

Aviation Group Client Update

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PROPOSED ADVISORY CIRCULAR: PUBLIC AIRCRAFT OPERATIONS

Earlier this month, the FAA published proposed [Advisory Circular \(AC\) 00-1.1A, Public Aircraft Operations](#). The proposed revision to the AC includes guidance for civil operators contracting with government entities regarding Public Aircraft Operations (PAO).

In the case where a civil operator contracts with a government entity, PAO status is not automatic. Before conducting a PAO, the contracting government entity should provide the civil contractor with a written declaration of public aircraft status for designated, qualified flights. The FAA recommends that the declaration be made by a contacting officer or other official familiar with the public aircraft statute, and be separate from any contract between the government entity and contracted civil operator. After receiving a declaration, the contractor should submit a copy to the operator's jurisdictional oversight FAA Flight Standards District Office responsible (FSDO). A declaration is not required on a flight-by-flight basis and the absence of a written declaration does not change the legal status of a valid PAO. However, until a declaration is on file, the FAA considers all operations "civil" and retains enforcement authority for any deviations of 14 CFR. Both the civil operator and contracting government entity share joint responsibility to determine whether each flight conducted under the contract qualifies as a PAO.

At a minimum, the FAA recommends the following information be included in each declaration: (1) name of civil operator (the contacted operator); (2) Aircraft types to be used for the PAO; (3) name of aircraft owners; (4) aircraft registration numbers; (5) date of contract; (6) date of proposed first flight as a PAO; (7) date contract terminates; (8) name of the government entity declaring public aircraft status; (8) name, title, and contact information for the government official making the declaration of PAO status; and (9) nature of operations.

Comments are due on or before **April 13, 2012**. Please contact our office with questions or for assistance with the preparation and submission of comments.

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McBreen & Kopko's Aviation Group represents air carriers, fixed base operators (FBOs), airport managers, aviation service providers, and business aircraft owners and operators on a wide range of aviation issues including regulatory matters, commercial transactions, aircraft finance matters, and bankruptcy and creditors' rights.