NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.327

National Policy

Effective Date:
9/21/15

Cancellation Date:
9/21/16

SUBJ: Laser Incident Enforcement Investigations

1. Purpose of This Notice. This notice updates Federal Aviation Administration (FAA) laser incident enforcement investigation policy, guidance, and procedures in regard to conducting investigations into the unauthorized use of lasers aimed at aircraft.

2. Audience. The primary audience for this notice is FAA Flight Standards Service (AFS) field offices (Flight Standards District Offices (FSDO), certificate management offices (CMO)), and aviation safety inspectors (ASI) involved in laser enforcement investigations. The secondary audience includes Flight Standards branches and divisions in headquarters (HQ) and the regions.

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee Web site at https://employees.faa.gov/tools_resources/orders_notices. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at http://fsims.avs.faa.gov. Operators can find this notice on the FAA's Web site at http://fsims.faa.gov. This notice is available to the public at http://www.faa.gov/regulations_policies/orders_notices.

4. What This Notice Cancels. This notice replaces expired FAA Notice N 8900.185, Laser Incident Enforcement Investigations, dated April 24, 2012.

> **Note:** Where older AFS policy conflicts with this notice, this newer policy shall be followed until the older policy is revised. When in doubt as to the appropriate course of action or policy to follow, inspectors should work through their frontline and office managers with the appropriate regional branches and policy divisions for clarification.

5. Background. The FAA is aware of an increasing number of unauthorized laser illumination incidents nationwide. Reports of lasers being pointed at airplanes nearly doubled in 2010 to more than 2,800 from 2009 figures. The FAA received 3,960 laser incident reports for the 2013 calendar-year and 3,894 reports for the 2014 calendar-year.

a. Legal Interpretation. On June 1, 2011, the FAA Assistant Chief Counsel for Regulations (AGC-200) issued a legal interpretation stating the FAA would consider a situation in which a laser beam, aimed at an aircraft by a person who is not on board the aircraft, interferes with a crewmember's performance of his or her duties aboard the aircraft to be a violation of Title 14 of

the Code of Federal Regulations (14 CFR) part 91, § 91.11. The interpretation would apply equally to the similarly worded provisions of 14 CFR part 121, § 121.580, 14 CFR part 125, § 125.328, and 14 CFR part 135, § 135.120. A copy of this legal interpretation is available on the FAA's laser safety initiative Web site at http://www.faa.gov/about/initiatives/lasers/.

b. The FAA Modernization and Reform Act of 2012. On February 14, 2012, the President signed Public Law 112-95, the FAA Modernization and Reform Act of 2012. Section 311 amended Title 18 of the United States Code (18 U.S.C.), Chapter 2, § 39, by adding § 39A, which makes it a Federal crime to aim a laser pointer at an aircraft.

6. Procedures. When responding to laser incidents, AFS ASIs shall not conduct searches for persons suspected of pointing a laser at an aircraft and/or crewmember. AFS inspectors will follow the current edition of FAA Order 8900.1, Volume 14, Compliance and Enforcement; and the current edition of FAA Order 2150.3, FAA Compliance and Enforcement Program, Chapter 4, Investigation of Violations. When a laser incident occurs, several entities are involved. Appendix A of this notice outlines the complete unauthorized laser illumination incident reporting and civil enforcement process to include the AFS role. Additionally, Appendix A (A-1 thru A-4) of this notice outlines the protocol for AFS management and ASIs to follow prior to opening a civil Enforcement Investigation Report (EIR).

7. Disposition. Information in this notice will be incorporated into FAA Order 8900.1, Flight Standards Information Management System (FSIMS). Direct questions or comments about laser incident civil enforcement investigations to the Air Transportation Division (AFS-200) at 202-267-8166.



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Appendix A. Laser Illumination Incident Reporting and Civil Enforcement Process

1.0 - "Real-time" unauthorized laser illumination incident. Pilots are encouraged to report unauthorized laser illumination incidents immediately to the appropriate air traffic control (ATC) facility through aircraft radio communications. The initial report should include:

- Laser illumination location (Latitude/Longitude or Fixed Radial Distance (FRD) if possible);
- Altitude;
- Color of laser beam(s);
- Originating direction and position; and
- Any additional information deemed necessary for ATC, law enforcement, and other governmental action taken to safeguard the safety and efficiency of aviation operations in the National Airspace System (NAS).

If an AFS field office receives notification that an unauthorized laser illumination incident is occurring or has just occurred, the office should immediately contact local, State, or Federal Law Enforcement Agency (LEA) to relay the information, and follow-up with a phone call to the Regional Operations Center (ROC). The AFS field office should attempt to contact the nearest ATC facility associated with the reported laser activity.

2.0 - An ATC facility that receives a report of an unauthorized laser illumination should immediately report the laser illumination incident in accordance with the current edition of FAA Advisory Circular (AC) 70-2, Reporting of Laser Illumination of Aircraft; and the current edition of FAA Air Traffic Organization (ATO) Order JO 7210.3, Facility Operation and Administration, to the Domestic Events Network (DEN) and FAA Washington Operations Center (WOC) – AEO-100 (this is a single report; the facilities are co-located). The DEN will act on such reports in accordance with DEN standard operating procedures (SOP).

