Part 91 Public Aircraft Operations Certificate of Waiver and Authorization (CoW/A)

Frequently Asked Questions v11

This info is current as of 12 Nov 2026

Note: Information presented here continues to evolve and is subject to change without notice.

Overview: The FAA has recently changed the Part 91 waiver process to expedite waivers for qualified Public Aircraft Operators (PAOs) as defined in 49 USC 40102(a)(41) and with special provisions for those **who also** meet the definition of Public Safety Organization (PSO) as defined in 49 USC 44806(e). Many, but not all, of those special provisions are also available to PAO who are not PSOs.

This expedited waiver process enables Visual Line of Sight (VLOS) operations, Beyond Visual Line of Sight (BVLOS) operations, operations over people, and operations over moving vehicles, at varying altitudes and distances depending on aircraft safety equipage and whether or not an acceptable detection (and avoidance) technology is employed in the operation area by the applicant. It also enables operations inside Temporary Flight Restricted Areas when following specified processes in the waiver/authorization. Operations under this CoW/A are conducted under 14 CFR **Part 91**.

Frequently Asked Questions:

1. **Q: Who is eligible for these 91.113 waivers?**
   A: The PAO waiver/authorization (CoW/A) are currently available to
   - **Public Aircraft Operators (PAO)** as statutorily defined in 49 USC 40102(a)(41), *who are also* **Public Safety Organizations (PSO)** as statutorily defined in 49 USC 44806(e), (aka PAO-PSO) and
   - **PAO who are <u>not</u> PSOs (PAO not PSO)**

   NOTE 1: PAO entities who are <u>not</u> PSOs can obtain 91.113 CoW/As but those will have some special provisions that are different than the PAO-PSO CoW/As.

   NOTE 2: See Advisory Circular 00-1.1B Public Aircraft for more information about Public Aircraft Operations. **Volunteer organizations (VFDs, SARs, 501(3)(c) entities for example) are typically *not statutorily eligible* for Public Aircraft status, and Part 107 is the only option for them, but there is a near equivalent BVLOS CoW/A available under Part 107.** A public safety organization (PSO), as defined by the 2024 FAA Reauthorization Act, Public Law 118-63, section 926(e) (codified in 49 USC 44806(e)), is an entity that "primarily engages in activities related to the safety and well-being of the general public, including law enforcement, fire departments, emergency medical services, and other organizations that protect and serve the public in matters of safety and security."

2. **Q: What has changed from prior versions?**
   A: The changes in the most recent versions of the 91.113 CoW/A pertain to PAO who are <u>also</u> PSOs. The new PAO-PSO CoW/A articulates a process to enable TFR access in airspace that is subject to a temporary flight restriction (TFR). **Operators need to clearly know what regulation establishes the TFR they wish to operate inside because <u>the process is different</u> depending on which regulation establishes the TFR.** See AC 91-63 for more information about TFRs.

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3. **Q: We are a public aircraft by statute, but our work is <u>not</u> primarily engaged in the safety of the public (Fish and Wildlife, Department of Interior, Building Code Enforcement, Parks & Recreation, etc. for example). Can we get a 91.113 CoW/A?**
   A: Yes. Entities that meet the statutory definition of public aircraft (49 USC 40102(a)(41) but who are not PSOs can also get a 91.113 CoW/A (the PAO not PSO CoW/A). Those entities will not get relief from mitigations for operations over people or moving vehicles. Look for the PAO not PSO checklists on the Public Safety Toolkit Public Safety Toolkit | Federal Aviation Administration

4. **Q: How do I get one of these 91.113 CoW/As?**
   A: Eligible applicants should first determine which of the two variations of the 91.113 waivers they want to apply for, then download the applicable checklist (200' shielded or 400' DAA) and send that completed checklist and a letter telling the FAA that you are a qualified entity and a brief CONOP justifying the waiver (see sample on the public safety toolkit), signed by the Responsible Person, a completed FAA form 7711-2 in an email to 9-AVS-AFS-750-91.113Waivers@faa.gov, **requesting a PAO-PSO 91.113 waiver/authorization (CoW/A) or a PAO not PSO CoW/A**.

