CIVIL AIRCRAFT OPERATORS. To clarify FAA oversight of certain contracted civil aircraft operators, on March 23, 2011, the FAA published its Notice of Policy Regarding Civil Aircraft Operators Providing Contract Support to Government Entities (Public Aircraft Operations) ([76 FR 16349](#)). This policy is consistent with the FAA’s interpretation of the statute and does not change the statutory requirements for PAO. This paragraph summarizes the policy and its impact on operators, government entities, and the FAA.

Note: Section 328 of the FAA Reauthorization Act of 2024, Public Law (PL) [118-63](#) (May 16, 2024), requires that, notwithstanding any other law including the public aircraft statutes, the FAA has sole regulatory and oversight jurisdiction over the maintenance and operations of restricted category civil aircraft owned by civilian operators. This means that even if a restricted category civil aircraft owner is contracted by a government entity to conduct PAO, it must comply with the FAA’s maintenance and operating rules under 14 CFR.

9.1 Does a Contract with a Government Entity Automatically Grant PAO Status to a Civil Operator? No, public aircraft status is not automatic. The determination of public aircraft status is made on a flight-by-flight basis; both the government entity and the contracted civil operator share responsibility for determining whether:

1. A particular flight meets the statutory requirements for a PAO before the operation takes place, and
2. The status has been properly communicated between the contracting entities and the FAA.

9.2 If I Am a Civil Operator Contracting My Services to a Government Entity, What Actions Should I Take Before Conducting a PAO? The contracting government entity should provide the civil contractor with a written declaration of public aircraft status for designated, qualified flights. This written declaration should be made in advance of the proposed public aircraft flights. Government entities need to determine who is qualified to make a written declaration (which determines responsibility) for the entity. The FAA recommends that the declaration be made by a contracting officer or other official familiar with the public aircraft statute and be separate from any contract between the government entity and contracted civil operator.

9.2.1 Once a civil operator receives a declaration from the contracting government entity, the contractor should submit a copy of the written declaration to the FAA Flight Standards District Office (FSDO) responsible for the operator. This will serve as notice to the FAA that there is a contract between the civil operator and the government entity that anticipates the conduct of PAO.

9.2.2 The civil operator and the contracting government entity are responsible for jointly determining whether each flight conducted under the contract qualifies for PAO status under the terms of the statute.

9.3 I Am a Civil Operator with a Government Contract. The contract terms require me to operate in accordance with 14 CFR (or hold an FAA Operating Certificate). The contracting government entity has provided a written declaration of public aircraft status.

9.3.1 Does the FAA Have Oversight of PAO Under This Contract? Yes, the FAA still retains some oversight of the operation because some FAA regulations still apply. That said, once the contracting government entity has made a declaration, that government entity has primary responsibility for the eligible PAO flights.

9.3.2 Do I Still Have to Comply with Regulatory Requirements Contained in 14 CFR? All aircraft, even those conducting eligible PAO, must comply with certain operating rules of the NAS (e.g., 14 CFR § [91.119](#)). Other requirements imposed through the terms of the contract, such as the requirement to hold an FAA 14 CFR part [119](#) certificate to operate under 14 CFR part [135](#), would not be enforced or overseen by the FAA when PAO are being conducted. In addition, any other 14 CFR regulations that apply to “civil aircraft” would not apply to PAO.

9.4 What Are the Legal Implications of Conducting a PAO? Contracting government entities must be aware that PAO performed by civil operators create a significant transfer of responsibility to the contracting government entity, and that some FAA oversight ceases.