2.1 - The WOC distributes the unauthorized laser illumination incident report to:

- ATO, Strategic Operations Security Group (AJR);
- Office of Security and Hazardous Materials Safety (ASH); and
- Flight Standards Service (AFS) Regional Office (RO) with jurisdiction over the region where the laser incident occurred.

3.0 - "Post" laser illumination incident reporting. After initial notification of an unauthorized laser illumination incident, a laser incident report should be completed as soon as possible utilizing one of the following methods as appropriate:

1. Pilot completes the FAA Laser Beam Exposure Questionnaire located on the FAA Web site at http://www.faa.gov/aircraft/safety/report/laserinfo.
2. Member of the public who witnessed an unauthorized laser illumination incident should be directed to the FAA's laser safety initiative Web site at

http://www.faa.gov/aircraft/safety/report/laserinfo and is encouraged to send an email to LaserReports@faa.gov with the information requested in “The Public” section.

3. An ASI/AFS field office who receives a report directly from a member of the public or law enforcement should send an email to LaserReports@faa.gov and include the following information:

   a. Name and contact information;
   b. Date and time the incident was witnessed; and
   c. Location and description of the incident.

Note: If the pilot or member of the public is unable to access the FAA laser safety initiative Web site (http://www.faa.gov/about/initiatives/lasers/) or does not have access to a computer, refer them to the current edition of AC 70-2 for other methods (e.g., fax, phone call) to complete and submit an unauthorized laser illumination report.

Note: The ASI/AFS field office who receives a report directly from the public or law enforcement must create a Program Tracking and Reporting Subsystem (PTRS) record using activity code 1045, 3045, or 5045 (STAFF/ADMIN/SPECIAL PROJECTS) with “LASER” in the “National Use” block. In the comment section, using primary area “H,” keyword “999,” and opinion code “I,” record the steps taken to report the laser event. The ASI/AFS field office is not required to submit a PTRS record referenced above if an incident report was observed in the FAA’s Daily Report Application (DRA) obtained from the Emergency Operation Network (EON). No further action is required by the ASI or receiving AFS field office.

3.1 - To enable AFS to begin the civil enforcement investigation process, all information submitted in Step 3.0 will be forwarded to AJR and subsequently disseminated to ASH, who conducts the initial investigation on behalf of the FAA.

Note: No action is required by AFS in Step 3.1.

3.2 - “Post” laser incident status inquiries should be directed to the ATO Mission Support Services Division (AJV-4).

4.0 - ASH will coordinate with the appropriate LEAs to obtain details of the incident.

5.0 - ASH will work with local, State, and Federal LEAs to identify a possible subject. When a subject is identified and apprehended, ASH will compile information needed for FAA AFS to begin the civil penalty enforcement process and proceed to Step 7.0.

6.0 - If a subject cannot be identified, no additional action is required by FAA AFS.

7.0 - If a subject can be identified, ASH will prepare a memorandum detailing the incident and the identifying information of the individual involved in the laser incident. The memo will be transmitted via secure zip file or other secure means to the geographically responsible

AFS RO technical support branch manager (AXX-230 or AXX-240) to expedite the investigation.

8.0 - The geographically responsible AFS RO division will assign the civil enforcement to the appropriate AFS field office and record the laser incident report number identified in the ASH memorandum within the appropriate AFS reporting system.

8.1 - The email received by either AFS RO technical branch in Step 7.0 will be forwarded to the appropriate AFS field office assigned to work the enforcement.

9.0 - The AFS field office ASI assigned to work the civil EIR should contact ASH to obtain any additional information if needed from LEAs to support civil enforcement action. As with any EIR, if criminal enforcement action is pending, there may be limitations on who the FAA ASI can interview and subsequent coordination with Regional General Counsel is required. Coordination between AFS field office and law enforcement should be in accordance with the current edition of FAA Order 2150.3, FAA Compliance and Enforcement Program.

Note: When it has been determined that evidence exists to support an enforcement action, the ASI will enter the following into PTRS; 1045, 3045, or 5045 (STAFF/ADMIN/SPECIAL PROJECTS), with “LASEREIR” in the “National Use” block. In the comment section, using primary area “H,” keyword “999,” and opinion code “I,” the ASI should record pertinent facts relevant to the laser event.

Note: The ASI assigned to prepare the EIR must ensure they have a statement from the effected crew that states that the crew was interfered with.

The following additional reference material to support preparation of a laser EIR package is located in FSIMS under the “Publications—Other Documents—Laser Investigation References” folder:

Note: Additional laser reference material may be added to the above referenced folder in the future.

- AGC-300 PPT – Laser Interference Investigation; and
- AFS Laser Item of Proof (IOP) Checklist.

The FAA is taking swift action against individuals who aim a laser at an aircraft and/or crewmember. ASIs should strive to complete the laser EIR package within 60 calendar-days.

All PTRS records associated with laser EIRs should include “LASEREIR” in the “National Use” field.

Figure 1. Laser Illumination Incident Reporting and Civil Enforcement Process - Flowchart

