

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.630

National Policy

Effective Date:
6/13/22

Cancellation Date:
6/13/23

SUBJ: LOA A049, Commercial Air Tour Operations Authorization and Drug and Alcohol Testing Program Registration

1. Purpose of This Notice. This notice announces a mandatory revision to Letter of Authorization (LOA) A049 and updated Federal Aviation Administration (FAA) Order 8900.1 guidance for commercial air tour operations conducted under Title 14 of the Code of Federal Regulations (14 CFR) part 91, § 91.147. This revision also replaces references to the “Antidrug and Alcohol Misuse Prevention Program” with the “drug and alcohol testing program,” to align it with 14 CFR part 120.

2. Audience. The primary audience for this notice is Flight Standards Safety Assurance offices’ aviation safety inspectors (ASI) who are responsible for the approval/review and surveillance of commercial air tour operations conducted under § 91.147. The secondary audience includes the Safety Standards and Foundational Business offices.

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee website at https://employees.faa.gov/tools_resources/orders_notices and the Dynamic Regulatory System (DRS) at <https://drs.faa.gov>. Operators and the public can find this notice on the Federal Aviation Administration’s (FAA) website at https://www.faa.gov/regulations_policies/orders_notices and DRS.

4. Explanation of Policy Changes.

a. Responsible Flight Standards Offices’ Areas of Responsibility. LOA A049 authorizes commercial air tour operators to conduct operations under § 91.147. In the interest of augmenting operational safety standards among the commercial air tour operators community, the Air Transportation Division (AFS-200) advises the Flight Standards offices issuing LOA A049 of some LOA holders’ intent to conduct commercial air tour operations nationwide and within other Flight Standards offices’ service areas (on a permanent or seasonal basis). If that is the case, the operator may elect to provide the FAA with information related to: (1) their intent to conduct such operations, (2) the specific areas of the United States where they intend to operate, and (3) whether their operations will be on a permanent or seasonal basis. If the operator elects to provide such information, the issuing office will notify the Flight Standards offices with oversight responsibility of the specific service areas, will keep this information in the operator’s file, and will support coordinated surveillance activities with the other offices, as needed.

b. Drug and Alcohol Testing Program. AFS-200 has also taken this opportunity to correct the title of the drug and alcohol testing program in the title and subparagraph 4 of LOA A049 to align it with part 120.

c. Air Tour Aircraft Authorization. In addition, the loading of aircraft authorized for commercial air tour operations into Table 1 of LOA A049 has been changed to restrict it to aircraft designated as “Air Tour.” The “Air Tour” aircraft authorization must be assigned to authorized aircraft in the Web-based Operations Safety System (WebOPSS) under “Maintain Operator Data – Aircraft” for the operator before they will load into LOA A049 Table 1. Instructions for assigning aircraft authorizations to aircraft are available in WebOPSS through the “Guidance” button for A049.

5. Guidance.

a. FAA Order 8900.1. Volume 3, Chapter 18, Section 3, LOA A049, has been updated.

b. LOA Template. The sample LOA A049 template in Appendix A applies to part 91.

6. Action. ASIs with oversight responsibility for commercial air tour operators who conduct operations under LOA A049 will review this notice and the revised Order 8900.1 guidance for the issuance of LOA A049 and should communicate the information provided in this notice to the operators. This is a mandatory revision to LOA A049; therefore, ASIs must reissue LOA A049 to operators for whom they have oversight responsibility within 180 days from the effective date of this notice.

7. Disposition. We will incorporate the information in this notice into Order 8900.1, Volume 3, Chapter 18, Section 3 before this notice expires. Direct questions or comments concerning the information in this notice to Operations Group (AFS-200), Part 135 Flight Operations Section, at 202-267-8166.



