



U.S. Department
of Transportation
Federal Aviation
Administration

Advisory Circular

Subject: Waivers of Provisions of Title 14 of
the Code of Federal Regulations
Part 91

Date: 11/8/96

AC No: 91-72

Initiated by: AFS-800

Change:

1. PURPOSE OF THIS ADVISORY CIRCULAR (AC). This AC provides information concerning the submission of applications for the issuance of waivers of certain sections of Title 14 of the Code of Federal Regulations (14 CFR) part 91. The contents of this document do not have the force and effect of law and are not meant to bind the public in any way, and the document is intended only to provide information to the public regarding existing requirements under the law or agency policies.

2. DISCUSSION. Policy and procedures for the issuance of waivers for specific sections of part 91 are contained in part 91, § 91.903. Waivers are issued by the Federal Aviation Administration (FAA) on FAA Form 7711-1, Certificate of Waiver or Authorization, and may contain special provisions with which the holder is required to comply. The FAA may issue a waiver for the purpose of providing the applicant temporary relief from certain designated sections of part 91 for a specific operation or series of related operations. If an applicant requires long-term or continuing regulatory relief, the applicant should apply for an exemption under the provisions of 14 CFR part 11.

3. APPLICATIONS. An applicant can obtain an FAA Form 7711-2, Application for Certificate of Waiver or Authorization, from any Flight Standards District Office (FSDO). The application should be completed as follows:

a. All Items. Type or print.

b. Items 1 through 10. Each item must be completely answered by all applicants.

c. Items 11 through 16. Complete only for an aerial demonstration of an aerobatic nature or a closed course air race. Describe the proposed operation in detail, listing speeds, altitudes, areas, time periods, and other applicable items. For the purpose of waiver application, “aerobatic” means intentionally maneuvering the aircraft in sustained inverted flight or rolling the aircraft from upright to inverted or from inverted to an upright position.

d. Item 17 (Certification). All applicants must complete this item. Include a statement in the Remarks box that describes the means by which a level of safety equal to that afforded by the waived regulation can be achieved.

4. SUBMISSION.

a. General. Except as noted in paragraphs 5 and 6 below, applications for waivers should be submitted at least 30 days in advance of the proposed operation. Any FSDO or FAA air traffic control facility will accept the application. In some areas, the accepting facility will process the request for waiver. In other cases, the facility will forward it to the office having the appropriate waiver authority.

b. Industrial/Agricultural and Airshow Activities. In order to conduct some types of activities, an applicant may apply for waivers from several sections of part 91. However, the applicant should submit only one application. For the following operations, the applicant may send the completed application directly to the responsible FSDO:

- (1) Towing.
- (2) Restricted category civil aircraft.
- (3) Law enforcement.
- (4) Exploration.
- (5) Patrol.
- (6) Conservation.
- (7) Research.
- (8) Wildlife preservation.
- (9) Aerial demonstrations of an acrobatic nature (see paragraph 6).
- (10) Closed course air races (see paragraph 6).

5. RESPONSIBILITIES.

a. The Flight Standards Service (FS) is responsible for granting or denying Certificates of Waiver or Authorization (CoW/A) from the following sections of part 91 and 14 CFR part 105:

- (1) Section 91.119, Minimum Safe Altitudes: General.
- (2) Section 91.175, Takeoff and Landing Under IFR.
- (3) Section 91.209, Aircraft Lights.
- (4) Section 91.303, Aerobatic Flight.
- (5) Any rules listed under § 91.905, List of Rules Subject to Waivers, as applicable to aerobatic demonstrations and other aviation events.

(6) Part 105, § 105.21, Parachute Operations Over or Into a Congested Area or an Open-Air Assembly of Persons, as applicable to aerobatic demonstrations and other aviation events. Applications for waivers of § 105.21 should be submitted at least 4 days in advance of the proposed operation.

b. **The Air Traffic Service (ATS)** is responsible for granting or denying CoW/As pertaining to sections of part 91 other than those listed under subparagraph 5a.

c. **Applications for waivers or authorizations** that require technical consideration from both FS and ATS are processed jointly.

d. **A CoW/A** provides relief from the specific regulations stated to the degree and for the period of time specified in the waiver. It does not waive any state law or local ordinance. Should the proposed operations conflict with any state law or local ordinance or require permission of local authorities or property owners, it is the applicant's responsibility to resolve the matter.

6. WAIVERS FOR AIRSHOWS, AIR RACES, AND MEETS. The FAA will issue a waiver authorizing an acrobatic aerial demonstration only if the demonstration can be conducted without creating a hazard to persons or property in the air or on the surface and the demonstration will not cause undue hardship to other flight operations. A suitable airshow site must be available since such waivers will contain special provisions to prohibit conduct of the demonstration over congested areas such as cities, towns, settlements, or open-air assemblies of persons.

Applications for waivers for aviation events should be submitted at least 45 days in advance of the proposed event.



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Advisory Circular Feedback Form

If you find an error in this AC, have recommendations for improving it, or have suggestions for new items/subjects to be added, you may let us know by contacting the General Aviation and Commercial Division at 9-AFS-800-Correspondence@faa.gov or the Flight Standards Directives Management Officer at 9-AWA-AFB-120-Directives@faa.gov.

Subject: AC 91-72, Waivers of Provisions of Title 14 of the Code of Federal Regulations Part 91

Date: _____

Please check all appropriate line items:

An error (procedural or typographical) has been noted in paragraph _____
on page _____.

Recommend paragraph _____ on page _____ be changed as follows:

In a future change to this AC, please cover the following subject:
(Briefly describe what you want added.)

Other comments:

I would like to discuss the above. Please contact me.

Submitted by: _____

Date: _____