June 26, 1997

Linda D. Beckert
[redacted]

Dear Ms. Beckert:

This is in response to your letter of June 2, 1997, in which you request an interpretation of FAR 91.137(c)(5), pertaining to the News Media exception to operations in areas NOTAM'd with a Temporary Flight Restriction (TFR). You ask whether the News Media may enter the TFR area without authorization from the official in charge and, if so, under what conditions.

Areas subject to TFR are defined both by a horizontal restriction from the incident center point--a five nautical mile radius is standard; and a vertical restriction--2000 feet over the highest elevation at the incident site is standard. These standards can be modified to suit the specific needs of the disaster relief operation. The general rule is that, in order to provide a safe environment for the operations of disaster relief aircraft, no person may operate within an area NOTAM'd with a TFR unless one of five conditions are present.

One of the five conditions is an exception for aircraft carrying accredited News Media. These aircraft may operate within the TFR area if they first file a flight plan with the FAA and if they operate above the altitude used by the disaster relief aircraft. They may do this without authorization from the official in charge of the emergency relief activities. Moreover, if they are authorized by the official in charge of the emergency response activity, Media aircraft may operate within the TFR without a flight plan and without flying above the altitude used by the disaster relief aircraft.

News Media aircraft, which enter the TFR without compliance with the flight plan requirement or without complying with the altitude restriction would be in violation of Section 91.137(c) of the Federal Aviation Regulations, unless the operation is authorized by the official in charge of the on-scene emergency response activities.

Sincerely,

George L. Thompson
Regional Counsel