Robert C. Carty
Deputy Executive Director, Flight Standards Service

Appendix A. Sample LOA A049, Commercial Air Tour Operations Authorization and Drug and Alcohol Testing Program Registration: 14 CFR Part 91

1. The operator, _____, is authorized to conduct commercial air tour operations under 14 CFR Part 91, § 91.147 only in accordance with the limitations and provisions of this LOA and is subject to the condition that all operations are conducted within the applicable airspace.
 - The operator is authorized to use only the business name that appears in subparagraph 1 above to conduct the commercial air tour operations described in this authorization.
 - The operator is authorized to use the following other business names (doing business as (DBA)) in its commercial air tour operations:

[DBA Name(s), if applicable]

2. Authorized Aircraft. The aircraft used for § 91.147 commercial air tour operations are listed in Table 1 below:

Table 1 – Aircraft Authorized for Commercial Air Tour Operations Under § 91.147

Aircraft M/M/S	Aircraft Registration No.

3. If the commercial air tour operator has agreements with other parts of the FAA, including the Air Traffic Organization (ATO) or associations outside of the FAA, they are listed in Table 2 below. The documentation of these agreements below does not imply or require that the agreements are authorized by the Flight Standards principal inspector (PI).

Table 2 – Agreements with Other Parts of the FAA or Associations Outside of the FAA

Kind of or Description of Agreement	FAA or Other Association

4. Drug and Alcohol Testing Program Registration. The operator certifies that it will comply with the requirements of 14 CFR Part 120 and 49 CFR Part 40 for its drug and alcohol testing program. Drug and alcohol testing program records are maintained and available for inspection by the FAA's Drug and Alcohol Compliance and Enforcement Inspectors at the location listed in Table 3 below (*this is the company location where the records are kept and must be available for inspection*):

Table 3 – Registration and Record Location for the Drug and Alcohol Testing Program

	Location of Drug and Alcohol Testing Program Records	Telephone Number
Address:		
Address:		
City:		
State:		
Zip Code:		

a. All drug and alcohol testing program oversight and surveillance will be conducted exclusively by the FAA’s Drug Abatement Division. All questions regarding the drug and alcohol testing program should be directed to the Drug Abatement Division at drugabatement@faa.gov or 202-267-8442.

b. The operator must implement its drug and alcohol testing program fully in accordance with 14 CFR Part 120 and 49 CFR Part 40.

c. The operator is responsible for ensuring that its contractors who perform safety-sensitive work for the operator are subject to drug and alcohol testing.

d. The operator is responsible for updating this registration when any of the following changes occur:

(1) Location or phone number where the drug and alcohol testing records are kept.

(2) If the operator’s number of safety-sensitive employees goes to 50 and above, or falls below 50 safety-sensitive employees.

e. The operator with 50 or more employees performing a safety-sensitive function on January 1 of the calendar-year must submit an annual report to the Drug Abatement Division of the FAA. The operator with fewer than 50 employees performing a safety-sensitive function on January 1 of any calendar-year must submit an annual report upon request of the Administrator, as specified in the regulations.

○ f. The operator has 50 or more safety-sensitive employees.

○ f. The operator has fewer than 50 safety-sensitive employees.

5. Responsible Person. This LOA is not valid until signed by the Responsible Person for commercial air tour operations listed below in Table 4, Responsible Person. The Responsible Person should have ongoing knowledge of the operations of the aircraft and may be the individual who acts as operator or, if the operator is a legal entity, the Responsible Person may be an officer, employee, or person duly designated to sign on behalf of the operator. By signing this document, the Responsible Person assumes responsibility for ensuring the operator complies with all applicable regulations, requirements, limitations, and provisions of this LOA.

a. If the Responsible Person signing this LOA relinquishes responsibility, this LOA becomes invalid.

b. The name, email address, and telephone number of the person responsible for the management of the business and the person responsible for the aircraft maintenance are listed in Table 4 below.

Table 4 – Responsible Persons

Name	Responsibility	Email Address	Telephone Number
	[Aircraft Maintenance]		
	[Business Management]		

6. Operations over National Parks and/or Abutting Tribal Lands. If the operator conducts overflights of national parks and/or abutting tribal lands in its commercial air tour operations per 14 CFR Part 136, § 136.37 that requires specific authorization, LOA B057, National Parks Air Tour Management Operations Under Title 14 CFR Part 136, must also be issued.