   a. 200' Obstruction Shielded Ops (typically 87% of departments go for this), or
   b. 400' using acceptable Detection and Avoidance (DAA) systems

5. **Q: Where can I find the documents for the 91.113 CoW/A?**
   A: You can find the documents on the Public Safety Toolkit, here: Public Safety Toolkit | Federal Aviation Administration

6. **Q: How long is this 91.113 CoW/A good for?**
   A: These waivers have a validity period of 48 months.

7. **Q: Does this waiver/authorization replace the Tactical BVLOS, First Responder BVLOS, Blanket, and Jurisdictional COAs?**
   A: Yes. This CoW/A replaces the Tactical BVLOS and First Responder BVLOS COAs outright for qualified entities (entities who are both a PAO and a PSO). It could be used to replace the (VLOS only) Blanket and Jurisdictional COAs, since it allows both VLOS and BVLOS operations in Class G and controlled airspace. Some entities may prefer to stay with the VLOS only- Blanket and Jurisdictional COAs and for those entities, they would not apply for this new 91.113 CoW/A.

   For those qualified entities desiring BVLOS operations, or operations over people and/or moving vehicles, these new waivers incorporate features from earlier issued public safety COAs (blanket, jurisdictional, TBVLOS, FR-BVLOS) into one combination waiver and airspace authorization form 7711-1. Those TBVLOS and FR-BVLOS COAs are no longer available for new applicants wanting to operate BVLOS, but remain valid until cancelled or expired for existing COA holders. BVLOS COAs will not be renewed when they expire because they have been replaced by this combination waiver + airspace authorization.

VLOS only- blanket and jurisdictional COAs are still being done via CAPS and applicants can request renewals of blanket and jurisdictional COAs (which are for VLOS ops only). The VLOS only blanket and jurisdictional COAs require NOTAMS and monthly reporting, whereas the new VLOS/BVLOS 91.113 CoW/As do not require NOTAMS or monthly reporting.

8. **Q: Is this a waiver for BVLOS operations?**
A: This waiver provides relief to 14 CFR 91.113(b), and a number of other 14 CFR regulations, enabling **both VLOS and BVLOS** operations with altitude limits and required equipage. Depending on the technology employed to detect and avoid (DAA) other aircraft, there are typically two versions of 91.113 waivers being issued:

   - One version relying on obstruction shielding as the primary anti-collision mitigation (commonly called "shielded ops"). Approximately 87% of applicants' mitigations fit with this waiver.
   - One version relying on DAA systems (electronic aircraft detection systems FCC-approved for aviation use and ASTM and/or RTCA standards compliant) as the primary mitigation for collision avoidance. Approximately 13% of applicants have these systems.

     NOTE: Requests for routine altitudes above the UASFM in controlled airspace or above 400' AGL in uncontrolled airspace, or at any altitude in controlled airspace where UASFM's are not applicable, such as E3 or E4 Airspace, will require a second step and obtain a separate airspace authorization (COA) issued by the FAA Air Traffic Organization via CAPS/CADZ <u>after</u> obtaining the 91.113 waiver.

9. **Q: Is this a DFR (Drone as a First Responder) waiver?**
A: DFR is a concept, not a special set of flight regulations. Conversations with public safety suggest a concept that usually means a semi-autonomous BVLOS flight of a drone being flown out some (undefined) distance at some (undefined) altitude from a fixed location, in order to do something (undefined), but that's the point at which the "DFR" concepts begins to diverge. "DFR" means many things to many people, and "DFR" concepts are highly variable in terms of mission and technology employed, but the FAA flight rules don't change and waivers to the flight rules are required to do a compliant "DFR" kind of operation.