- 9.4.1** Contracted civil operators must be aware that unless there is a declaration of public aircraft status on file with the agency, the FAA considers all operations civil; civil operations must be conducted in accordance with all applicable civil aviation regulations. The FAA retains oversight and enforcement authority for any deviation from the provisions of 14 CFR until the agency is informed of the change in status to PAO by means of a written declaration.
- 9.4.2** Additionally, civil operators are cautioned that it is their responsibility to refuse a contract to perform operations that would violate applicable 14 CFR regulations unless the operator is sure that the government entity offering the contract will be declaring them a PAO. It is the responsibility of the government entity and the operator to determine that each flight meets eligibility requirements for a PAO as required by the statute.
- 9.5 Does the Contracting Government Entity Have to Make a Declaration on a Flight-By-Flight Basis?** No, but a determination should be made prior to each flight as to whether the flight will be public or civil in order to meet the terms of the statute. While it is necessary for the contracting parties to ensure that each PAO flight meets the statutory requirements, a written declaration to the FAA is not required for each flight.
- 9.6 What Should a Declaration Look Like?** The FAA does not have specific format requirements for PAO declarations. The declaration must provide enough information to indicate who has operational responsibility for the flight. The need for information may vary between contracts and the entities involved. The FAA recommends that the following information be included in each declaration, at a minimum:
- Name of civil operator (the contracted operator);
 - Aircraft type(s) to be used for the PAO;
 - Name of aircraft owner(s);
 - Aircraft registration number(s);
 - Date of contract;
 - Date of proposed first flight as a PAO;
 - Date of contract termination;
 - Name of the government entity declaring public aircraft status (the government entity contracting for aircraft services);
 - Name, title, and contact information for the government official making the declaration of PAO status;
 - Nature of operations (include enough detail to demonstrate that the flights qualify for PAO status under the statute); and
 - Confirmation that the aircraft meets the definition of a public aircraft (49 U.S.C. § 40102(a)(41)) and that the operation will meet the requirements of 49 U.S.C. § 40125.

9.7 Why Does the FAA Consider a Written Declaration Necessary? The FAA is implementing this policy to clarify oversight roles and responsibilities related to PAO status. The FAA is required to oversee all civil operations. To fulfill its statutory responsibility, the FAA needs to know when the status of a civil operator changes.

9.8 What if I Do Not Have a Written Declaration Before I Conduct a PAO? While the absence of a written declaration does not change the legal status of a valid PAO, until the FAA receives notice, the FAA considers all civil operations subject to FAA oversight, and the agency will enforce all applicable civil regulations.

9.9 Does the FAA Require a Civil Operator to Submit a Copy of Its Contract with a Government Entity? No; submitting a contract is optional. Submitting the contract does not replace the submission of a declaration.

9.10 Under FAA Policy, What Are My Responsibilities as a Contracted Civil Operator? As a contracted civil operator, you are responsible for the following:

1. If you are offered a contract to perform operations that could be contrary to 14 CFR civil regulations applicable to the operation, ensure that a written declaration of public aircraft status is on file with the FAA or refuse the contract.
2. Obtain a written declaration of public aircraft status from the contracting government agency prior to conducting any PAO flights.
3. Provide a copy of the written declaration to the FSDO having oversight of your operation prior to conducting any PAO flights.
4. In coordination with the contracting government entity, evaluate and determine that each flight qualifies as an eligible PAO under the terms of the statute. Operations that do not qualify as PAO remain subject to all civil regulations and FAA oversight and enforcement authority.

9.11 Under FAA Policy, What Are the Responsibilities of a Government Entity? As a government entity, you are responsible for the following:

1. Recognize that public aircraft status eligibility is determined by statute.
2. Make a declaration of public aircraft status in advance and in writing to the operator when the government entity intends for the operator to conduct PAO.
3. Understand that PAO represent a significant transfer of responsibility to the government entity and that the FAA does not provide primary oversight for those flights.

9.12 Under FAA Policy, What Are the Mutual Responsibilities of a Civil Operator and a Government Entity When Operating Under a Contract? Both parties must understand that:

1. Even if a written declaration of PAO status has been made, the operator must continue to comply with certain 14 CFR regulations that affect all users of the NAS.

2. Other regulations may apply even when operating a PAO (e.g., operating rules in 14 CFR parts 91 and [137](#)).
3. The FAA retains enforcement authority for any deviation from applicable provisions of 14 CFR.
4. The FAA also advises both parties to consider whether PAO status is necessary or if the flights may be conducted in accordance with the regulations in 14 CFR.

