U.S. Department
of Transportation
**Federal Aviation
Administration**

8 August 2014

Dr. Benjamin W. Heumann
Center for Geographic Information Science
Central Michigan University
Dow Science Complex 275
Mount Pleasant, MI 48859

Dear Dr. Heumann:

Thank you for your request of an interpretation of the public aircraft statute and the application of the restrictions on commercial purpose for a public university seeking a Certificate of Waiver or Authorization (COA) to operate an Unmanned Aircraft System (UAS). We apologize for the delay in responding to your questions.

First, you state that you "understand that [your university] can fly using grant money from a federal source." You then ask more specifically whether your public university would be allowed to operate a UAS as part of a grant from a state agency, as part of a grant from a local government, and part of a grant or a contract from a nonprofit organization.

The FAA assesses many factors when making determinations of public aircraft operation status for an operator, including the governmental function that underlies the operation. Your questions do not address what governmental function exists for any of the operations you suggest. We are unable to agree that "using grant money from a federal source" would allow a public university to operate a UAS for any purpose. Although your university may qualify as eligible to operate a public aircraft under the public aircraft statute (49 USC 40102(a)(41)), not everything it chooses to do may qualify as a governmental function under 49 USC 40125(a)(2).

We have recently issued two interpretations that contain other information regarding the operation of unmanned aircraft systems by universities. Our first opinion concerns "aeronautical research" that may be conducted by operators of public aircraft, and finds that such research may be funded by grants under certain limitations. Other types of research must fulfill another governmental function before they may be considered a public aircraft operation. Our second interpretation concludes that education itself is not a governmental function that supports public aircraft operation. We are including copies of these two opinions (and a clarification of the research interpretation) so that you may review the basis for our conclusions in context.

We would also like to note that your university would be able to act as a contractor to another government entity that is both eligible to conduct public aircraft operations and has

a valid governmental function for a UAS operation. In such a situation, a different government entity would contract with your university to conduct the UAS operation for them, and could compensate your university. Your university would not be the COA holder and would not be restricted in accepting compensation, but the operation would have to fulfill the requirements of a public aircraft operation, and the contracting government entity would be responsible for the operation.

Please feel free to contact my office if you have questions concerning this interpretation or the ones we have included regarding research and education.

Sincerely,

Mark W. Bury
Assistant Chief Counsel for International Law,
Legislation and Regulations