   Irrespective of the concept, Title 14 of the Code of Federal Regulations, Part 91 is the rule that governs flights as a public aircraft, and this set of regulations require all pilots to "see and avoid" each other <u>*from*</u> (inside) their aircraft (see 14 CFR 91.113). Obviously, regulation 14 CFR 91.113(b) and other 14 CFR part 91 regulations cannot be complied with in a drone operation (because the drone pilot is not 'in' the aircraft), so some rules need to be waived or exempted to permit the operation.

   Applicants operating under 14 CFR Part 91 must evaluate their proposed "DFR" operation in terms of compliance with 14 CFR part 91, then apply for waivers to those 14 CFR part 91 regulations they need relief from in order to operate the drone safely per their concept. Equivalent

levels of safety need to be addressed by applicants when seeking relief from a rule. These expedited waivers leverage pre-identified hazards, risks, and mitigations that provide equivalent levels of safety acceptable to the FAA. These expedited waivers are intended to meet the needs of most public safety agencies conducting public safety missions as a public aircraft, balanced against the safety needs of the National Airspace System.

NOTE: This kind of operation is also doable under 14 CFR part 107, but a waiver to 107.31 is required, and if not using a subpart D category compliant drone, a waiver to 107.39 and 107.145 is also required, and other regs may need a waiver or exemption depending on the concept.

10. **Q: What kind of operations are permitted under this CoW/A?**
A: There are, generally speaking, three kinds of operations permitted under this waiver/authorization, with variations depending on the airspace and systems used:
    - Visual line of sight (VLOS), or
    - BVLOS relying on obstruction shielding as a primary BVLOS safety mitigation, with or without Visual Observers (VOs), or
    - BVLOS relying on a higher tech solution using technology, namely FCC-approved for aviation use and ASTM and/or RTCA standards compliant systems, as the primary means of detecting and avoiding (DAA) other aircraft, including those not transmitting ADS-B Out (aka non-cooperative traffic). This technology is typically electronic: radar, acoustic, or visual based, or a combination thereof. The technology employed should be described in detail in the attachments (see optional CMD-DAA) or by documentation of the applicant's choice, and must be acceptable to the FAA. Currently, only 13% of applicants have these sophisticated systems. See Question #27 for more on the altitudes.

      NOTE: Requests for routine altitudes above the UASFM in controlled airspace (aka 'tailored airspace', or above 400' AGL in uncontrolled airspace, or at any altitude in controlled airspace where UASFM's are not applicable, such as E3 or E4 Airspace, will require a second step which is to obtain a separate airspace authorization (COA) issued by the FAA Air Traffic Organization via CAPS/CADZ. That step is taken <u>after</u> obtaining the 91.113 waiver.

11. **Q: Can I operate in controlled airspace with this 91.113 CoW/A?**
A: This waiver includes an airspace authorization <u>up to</u> the UAS Facility Map (UASFM) grid height depicted in UASFM at LAANC enabled airports, or 200' AGL, whichever is lower (see https://www.arcgis.com/apps/webappviewer/index.html?id=9c2e4406710048e19806ebf6a06754ad).
    - For emergency operations when the waiver holder needs to exceed the limitations of the issued COW/A on a temporary, emergency basis**,** a request for a Special Governmental Interest (**SGI**) COA/Waiver must be made to the FAA's Systems Operations Support Center (**SOSC**). More information about this process can be found at https://www.faa.gov/uas/advanced_operations/emergency_situations/
    - For those who need routine operations above the UASFMs, this is often called 'tailored airspace', and additional steps need to be taken to get approval to use the 91.113 CoW/A

above the UASFMs, or above 200' AGL when BVLOS, whichever is lower. That additional step is to apply in CAPS for the higher altitudes in specific grids, but this is done AFTER getting the 91.113 CoW/A. This is also available for part 107 PSO-shielded ops (PSO-SO) CoW/A holders, and is applied for in FAADroneZone AFTER getting the part 107 PSO-SO CoW/A.