9.13 Is There a Flowchart for Contracted Operations? No; the flowcharts are designed to guide government entities through the terms of the statute to determine whether a particular operation is a valid PAO (see Figure [1](#)). Once a valid PAO is established, a government entity may hire a contractor to conduct that same operation for them. Since a contractor “stands in the shoes” of a government entity under a contract, the flights must be analyzed as if conducted by the government entity.

10 MAINTENANCE REQUIREMENTS FOR AIRCRAFT CONDUCTING PAO.

10.1 What Are My Obligations Prior to Operating That Aircraft as a Civil Aircraft? If an aircraft is altered outside of its type certificate or not maintained under an FAA-accepted maintenance program during PAO, a conformity inspection is required to ensure the aircraft meets all civil regulations. The operator of an aircraft that has been operated in public aircraft status may not return the aircraft to service in civil operations without demonstrating that the aircraft meets all the criteria as prescribed by the regulations to hold its Airworthiness Certificate. For more information, contact the appropriate FSDO.

10.2 Will I Have to Surrender My Aircraft’s Civil Airworthiness Certificate to Conduct a PAO? No; an Airworthiness Certificate itself does not indicate that an aircraft is airworthy.

11 OTHER QUESTIONS REGARDING PAO.

11.1 Whom Do I Contact if I Have Questions About FAA Policy Regarding PAO? As a civil operator that contracts to conduct PAO, you should contact the appropriate FSDO for oversight of your civil operating certificate or, for noncertificated operators, the FSDO with jurisdiction where you intend to conduct PAO. Legal interpretations of the public aircraft statute are handled by AGC’s Regulations Division (see Appendix [B](#)).

11.2 How Does the FAA Determine if a Government Entity Qualifies Under the Statutory Definitions in 49 U.S.C. § 40102(a)(41)(C) or (D)? The FAA has received several inquiries from universities and smaller local government agencies concerning their status under the statute. In some circumstances, a public entity may need to seek verification of its status under the public aircraft statute from its State Attorney General or other qualified State office. Upon request, the FAA can provide a letter detailing the specifics of the findings to be made by the State.

Note: Such a verification serves only as a determination of eligibility for PAO, not a determination that any particular operations are qualified PAO under the statute (see Appendix [A](#)).

- 11.3 What Constitutes a “Commercial Purpose” That Removes Someone From PAO Status?** In general, the FAA interprets the commercial purpose prohibition in 49 U.S.C. § 40125(a)(1) to mean that there can be no type of reimbursement to government entities for PAO, except under the one set of specific circumstances described in that section. As detailed in paragraph [9](#), a government entity may contract with a private operator (and pay that operator) to conduct a PAO on behalf of the government entity. The statutory prohibition on commercial purpose prevents a government entity from getting paid or reimbursed to operate a PAO, not for paying for contracted services.
- 11.4 By What Means Do I Certify to the “Administrator of the Federal Aviation Administration That the Operation [Was] Necessary to Respond to a Significant and Imminent Threat to Life or Property (Including Natural Resources) and That No Service by a Private Operator Is Reasonably Available to Meet the Threat,” as Required by 49 U.S.C. § 40125(a)(1)?** The FAA recommends that the statutory certification be made in writing to the appropriate FSDO within 10 business days of the operation. The government entity on whose behalf the operation is conducted must certify to the FAA that 1) the two governments have a cost reimbursement agreement, 2) the operation is necessary to respond to a significant and imminent threat to life or property (including natural resources), and 3) no service by a private operator is reasonably available to meet the threat.
- 11.5 Are There Any Other Exceptions to PAO Definitions Applicable to 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, as Defined in 49 U.S.C. § 40102(a)(41)(D)?** Yes. Congress amended the statute in 2012 to allow certain leased aircraft (including contracted operations) to have public aircraft status even when not exclusively leased for at least 90 calendar days. This provision, 49 U.S.C. § 40125(d), affects certain search-and-rescue operations. The statute contains specific qualifications for its use and requires a determination by the FAA (see Appendix [A](#)). Government entities seeking approval for PAO status under 49 U.S.C. § 40102(a)(41)(D) must submit written documentation that addresses the statutory requirements to the General Aviation and Commercial Division (see Appendix [B](#)) and will receive a decision in writing from the FAA.
- 11.6 Do Flight Operations in Special Use Airspace (SUA) (e.g., Restricted Areas) Change PAO Statutory or Civil Certification Regulatory Requirements?** No; all flight operations in U.S. airspace, including flights in SUA, such as restricted areas, must be conducted as either an authorized public or civil flight. Likewise, flight operations in SUA must comply with any applicable PAO requirements or civil regulatory requirements, including certification requirements. For example, an entity authorized to operate at a Major Range and Test Facility Base (MRTFB) must still comply with the applicable PAO requirements or, if operating under civil status, the applicable civil regulatory requirements under 14 CFR.
- 11.7 What Training Courses Are Available for a Government Entity That Desires More Information on Developing Surveillance and Oversight Programs Similar to Those That the FAA Conducts?** The FAA’s Mike Monroney Aeronautical Center (MMAC)

