Federal Aviation Administration

Memorandum

Date: July 3, 2014

To: James Williams, Manager, UAS Integration Office, AFS-80

From: Mark W. Bury, Assistant Chief Counsel for International Law, Legislation and Regulations, AGC-200

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Subject: Clarification of June 13, 2014 Interpretation on Research Using UAS

In response to questions about the scope of the June 13, 2014 memorandum on research using unmanned aircraft systems (UAS), we are providing this clarification that interpretation was limited to an analysis of permissible aeronautical research using UAS.

Aeronautical research, as used in the statute and discussed in the interpretation, is a governmental function that may be conducted using a public aircraft. We did not mean to imply in the June 13 memorandum that no other research may be conducted using UAS as a public aircraft. If a research project fulfills another governmental function under the statute, then it too may qualify as a public aircraft operation.

Since there are several governmental functions described in the statute, we will not attempt to provide a list of operations that might qualify. We only caution that the governmental functions listed in the statute not be artificially manipulated in meaning so that they include all desired research activities. Because the list of governmental functions in the statute is not exclusive, analysis by our office will focus on whether other proposed functions are similar to the core governmental functions necessary for the day to day operation of a state that the public aircraft statute allows to be free of federal aviation regulation. Each proposed research activity will be examined to determine whether it supports a core governmental function.

Finally, we note that whether there is a governmental function that supports a proposed operation is but one of the considerations that goes into determining whether there is a valid public aircraft operation under the terms of the statute.

We are available to assist your staff in assessing research projects that serve as a basis for a public aircraft COA requests and whether they serve a legitimate government function.