



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

December 15, 2021

Jacob Saur
Director of Public Safety, Manatee County
P.O. Box 1000
Bradenton, FL 34206

Dear Mr. Saur:

My office received a letter from Diane Robinson of Manatee County dated September 10, 2019, requesting an informal interpretation of a proposed unmanned aircraft system (UAS) that Manatee County seeks to operate as a public aircraft operation (PAO). We apologize for the delay in responding to that request. Please note that when we receive any written correspondence such as that letter, the matter is considered a formal request for interpretation, and it has been addressed accordingly.

The letter presents a comprehensive description of the County's proposed UAS operation which we summarize briefly here. When a person calls the Manatee County 9-1-1 system, one of the choices available to a dispatcher, as a supplement to sending an emergency response vehicle, would be to dispatch a UAS that carries an automated external defibrillator (AED), Naloxone, or a tourniquet. The letter states that the launch of the UAS would be automated, with the system using a geospatial locator of the 9-1-1 caller to find the predetermined "Emergency Delivery Coordinate" closest to the caller. The UAS would drop the selected product (AED, Naloxone or tourniquet) at the predetermined location and return to its launch location.

The question asked was whether the proposed operation qualifies as a PAO with the governmental function required by 49 USC 40125(a)(2) being "the provision of emergency medical services."

Manatee County qualifies as a government entity under the statute to conduct valid public aircraft operations. Further, it would be able to contract for valid UAS functions using either a leased aircraft or by using a contractor that is given the county's PAO authority. However, we are unable to conclude that the proposed operation qualifies as a valid governmental function under § 40125 (a)(2) and the FAA's interpretations of the statute.

As the letter states, § 40125(a)(2) does not include in its list of governmental functions the term "emergency medical services." The letter also notes, and the FAA has acknowledged, that the list is not exclusive since it contains the term "such as," but that the FAA considers the list to be those that serve as core functions necessary to operate as a state or political subdivision. The letter states that providing emergency medical services is "no less of a core governmental function than firefighting or search and rescue...." The letter then cites to Florida statute that gives Manatee County the authority to provide "ambulance services, and health and welfare

programs.” The letter also states that the FAA has previously found that the statute includes “helicopter emergency medical operations as a type of search and rescue mission” and that the “main limitation in those types of operations has been whether the governmental entity has charged the rescued individual for any portion of the operation as a civil operator would,” citing to four of our interpretations.

Since the public aircraft statute permits the operation of aircraft not subject to most civil certification and operational requirements, the FAA is circumspect in the consideration of any activity that would expand the list of governmental functions in § 40125(a)(2). The concept that delivery of certain products and not others can create a proper expansion of the governmental function provision is not sustainable, as the list could be endless and arguable based on any item’s characterization. The flight in this case is simply a means of delivery. There is no concept in the public aircraft statute that suggests that the altruistic delivery of any item creates governmental function authority, nor any line where such ends and commercial delivery begins. Nor does the concept of time-sensitive and lifesaving devices, as characterized, form the basis for the delivery of a product to be considered a governmental function. We are unable to conclude that the addition of “the provision of emergency medical services” is a reasonable expansion of § 40125(a)(2), nor that it could then be used to authorize the delivery of some items and not others. A state may choose to conduct any number of activities, but the decisions of a state legislature cannot be used to broaden the limits of the public aircraft statute to authorize the use of an aircraft in selected circumstances.

The interpretations cited do state that helicopter operations qualify as search and rescue, and the question addressed in those interpretations was whether the providers could charge for any part of the flight and remain PAO. The difference in the proposed operation is that there is no governmental function for providing emergency medical services using an aircraft not subject to civil regulations. In the case of helicopters, the qualification for PAO comes from the fact that the aircraft can actually perform search or rescue, actively looking for persons in need of assistance and transporting (rescuing) them. The circumstance that any particular helicopter is staffed and equipped to provide emergency medical assistance is secondary to the function of rescue. It would be no less a search and rescue if all that was available was location or transport without any medical personnel or equipment aboard the helicopter. The proposed system accomplishes neither search nor rescue since it simply delivers a product to a predetermined location near a 9-1-1 caller as a supplement to an emergency response land vehicle that was dispatched simultaneously.

Manatee County and its contractor Archer Systems are of course free to pursue the proposed operation as a civil aircraft operation in accordance with current regulations.

The interpretation was prepared by Karen Petronis, Senior Attorney on my staff. Please feel free to contact my office if you have further questions regarding this interpretation.

Sincerely,

LORELEI DINGES
PETER

 Digitally signed by LORELEI
DINGES PETER
Date: 2021.12.15 09:26:41 -05'00'

Lorelei D. Peter
Assistant Chief Counsel for Regulations