conducts training for FAA aviation safety inspectors (ASI) who conduct FAA oversight and surveillance. These courses may be made available to government entities upon request and based on availability. For more information, please contact the MMAC (see Appendix [B](#), paragraph [B.6](#)).

- 12 UAS GENERAL APPLICABILITY AND REQUIREMENTS.** This paragraph applies to UAS operations conducted in the NAS and provides information and limited guidance on air traffic policies and prescribes procedures for the planning, coordination, and services involving the operation of UAS PAO in the NAS. PAO are limited by statute to certain government operations and noncommercial purposes 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 many aspects of PAO are not subject to FAA oversight. For example, PAO may self-certify standards for UA airworthiness as well as pilot certification, qualification, and medical standards. However, if a public entity elects to conduct an operation as a civil aircraft operation under the FAA’s civil regulations (e.g., under 14 CFR part 91 or 107), 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.

Note: If an organization or responsible person is issued a CoA, they must abide by those special provisions outlined in that CoA.

- 12.1 How Do I Obtain a Special Governmental Interest (SGI) (Emergency) CoW/A?** If the proposed operating area is not covered under the public agency’s approved CoW/A, the public agency can request and receive approval from the FAA for an SGI Emergency CoW/A that will allow for the one-time operation of the UAS at that location based on an imminent risk-to-life type event where manned aircraft may not be available or the risk to manned aircraft is too great.

- 12.2 Who Qualifies as a UAS Public Aircraft Operator?** Previously, in order to receive a public aircraft CoA, the FAA requested that UAS PAO applicants submit a “public declaration letter” attesting that the applicant meets the public aircraft statutory requirements. As outlined below, the FAA is streamlining the process for UAS PAO applicants. Public declaration letters are no longer needed, but the applicant must still qualify as a valid government entity under 49 U.S.C § 40102(a)(41)(C) or (D). As the “public aircraft” definition under 49 U.S.C. § 40102(a)(41)(C) and (D) states, a public aircraft must be owned and operated, or exclusively leased for at least 90 consecutive 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.” The FAA cannot issue a public aircraft CoW/A to an entity that does not meet one of those statutory stipulations. If a “political subdivision” is the applicant (e.g., a city or county), the relevant State statute should define the entity as a “political subdivision.” If an office/department/entity of a political subdivision is the applicant (e.g., a city police

