

CHANGE

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

**ORDER
2150.3B
CHG 11**

National Policy

Effective Date:
02/24/16

SUBJ: Withdrawal of Compliance and Enforcement Bulletin 2014-1 from FAA Order 2150.3B, Appendix H.

1. Purpose. This change to FAA Order 2150.3B withdraws Compliance and Enforcement Bulletin No. 2014-1 from Appendix H. This change also deletes Compliance and Enforcement Bulletin 2010-1, which has expired by its terms.

2. Who this change affects. The change affects Aviation Safety (AVS), Flight Standards Service (AFS), and all agency legal counsel who process enforcement actions originating from AVS and AFS.


3. Explanation of Policy Change. The FAA has determined that cases formerly covered under Compliance and Enforcement Bulletin No. 2014-1 are to be evaluated by FAA personnel under the FAA Compliance Philosophy.

4. Disposition of Transmittal Paragraph. Retain this transmittal sheet until the Order directive is cancelled by a new directive.

5. Administrative Information. This Order change is distributed to divisions and branches in Washington headquarters, regions, and centers and to all field offices and facilities.

PAGE CHANGE CONTROL CHART

| Remove Pages | Dated | Insert Pages | Dated |
|---------------------|--|---------------------|--------------|
| H-1 thru H-10 | H-1 thru H-3: 03/30/10; H-4 thru H-5: 05/01/12; H-6 thru H-7: 06/11/14; H-8 thru H-10: 10/10/14 | H-1 thru H-5 | 02/24/16 |



Michael P. Huerta
Administrator

Appendix H. Compliance and Enforcement Bulletin No. 2012-1
(Originally Effective 05/01/12)

SUBJECT: Sanctions for persons who direct a laser toward an aircraft in violation of 14 C.F.R. §§ 91.11, 121.580, 125.328, or 135.120.

DISCUSSION: Data recently compiled by the FAA reflects a continuing upward trend in the number of reported incidents of lasers being aimed at aircraft. Aiming a laser at an aircraft can seriously impair a pilot's vision and interfere with the flight crew's ability to safely handle its responsibilities. Flight crewmembers exposed to laser light, while operating an aircraft at night, have experienced glare (a temporary disruption in vision caused by the presence of a bright light within an individual's field of vision), flashblindness (the inability to see, caused by bright light entering the eye that persists after the illumination has ceased), and afterimage (an image that remains in the visual field after an exposure to bright light). A sufficiently powerful laser could cause permanent ocular damage, blinding crewmembers and making a successful landing virtually impossible.

On June 1, 2011, the FAA's Assistant Chief Counsel for Regulations issued a memorandum interpreting 14 C.F.R. § 91.11 as being applicable to a person, not on board the aircraft, who aims a laser beam at that aircraft. The memorandum noted that the interpretation applied equally to the similarly worded provisions of 14 C.F.R. §§ 121.580, 125.328, and 135.120.

Subsequently, this interpretation was published in the Federal Register to increase public awareness that: (1) directing laser beams towards aircraft operating on the ground or in the air so that it interferes with a crewmember in the performance of the crewmember's duties is a violation of section 91.11; and (2) persons violating section 91.11 are subject to a civil penalty. See 76 Fed. Reg. 76611-76612 (Dec. 8, 2011). Minors found in violation of section 91.11 under this interpretation are subject to enforcement action and sanction.

Because of the continuing high number of laser-related flight crewmember interference occurrences and the high risk to safety they present, the FAA's Acting Administrator has determined that a special emphasis enforcement program is warranted for violations of 14 C.F.R. §§ 91.11, 121.580, 125.328, and 135.120 resulting from such occurrences.

ACTION: Until further notice, the following special emphasis enforcement program is in effect for violations of 14 C.F.R. §§ 91.11, 121.580, 125.328, or 135.120 committed by an individual when he or she aims a laser beam at an aircraft:

1. Informal action (oral or written counseling) and administrative action (warning notices or letters of correction) are not used to address such violations.
2. A single, first-time, inadvertent or non-deliberate violation by an individual generally warrants a civil penalty in the moderate range (\$2,200-\$4,399).¹

¹ An individual who holds an airman certificate should appreciate the potential for danger associated with directing a laser at the crew operating an aircraft. Accordingly, a violator's status as an airman is an aggravating factor that may warrant a civil penalty above the moderate range for a single, first-time, inadvertent or non-deliberate violation.

3. For a deliberate violation by an individual not holding an airman certificate, the FAA may seek a civil penalty up to the statutory maximum of \$11,000 per violation under 49 U.S.C. § 46301(a)(5)(A).
4. For a deliberate violation by an airman certificate holder, regardless of whether the airman was exercising the privileges of his or her certificate at the time of the violation, the appropriate sanction generally is revocation of the airman certificate. A civil penalty in the maximum range may be appropriate in addition to certificate revocation.
5. The FAA's Regional Counsel Offices will coordinate with FAA's Office of Chief Counsel, Enforcement Division, in initiating and processing these legal enforcement actions.

COMPLIANCE AND ENFORCEMENT BULLETIN NO. 2014-2
(Originally Effective 10/10/14)

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

³ 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.

⁴ 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.