12. **Q: What process do we follow if we want to operate with the 91.113 waiver in controlled airspace at an altitude *higher* than the UASFM altitudes or *higher* than 400' AGL in uncontrolled airspace, or in controlled airspace where UASFM's are not applicable, such as E3 or E4 Airspace, on a routine basis?**
A: Those requests require a second step to obtain a separate airspace authorization (COA) issued by the FAA Air Traffic Organization via CAPS/CADZ. Do this AFTER you receive your 91.113 waiver.

- After obtaining the 91.113 CoW/A, apply for an Air Traffic Organization (ATO) COA in CAPS/CADZ at https://caps.faa.gov/coaportal, requesting the airspace and attach the waiver as supporting documentation.
- The UAS Facility Maps (UASFM) at LAANC enabled airports change from time to time. See https://www.arcgis.com/apps/webappviewer/index.html?id=9c2e4406710048e19806ebf6a06754ad).
- For emergency operations when the waiver holder needs to exceed the limitations of the issued COW/A on a temporary, emergency basis, a request for a Special Governmental Interest (**SGI**) COA/Waiver must be made to the FAA's Systems Operations Support Center (**SOSC**). More information about this process can be found at https://www.faa.gov/uas/advanced_operations/emergency_situations/ .

13. **Q: Can I operate with this 91.113 CoW/A in airspace defined by a Temporary Flight Restriction (TFR) or Special Security Instructions (SSI)?**
A: As of 5 November, newly issued CoW/As come with TFR/SSI access provisions. Access varies depending on what the underlying reg or statute is for that TFR. For example, there are many different kinds of TFRs, and the process for gaining access to those TFRs are now stated in the special provisiona. Check the TFR NOTAM for more information. TFRs take precedence over an existing airspace authorization, so if you are operating in an area that becomes subject to a TFR, do NOT fly until you have received approval to operate in that TFR.

14. **Q: Can I operate in Visual Line of Sight (VLOS) with this 91.113 CoW/A?**
A: VLOS operations are permitted with this waiver.

15. **Q: How far out from the Remote Pilot can I fly the drone with this 91.113 CoW/A?**
A: There is no set distance established in this waiver. If using an FCC-acceptable for aviation use electronic, acoustic, or visual DAA system, the limit is driven by the technology and the distance stated in the waiver application. The responsibility to avoid other aircraft is not waived, no matter the distance. If relying solely on obstruction shielding and ADS-B In, there is no

maximum distance limitation imposed by the waiver, but the responsibility to avoid being a hazard to other aircraft remains (see 14 CFR 91.111). See Advisory Circular 90-48E Pilot's Role in Collision Avoidance for more information about reaction times and collision avoidance.

16. **Q: Can I operate at night with this 91.113 CoW/A?**
A: Operations are permitted 24/7 under this waiver, including night, with lighting and training requirements.

17. **Q: Do I need an anti-collision light to operate with this 91.113 CoW/A?**
A: Yes. For collision avoidance purposes, the sUA must be equipped with anti-collision lighting to increase the conspicuity of the sUA to 3 statute miles for civil twilight and/or night operations. **The anti-collision lighting must be on and functioning at a sufficient flash rate to avoid a collision whenever the drone is in the air, day or night**. The intensity of the anti-collision lighting may be reduced if, because of operating conditions, it would be in the interest of safety to do so. **"Lights out" operations are not permitted due to the unacceptably high risk an unlighted drone poses to manned aircraft**, especially when operating the drone BVLOS, even during daylight.