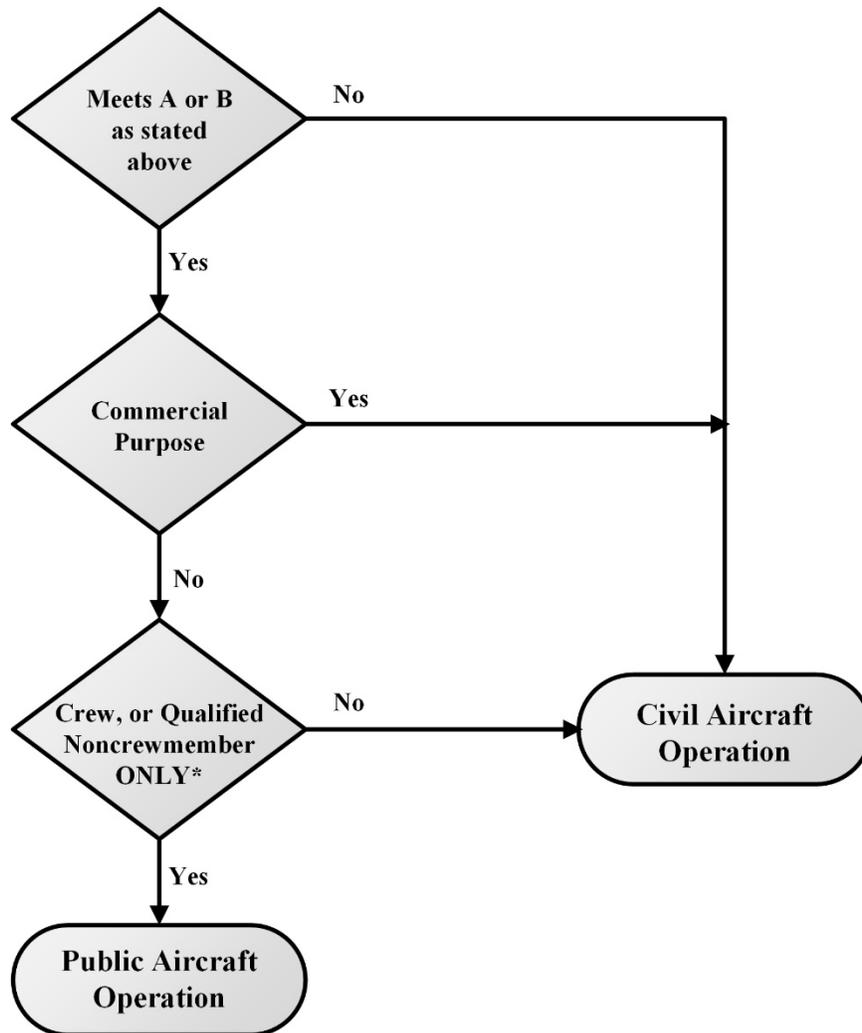
department or county sheriff’s office), the applicant must attest that it is a statutorily authorized office/department/entity of a statutorily defined political subdivision.

- 12.2.1** For example, the FAA cannot issue a CoW/A to a volunteer fire department if it is a nonprofit organization because it is not statutorily defined as a “political subdivision” and is not a government entity. If a valid government entity has contracted with the volunteer fire department, the FAA could issue the CoW/A to the government entity, and the volunteer fire department could operate under the CoW/A as a civil contractor, as long as the government entity has filed the appropriate letter with the responsible FSDO, as explained in paragraph [9.2](#).
- 12.2.2** As another example, the FAA also cannot issue a CoW/A directly to a county sheriff’s office or a city police department. The FAA would issue the CoW/A to the county or the city (which are typically defined in State statutes as “political subdivisions”) and clarify that the CoW/A is issued to the political subdivision for use by the political subdivision’s sheriff’s office or police department. Yet another example is State Universities, where some states define their universities as “political subdivisions,” but others consider the universities to be an “arm of the State” and thus part of the State’s executive branch. If a State University is part of the State’s executive branch, the FAA would issue the CoW/A to the State for use by the State University. That example is similar to the county sheriff’s office example. Because the State University itself is not considered a political subdivision, the FAA must issue the CoW/A to the valid government entity and not directly to the State University. On the other hand, if the State’s statutes define State Universities as “political subdivisions,” or if case law explains that State Universities are considered their own political subdivisions, then the FAA could issue the CoW/A directly to the State University. The FAA would treat any State executive department in the same manner. For instance, the FAA could issue a State a CoW/A for use by its Department of Transportation (DOT) or Department of Natural Resources (DNR). The FAA would not issue the CoW/A directly to the State DOT or DNR because states typically categorize them by statute as executive departments rather than as political subdivisions.
- 12.2.3** It is vital that an applicant correctly identify the government entity applying for the CoW/A and that the government entity, under State statute, constitutes one of the entities outlined in 49 U.S.C. § 40102(a)(41)(C) or (D). The government entity holding the CoW/A is responsible for the PAO. If an entity does not properly qualify under the public aircraft statute, the operations must be conducted under the FAA’s civil regulations in 14 CFR.
- 12.3 How Does a UAS Public Aircraft Operator Attest They Meet the Public Aircraft Statutory Requirements in Order to Receive a Public Aircraft CoW/A?** As stated above, the FAA is no longer requiring a public declaration letter; however, the FAA will still request that the applicant attest that it meets the statutory requirements when applying for a CoW/A. A UAS must meet the PAO statutory requirements in order to operate as public aircraft in the NAS.

