



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

Advisory Circular

Subject: **WAIVERS OF PROVISIONS OF
TITLE 14 OF THE CODE OF
FEDERAL REGULATIONS PART 91**

Date: 11/8/96
Initiated by: AFS-820

AC No: 91-72
Change:

1. PURPOSE. This advisory circular (AC) provides information concerning the submission of applications for the issuance of waivers of certain sections of Title 14 of the Code of Federal Regulations (14 CFR) part 91.

2. DISCUSSION. Policy and procedures for the issuance of waivers for specific sections of part 91 are contained in § 91.903. Waivers are issued by the Federal Aviation Administration (FAA) on FAA Form 7711-1, Certificate of Waiver or Authorization, and may contain special provisions with which the holder is required to comply. The FAA may issue a waiver for the purpose of providing the applicant temporary relief from certain designated sections of part 91 for a specific operation or series of related operations. If an applicant requires long-term or continuing regulatory relief, the applicant should apply for an exemption under the provisions of 14 CFR part 11, § 11.25, Petitions for Rulemaking or Exemptions.

3. APPLICATIONS. An applicant can obtain an FAA Form 7711-2, Application for Certificate of Waiver or Authorization, from any Flight Standards District Office (FSDO). The application should be completed as follows:

a. All Items - Type or print.

b. Items 1 through 8 - Each item must be completely answered by all applicants.

c. Items 9 through 14 - Complete only for an aerial demonstration of an aerobatic nature or a closed course air race. Describe the proposed operation in detail, listing speeds, altitudes, areas, time periods, and other applicable items. For the purpose

of waiver application, "aerobatic" means intentionally maneuvering the aircraft in sustained inverted flight or rolling the aircraft from upright to inverted or from inverted to an upright position.

d. Item 15 (Certification) - All applicants must complete this item. Include a statement in the Remarks box that describes the means by which a level of safety equal to that afforded by the waived regulation can be achieved.

4. SUBMISSION.

a. General. Except as noted in paragraphs 5 and 6 below, applications for waivers should be submitted at least 30 days in advance of the proposed operation. Any FSDO or FAA air traffic control facility will accept the application. In some areas, the accepting facility will process the request for waiver. In other cases, the facility will forward it to the office having the appropriate waiver authority.

b. Industrial/Agricultural and Airshow Activities. In order to conduct some types of activities, an applicant may apply for waivers from several sections of part 91. However, the applicant should submit only one application. For the following operations, the applicant may send the completed application directly to the nearest FSDO:

- (1) Towing.
 - (2) Restricted category civil aircraft.
 - (3) Law enforcement.
 - (4) Exploration.
 - (5) Patrol.
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- (6) Conservation.
- (7) Research.
- (8) Wildlife preservation.
- (9) Aerial demonstrations of an acrobatic nature (see paragraph 6).
- (10) Closed course air races (see paragraph 6).

5. RESPONSIBILITIES.

a. The Flight Standards Service is responsible for granting or denying certificates of waiver or authorization from the following sections of part 91 and 14 CFR part 105:

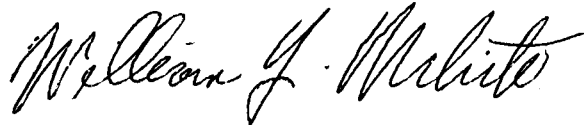
- (1) Section 91.119, Minimum safe altitudes: general.
- (2) Section 91.175, Takeoff and landing under IFR.
- (3) Section 91.209, Aircraft lights.
- (4) Section 91.303, Aerobatic flight.
- (5) Any rules listed under § 91.905, as applicable to aerobatic demonstrations and other aviation events.
- (6) Section 105.15, Jumps over or into congested areas or open air assembly of persons, as applicable to aerobatic demonstrations and other aviation events. Applications for waivers of § 105.15 should be submitted at least 4 days in advance of the proposed operation.

b. The Air Traffic Service is responsible for granting or denying certificates of waiver or authorization pertaining to sections of part 91 other than those listed under paragraph 5a.

c. Applications for waivers or authorizations that require technical consideration from both Flight Standards and Air Traffic are processed jointly.

d. A certificate of waiver or authorization provides relief from the specific regulations stated to the degree and for the period of time specified in the waiver. It does not waive any state law or local ordinance. Should the proposed operations conflict with any state law or local ordinance or require permission of local authorities or property owners, it is the applicant's responsibility to resolve the matter.

6. WAIVERS FOR AIRSHOWS, AIR RACES, AND MEETS. The FAA will issue a waiver authorizing an acrobatic aerial demonstration only if the demonstration can be conducted without creating a hazard to persons or property in the air or on the surface and the demonstration will not cause undue hardship to other flight operations. A suitable airshow site must be available since such waivers will contain special provisions to prohibit conduct of the demonstration over congested areas such as cities, towns, settlements, or open-air assemblies of persons. The current edition of AC 91-45, Waivers: Aviation Events, provides sponsors with more detailed information for planning and conducting safe aerial demonstrations and air races. Applications for waivers for aviation events should be submitted at least 45 days in advance of the proposed event.



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