18. **Q: Do I need a Parachute Recovery System (PRS) for drones used under this CoW/A?**
A: Operations over people are only permitted if the drone is:
    - A part 107, subpart D category compliant drone, or
    - The drone is equipped as follows:
        - If the drone is not a part 107, subpart D category compliant drone and it weighs 0.88 lbs. or less, it must be equipped with prop guards.
        - If it weighs more than 0.88 lbs. it must be equipped with a PRS conforming to the ASTM F3322-18 or newer standard, or
    - For PAO PSO CoW/As only, for life safety emergencies only, where the risk of serious injury or death to the victim outweighs the risk of serious injury or death to others posed by your drone operating over them, operations over that person are permitted for the duration of that life-safety emergency, at an altitude no lower than necessary. A good example of this is a drowning person, where the drone operates over them to drop a flotation device. Another might be operating over a person to drop a medical kit and ground teams can't get to them.
        - Transient flight over people or moving vehicles with people inside, however brief, is considered "operations over people (or moving vehicles)". There is no distinction between transient vs sustained operations over people (nor over open air assemblies or individuals) for what are considered operations over people, or moving vehicles with people inside, with this CoW/A.
    - Request a Special Governmental Interest (**SGI**) COA/Waiver from the FAA's Systems Operations Support Center (**SOSC**). More information about this process can be found at https://www.faa.gov/uas/advanced_operations/emergency_situations/ .

NOTE: Operators must consider hazards and risk of injury to persons on the ground balanced against the risk of loss of life when operating over people or moving vehicles without a category compliant sUA. For example, every call out is not a life-safety emergency and operating over

open-air assemblies of people are typically not life-safety emergencies. If you intend to routinely dispatch the drone for every call out, consider equipping with a category compliant drone or a PRS (depending on weight), due to the risk of injury to persons on the ground from that drone should it fail unexpectedly, since not every call out is a life safety emergency.

19. **Q: Can I operate from a moving vehicle with this 91.113 CoW/A?**
    A: Operations from a moving vehicle are permitted in uncongested areas. Operators are cautioned to update their return to home settings often when operating from a moving vehicle because new obstacles may be encountered depending on the route of flight.

20. **Q: Does this waiver cancel or supersede my other existing 91.113 COA's?**
    A: This waiver does not cancel nor supersede prior 91.113 COAs. However, those older BVLOS COAs will not be renewed when they expire.

21. **Q: Do we have to file NOTAMs under this 91.113 CoW/A waiver?**
    A: NOTAMS are not required to operate under this waiver.

22. **Q: Are there any reporting requirements under this 91.113 CoW/A?**
    A: NTSB accident/incident reporting requirements of 49 CFR 830.2 are not waived. The waiver requires incident reporting to the FAA, but no regular reporting to the FAA is required. Some records of flights may be requested by the FAA, but this is only required upon request. If you intend to operate under any of your previously issued COAs, you still must comply with the reporting requirements of those COAs (see your COA for your reporting requirements).

    *NOTE: The pilot records database (PRD) requirements of 14 CFR Part 111 have not changed and are still required of **Public Aircraft** when a PRD report triggering event occurs. See 14 CFR Part 111, subpart C and AC 120-68 for more information about Public Aircraft reporting requirements for the PRD.*

23. **Q: Do I need Visual Observers (VOs) to operate under this 91.113 CoW/A?**
    A: The use of VOs is encouraged but not required under this waiver. This is because the waiver uses obstruction shielding, anti-collision lighting, and ADS-B In as mitigations or other technology to enable detection and avoidance (DAA) of other aircraft. Remember that 14 CFR 91.111 is ***not*** waived, so vigilance is always required to not be a hazard to other aircraft.

24. **Q: Do I still need to use the COA Online Application Processing System (CAPS)?**
    A: In most BVLOS cases, proponents would no longer use CAPS to submit their application. However, for VLOS only Blanket and Jurisdictional COAs, those are done via CAPS. There may be individual cases, depending on the CONOP and altitude proposed, that may be directed to use CAPS however.
    - For all sUAS altitude requests in controlled airspace above the UASFM altitudes (aka 'tailored airspace'), above 400 feet above the ground or further than 100 feet of an object in Class G, or at any altitude in Classes E3 or E4 airspace, the operator must apply for an Air Traffic Organization (ATO) COA at https://caps.faa.gov/coaportal **after** they get the 91.113 waiver.