Figure 1. Decision Flowcharts for PAO**Decision Flowchart for Federal Government Aircraft Operations**

Title 49 U.S.C. § 40102(a)(41)(A): An aircraft used only for the U.S. Government.

Title 49 U.S.C. § 40102(a)(41)(B): An aircraft owned by the U.S. Government and operated by any person for purposes related to crew training, equipment development, or demonstration.

***Citation:**

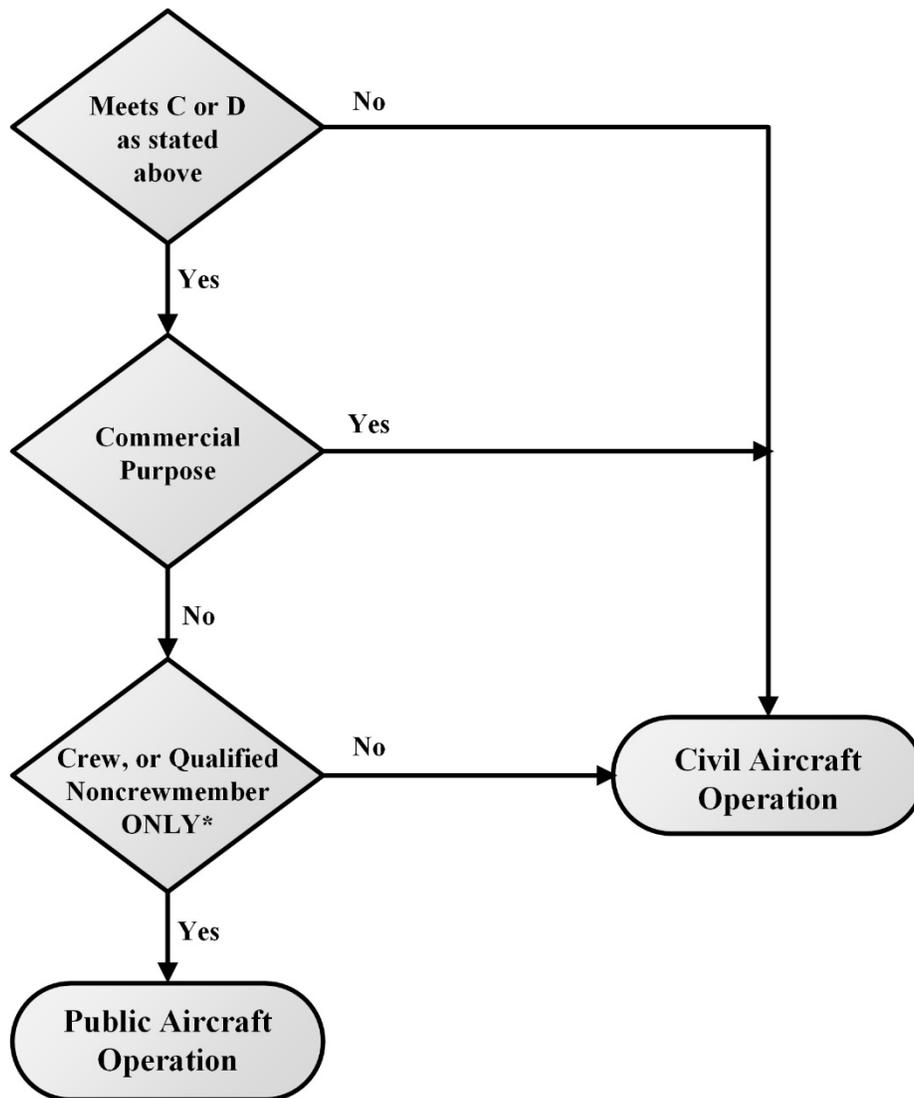
Title 49 U.S.C. § 40125(a)(3) Qualified non-crewmember – The term “qualified non-crewmember” means an individual, other than a member of the crew, aboard an aircraft:

