

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
Air Traffic Organization Policy

N JO 7210.932

Effective Date:
July 1, 2021

Cancellation Date:
December 2, 2021

SUBJ: VFR Glider and Balloon Operations in Class A Airspace

- 1. Purpose of This Notice.** This notice amends FAA Order 7210.3, Facility Operations and Administration, paragraph 4-3-1, Letters of Agreement; paragraph 19-1-2, Policy; and paragraph 19-1-3, Responsibilities by adding new guidance concerning Letters of Agreement (LOA) related to Class A authorizations and the review of Chapter 19 requirements before negotiating such LOAs.
- 2. Audience.** This notice applies to the following Air Traffic Organization (ATO) service units: Air Traffic Services, Mission Support Services, System Operations Services, Safety and Technical Training, and all associated air traffic facilities.
- 3. Where Can I Find This Notice?** This notice is available on the MyFAA employee website at https://employees.faa.gov/tools_resources/orders_notices/ and on the air traffic publications website at http://www.faa.gov/air_traffic/publications/.
- 4. Explanation of Change.** This change adds a requirement for facility management to follow the guidance contained in Chapter 19 of this order before negotiating a Letter of Agreement (LOA) concerning recurring Class A authorizations that require a waiver, authorization or exemption for which air traffic does not have issuing authority. It also revises the office names appearing in Chapter 19 and adds an additional 14 CFR Part 91 regulation missing from the Flight Standards section of responsibilities.
- 5. Procedures/Action.** Amend FAA Order 7210.3CC by changing the following paragraphs to read as follows:

4-3-1. LETTERS OF AGREEMENT

An LOA should be negotiated if the air traffic manager deems it necessary to clarify responsibilities of other persons/facilities/organizations when specific operational/procedural needs require their cooperation and concurrence. For Class A airspace authorizations, do not negotiate an LOA intended to support recurring operations, before reviewing the guidance contained in Chapter 19 of this order regarding waivers, authorizations, or exemptions to the Code of Federal Regulations (CFR). An LOA should be prepared when it is necessary to:

a through c, No Change

- d. Specify special operating conditions or specific air traffic control procedures.**

- 1. LOAs for recurring VFR glider and balloon operations in Class A airspace must contain the following provision:**

“This Letter of Agreement (LOA) does not grant nor imply the waiver of, or an authorization to deviate from, any part or subpart of the Code of Federal Regulations (CFR). All applicant(s) and/or operator(s) will coordinate with the responsible Flight Standards District Office in advance of planned or recurring VFR flight in Class A airspace.”

2. The Flight Standards Service (FS) is responsible for ensuring the qualification of civil pilots, airworthiness of civil aircraft, and the safety of persons and property on the ground as part of a waiver for which air traffic does not have issuing authority. Chapter 19 of this order references CFRs that require coordination with FS for these operations to occur.

NOTE-

Planned or recurring operations constitute those operations over a long period of time necessitating an LOA. Short-term periods, for example, a single day event, weekend, or similar short periods are accomplished through special provisions included with a FS approved Certificate of Waiver.

REFERENCE –

FAA Order 8900.1, Flight Standards Information Management System (FSIMS)

No further changes to paragraph

19-1-2. POLICY

a. The FAA delegates to the Service Area Director of Air Traffic Operations and Flight Standards Division Managers, the Administrator’s authority to grant or deny a Certificate of Waiver or Authorization (FAA Form 7711-1), and permits the re-delegation of this authority. Further, re-delegation of this authority to grant or deny waivers or authorizations must be consistent with the functional areas of responsibility as described in the FAA’s Exemption/Rulemaking Process documents, and may be limited if deemed appropriate.

b. Applications for a Certificate of Waiver or Authorization acted upon by a Service Center Operations Support Group (OSG) will normally be processed in accordance with guidelines and standards contained herein, unless found to be in the best interest of the agency to deviate from them.

No further changes to paragraph

19-1-3. RESPONSIBILITIES

Title through a, No Change

b. Flight Standards, as designated by the Administrator, and described in FAA Order 8900.1, Flight Standards Information Management System (FSIMS), is responsible for providing advice with respect to the qualification of civil pilots, airworthiness of civil aircraft, and the safety of persons and property on the ground. Additionally, Flight Standards has the responsibility for the grant or denial of Certificate of Waiver or Authorization from the following sections of 14 CFR:

1. Section 91.119, Minimum safe altitudes: General;
2. Section 91.135, Operations in Class A Airspace;

3. Section 91.175, Takeoff and landing under IFR;
4. Section 91.209, Aircraft lights;
5. Section 91.303, Aerobatic flight;
6. Any section listed in 91.905 as appropriate for aerobatic demonstrations and other aviation events;
7. Section 105.21, Parachute operations over or into congested areas or open air assembly of persons, as appropriate for aerobatic demonstrations and other aviation events.

No further changes to paragraph

6. Distribution. This notice is distributed to the following ATO service units: Air Traffic Services, Mission Support Services, and System Operations, and Safety and Technical Training; the Air Traffic Safety Oversight Service; the William J. Hughes Technical Center; and the Mike Monroney Aeronautical Center.

7. Background. Requests for VFR glider and balloon operations in Class A airspace have been received by numerous air traffic field facilities. The Air Traffic Organization (ATO) has been informed of Letters of Agreement (LOA) authored at the facility level and circumventing the required Flight Standards Service (FS) review, allowing manned balloons and glider clubs to operate VFR in Class A airspace without FS issuing the appropriate waivers or authorization to deviate from certain Title 14 Code of Federal Regulations (CFR) Part 91 regulations.

The purpose and intent of these LOAs with air traffic are to document criteria such as date/time/location/communication expectations. Air traffic LOAs must not grant nor imply the waiver of or an authorization to deviate from any CFR whose responsibility is not that of the ATO. FS is responsible for ensuring the qualification of civil pilots, airworthiness of civil aircraft participating in these operations, and the safety of persons and property on the ground affected by these operations.

Natasha A.
Durkins

Digitally signed by
Natasha A. Durkins
Date: 2021.05.27
08:12:14 -04'00'

Natasha A. Durkins
Director, Policy, AJV-P
Air Traffic Organization