

Public Declaration Letter

Public Aircraft Operations (PAOs) are limited by statute to certain government operations within U.S. airspace. Although these operations must continue to comply with certain general operating rules, including those applicable to all aircraft in the National Airspace System (NAS), other civil certification and safety oversight regulations do not apply to these operations.

Title 49 U.S.C. § 40102(a)(41) provides the definition of “public aircraft” and § 40125 provides the qualifications for public aircraft status. These statutory provisions are the legal basis for operation of public aircraft in the United States (see Appendix A, Public Aircraft Statute). The FAA recognizes that these statutory provisions may be difficult to apply to aircraft operations conducted by civil contractors for government entities.

The public declaration letter you will be providing to the FAA should represent the understanding among the parties that are submitting it that they are qualified to operate as a public aircraft operator and that the operations are not conducted for a commercial purpose. As a result, the declaration letter should include the following:

1. The public declaration letter is on official letterhead from a governmental entity (your department cannot self-certify your public aircraft status) that is in a position to determine that your agency is qualified to operate as a public aircraft operator (the individual signing the letter should be an attorney). For a public agency, the City Attorney, County Attorney, or State Attorney General is the appropriate party to make that declaration. The FAA will also accept a legal entity under contract with the public agency; however, when requesting a determination of public status for a university or educational institution, the declaration should be made from the state’s attorney general.
2. A clear statement outlining the political subdivision requesting the Certificate of Waiver as well as the public agency that will be operating the aircraft. Please be aware that it is common for a public agency under a political subdivision (e.g., an agency/department of a municipality, town, county, etc.) to not qualify as a political subdivision of a state, so the political subdivision itself (e.g., the City or County) could be the proponent for the COA.
 - a. In accordance with the above, the letter should reference the State statutory definition of a “political subdivision” showing that the COA applicant meets the State’s definition. This citation shows the FAA that the applicant is a valid “political subdivision” and thus could meet the requirements under 49 USC § 40102(a)(41)(C) or (D). **This citation should be part of the declaration, or the letter will not be approved;** and
 - b. The letter should also reference statutory citations (or local ordinance citations) that outline the specific agency/department’s authorities. For example, if it is a County Sheriff’s Office, in addition to outlining that counties are “political subdivisions” under state statute, the letter cites the statutory authorities outlining the Sheriff Office’s authorities.
3. A statement that the aircraft meets the definition of a “public aircraft” under either 49 USC § 40102(a)(41)(C) (if the aircraft is owned and operated by the government entity) or § 40102(a)(41)(D) (if the aircraft is leased for at least 90 continuous days by the government entity). In addition, a statement that the operations will comply with 49 USC § 40125(b)

and that the aircraft will not be operated for “commercial purposes” (as that term is defined under 49 USC § 40125(a)(1)). These statements in the letter show that the individual making the declaration understands that the entity is a political subdivision of the state, that the aircraft meets the statutory definition of a “public aircraft”, and that operations will not be conducted for commercial purposes.

- a. **The letter should state that the public agency/government entity will comply with 49 USC § 40125(b) or the letter will not be approved.**
4. The declaration letter is dated and signed by the individual attorney making the declaration, and includes the attorney’s contact information, and includes a point of contact from the public agency (phone and email address of that individual).

Please email a signed copy to 9-AVS-AFS-750-91.113Waivers@faa.gov along with you application for a PSO-PAO 91 BVLOS Waiver or reference the control number in the email requesting this information.