- (A) operated by the Armed Forces or an intelligence agency of the United States Government; or
- (B) whose presence is required to perform, or is associated with the performance of, a governmental function.

Figure 1. Decision Flowcharts for PAO (Continued)**Decision Flowchart for State Government Aircraft Operations**

Title 49 U.S.C. § 40102(a)(41)(C): An aircraft owned and operated 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.

Title 49 U.S.C. § 40102(a)(41)(D): An aircraft **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.

***Citation:**

Title 49 U.S.C. § 40125(a)(3) Qualified non-crewmember – The term “qualified non-crewmember” means an individual, other than a member of the crew, aboard an aircraft:

(B) whose presence is required to perform, or is associated with the performance of, a governmental function.

- 13 AC FEEDBACK FORM.** For your convenience, the AC Feedback Form is the last page of this AC. Note any deficiencies found, clarifications needed, or suggested improvements regarding the contents of this AC on the Feedback Form.

Hugh Thomas
Acting Executive Director, Flight Standards Service

APPENDIX A. PUBLIC AIRCRAFT STATUTE

Note: The official statute may be viewed on the website of the Government Publishing Office (GPO) at <https://www.govinfo.gov/app/collection/uscode/>.

Excerpt from Title 49 of the United States Code (49 U.S.C.) § [40102](#), Definitions:

(a) General Definitions.—In this part—

[...]

(41) “public aircraft” means any of the following:

(A) Except with respect to an aircraft described in subparagraph (E), an aircraft used only for the United States Government, except as provided in section 40125(b).

(B) An aircraft owned by the Government and operated by any person for purposes related to crew training, equipment development, or demonstration, except as provided in section 40125(b).

(C) An aircraft owned and operated 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 section 40125(b).

(D) An aircraft 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 section 40125(b).

(E) An aircraft owned or operated by the armed forces or chartered to provide transportation or other commercial air service to the armed forces under the conditions specified by section 40125(c). In the preceding sentence, the term “other commercial air service” means an aircraft operation that (i) is within the United States territorial airspace; (ii) the Administrator of the Federal Aviation Administration determines is available for compensation or hire to the public, and (iii) must comply with all applicable civil aircraft rules under title 14, Code of Federal Regulations.

(F) An unmanned aircraft that is owned and operated by, or exclusively leased for at least 90 continuous days by, an Indian Tribal government, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), except as provided in section 40125(b).

Title 49 U.S.C. § [40125](#), Qualifications for Public Aircraft Status:

(a) Definitions.—In this section, the following definitions apply:

(1) Commercial purposes.—The term “commercial purposes” means the transportation of persons or property for compensation or hire, but does not include the operation of an aircraft by the armed forces for reimbursement when that reimbursement is required by any Federal statute,

regulation, or directive, in effect on November 1, 1999, or by one government on behalf of another government under a cost reimbursement agreement if the government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation is necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator is reasonably available to meet the threat.

(2) Governmental function.—The term “governmental function” means an activity undertaken by a government, such as national defense, intelligence missions, firefighting, search and rescue, law enforcement (including transport of prisoners, detainees, and illegal aliens), aeronautical research, biological or geological resource management (including data collection on civil aviation systems undergoing research, development, test, or evaluation at a test range (as such term is defined in section 44801)), infrastructure inspections, or any other activity undertaken by a governmental entity that the Administrator determines is inherently governmental.