- New applications for, and the renewal of, Tactical BVLOS (TBVLOS) and First Responder BVLOS (FR-BVLOS) waivers are no longer accepted. New applications for the new PAO/PSO 91.113(b) waiver should be made to the email address 9-AVS-AFS-750-91.113waivers@faa.gov .

25. Q: What are the weather minima for this 91.113 CoW/A?
A: Weather minima have been waived and vary depending on what class of airspace is applicable. Controlled airspace has higher weather minima than uncontrolled airspace, for the safety of manned traffic. See the specific provisions in your CoW/A. Operators are cautioned that reduced visibility and ceiling operations reduce the reaction time of manned aviators to your drone. The 91.113 CoW/A does not waive 91.111, Operating Near Other Aircraft.

26. Q: Can this 91.113 CoW/A be used to operate a drone from a command post?
A: These would be BVLOS operations since the RPIC can't see the drone nor the airspace with unaided vision. This concept is possible under either the 200' obstruction shielding ops waiver or the 400' using DAA waiver, depending on the technology used for collision avoidance. As you develop your CONOP, the main question will be "how will the RPIC "see (detect) and avoid" other aircraft (including non-cooperative traffic) with the systems and procedures you propose to employ and how will your drone not be a hazard to others in the air and on the ground?"

27. Q: Is Standard Remote ID required to operate with this 91.113 CoW/A?
A: Yes, unless otherwise authorized in writing by the FAA, Standard Remote ID is required per 14 CFR part 89 to operate BVLOS. Check your drone's remote ID compliance here: https://uasdoc.faa.gov/listDocs?docType=rid

28. Q: What's the maximum weight UAS that can be operated under this 91.113 CoW/A?
A: This waiver permits operations with a UA that weighs up to 55 pounds, including the UA and all attachments. Operations with UA weighing 55 pounds or more are possible, but those applications will be reviewed on a case-by-case basis and may be directed to use CAPS.

29. Q: If we want to operate BVLOS in Class G airspace or in controlled airspace without using electronic detection and avoidance systems, will there be altitude limitations on those operations?
A: Without FCC-approved for aviation use, and without ASTM and/or RTCA standards compliant electronic detection and avoidance systems, the operator will be relying on obstruction shielding coupled with ADS-B In and an anti-collision light as anti-collision mitigations. The BVLOS altitudes in these cases are limited to:

a. In **Class G Airspace**,
   1) at or below 200 feet above the ground, or
   2) 100 feet above the height of any obstruction (natural or man-made) that is within a 100 foot radius of the sUA, not to exceed 400 feet AGL, or

b. In **Class B, C, D or E (Surface Area) Airspace**,
   1) at or below 200 feet above the ground, or

2) below the UASFM altitude, whichever is lower;

NOTE: To operate BVLOS higher than 200 feet AGL or more than 100 feet from an obstruction in Class G airspace, an electronic detection and avoidance system that is FCC-approved for aviation use, and ASTM and/or RTCA standards compliant and acceptable to the FAA, in addition to ADS-B In and an anti-collision light, will be required.

30. **Q: Does this 91.113 CoW/A allow for one RPIC to many sUA (aka 'one to many') operations?**
A: This *expedited* waiver is based on a one RPIC to one sUA concept. It is based on pre-determined hazards, risks, and mitigations intended to meet the needs of most public safety agencies who are operating as a public aircraft. "One to many" operations are possible with acceptable technology and mitigations, but those applications must be evaluated on a case-by-case basis, and may be complicated by airspace issues that arise depending on where those operations occur. "One to many" operations are also possible under Part 107 with a waiver to 107.35.

31. **Q: Where can I go to find out if the DAA system we are considering is FCC-approved for aviation use?**
A: Active systems (such as radar) may require an FCC issued Station License before the operator can use them in aviation service. Passive systems may not require an FCC issued Station License. See 47 CFR part 87, subpart B, and reach out to the FCC with specific questions about your situation. Ask your vendor to show you documentation that it is 47 CFR Part 87 compliant, and what steps you need to take to be able to use that system in aviation service.