



Federal Aviation Administration

FAQ's on Operation of UAS as Public Aircraft for Educational Purposes

[What is a legal interpretation?](#)

[What is the purpose of the July 3 interpretation and what does it mean?](#)

[Why does the FAA read the "governmental functions" list so narrowly? The list of "governmental functions" in the statute is preceded by the phrase "such as" meaning Congress contemplated there could be additional functions not listed in the statute.](#)

[Can't governments decide for themselves what functions they want to perform?](#)

[Aren't UAS different than manned aircraft?](#)

[What is the public aircraft statute and how does it work?](#)

[Where can I find out more information about public aircraft operations?](#)

What is a legal interpretation?

A legal interpretation is the FAA Office of the Chief Counsel's interpretation of statute or regulation. The objective in providing legal interpretations is to assist the aviation industry and the public in understanding how the FAA interprets its regulations and statutory authority, and to assure that the FAA is applying those standards consistently. A legal interpretation is binding on the agency.

[Back to top](#)

What is the purpose of the July 3 interpretation and what does it mean?

This interpretation explains the FAA's conclusion that education is not a governmental function for purposes of the public aircraft statute. This means that a government entity that is otherwise qualified to conduct public aircraft operations may not use education as the purpose to justify its operations. For example, a state university could not establish and run a UAS flight training program under which the UAS would be operated as public aircraft. As with manned flight, such a training program would need to be run as a civil operation.

[Back to top](#)

Why does the FAA read the "governmental functions" list so narrowly? The list of "governmental functions" in the statute is preceded by the phrase "such as" meaning Congress contemplated there could be additional functions not listed in the statute.

We acknowledge that the list of governmental functions in the statute is not exclusive; however we also read the statute narrowly because of the way the statute is drafted. In order to be considered a permissible governmental function for purposes of the statute, the FAA looks at whether any additional governmental function not on the list share at least some of the characteristics of the listed governmental functions. There is nothing in the statute's specific list of governmental functions or its history to suggest FAA may authorize the broad expansion of the statute. Additionally, because public aircraft operations are largely unregulated, the FAA considers the impact on safety that would result from increasing the number of unregulated operations of uncertificated aircraft when determining whether to permit a governmental function not specifically listed in statute.

[Back to top](#)

Can't governments decide for themselves what functions they want to perform?

Not within the context of the public aircraft statute. A government may not expand on its own initiative the list of government functions in the statute. Governmental functions, for purposes of public aircraft operations, must be evaluated in the context of the law and its legislative history. Our analysis considers that the list of functions designated by Congress reflects the core functions of operating as a state free of aviation regulations.

[Back to top](#)

Aren't UAS different than manned aircraft?

Although UAS may have different capabilities than manned aircraft the public aircraft statute does not differentiate between unmanned and manned aircraft. Therefore, the FAA would not factor whether an aircraft is manned or unmanned when determining if an operation is conducted using a public aircraft for a governmental function.

[Back to top](#)

What is the public aircraft statute and how does it work?

The public aircraft statute allows certain government entities to operate aircraft for particular reasons called "governmental functions." Public aircraft operations are not required to follow many of the FAA's regulations – including pilot certification and aircraft certification requirements. Both "public aircraft" and "governmental function" are defined in statute.

Public aircraft operations:

- May only be conducted by qualified entities described in the statute (49 USC 40102(a)(41));
- May not have a commercial purpose (defined in the statute and interpreted in our Advisory Circular);
- Must have a governmental function (one listed in the statute or found by the FAA to be a reasonable extension of one of the listed functions).

[Back to top](#)

Where can I find out more information about public aircraft operations?

See Advisory Circular 00-1.1A – Public Aircraft Operations – issued February 12, 2014. It is available on FAA.gov.

[Back to top](#)

Page last modified: August 04, 2014 10:42:26 AM EDT

This page was published at: http://www.faa.gov/uas/regulations_policies/faq/