(3) Qualified non-crewmember.—The term “qualified non-crewmember” means an individual, other than a member of the crew, aboard an aircraft—

(A) operated by the armed forces or an intelligence agency of the United States Government; or

(B) whose presence is required to perform, or is associated with the performance of, a governmental function.

(4) Armed forces.—The term “armed forces” has the meaning given such term by section 101 of title 10.

(b) Aircraft Owned by Governments.—An aircraft described in subparagraph (A), (B), (C), (D), or (F) of section 40102(a)(41) does not qualify as a public aircraft under such section when the aircraft is used for commercial purposes or to carry an individual other than a crewmember or a qualified non-crewmember.

(c) Aircraft Owned or Operated by the Armed Forces.—

(1) In general.—Subject to paragraph (2), an aircraft described in section 40102(a)(41)(E) qualifies as a public aircraft if—

(A) the aircraft is operated in accordance with title 10;

(B) the aircraft is operated in the performance of a governmental function under title 14, 31, 32, or 50 and the aircraft is not used for commercial purposes; or

(C) the aircraft is chartered to provide transportation or other commercial air service to the armed forces and the Secretary of Defense (or the Secretary of the department in which the Coast Guard is operating) designates the operation of the aircraft as being required in the national interest.

(2) Limitation.—An aircraft that meets the criteria set forth in paragraph (1) and that is owned or operated by the National Guard of a State, the District of Columbia, or any territory or possession of the United States, qualifies as a public aircraft only to the extent that it is operated under the direct control of the Department of Defense.

(d) Search and Rescue Purposes.—An aircraft described in section 40102(a)(41)(D) that is not 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 1 of those governments, qualifies as a public aircraft if the Administrator determines that—

- (1) there are extraordinary circumstances;
- (2) the aircraft will be used for the performance of search and rescue missions;
- (3) a community would not otherwise have access to search and rescue services; and
- (4) a government entity demonstrates that granting the waiver is necessary to prevent an undue economic burden on that government.

APPENDIX B. CONTACT INFORMATION

B.1 FLIGHT STANDARDS DISTRICT OFFICES (FSDO). If you have a question regarding the application of the information in this AC, please contact your appropriate FSDO. A list of FSDOs and the areas they serve is available on the FAA website at https://www.faa.gov/about/office_org/field_offices/fsdo.

B.2 POLICY QUESTIONS. If you have an operational policy question, please contact the General Aviation and Commercial Division at https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afx/afs/afs800; or at the address below:

General Aviation and Commercial Division
800 Independence Ave., SW
Washington, DC 20591
Phone: 202-267-1100

B.3 AIRWORTHINESS OR MAINTENANCE POLICY QUESTIONS. If you have an airworthiness or maintenance policy question, please contact the Aircraft Maintenance Division at https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afx/afs/afs300; or at the address below:

Aircraft Maintenance Division
8th Floor, 800 Independence Ave., SW
Washington, DC 20591
Phone: 202-267-1675

B.4 UNMANNED AIRCRAFT SYSTEM (UAS) QUESTIONS. If you have a UAS question, please contact the UAS Support Center at UAShelp@faa.gov; or at the address below:

Emerging Technologies Division
800 Independence Ave., SW
Washington, DC 20591

B.5 LEGAL QUESTIONS. If you have a legal question or would like to request a legal interpretation, please contact the Office of the Chief Counsel (AGC) at https://www.faa.gov/about/office_org/headquarters_offices/agc; or at the address below:

Office of the Chief Counsel
Regulations Division
800 Independence Ave., SW
Washington, DC 20591
Phone: 202-267-3222

B.6 TRAINING. If you are a government entity and would like to attend an FAA training course, please contact the FAA Academy at https://www.faa.gov/training_testing/faq_academy/contact; or the Mike Monroney Aeronautical Center (MMAC) at the address below:

Federal Aviation Administration
FAA Academy (AMA-1)
Building 12, Room 129
P.O. Box 25082
Oklahoma City, OK 73125
Phone: 405-954-6900