

Federal Aviation Agency



Repl. by 5A

AC NO: 91-5

AIR TRAFFIC CONTROL
AND GENERAL OPERATIONS

EFFECTIVE :

2/27/64

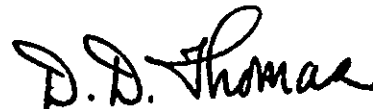
SUBJECT : WAIVERS OF PART 91, FEDERAL AVIATION REGULATIONS

-
1. **PURPOSE.** This circular provides information concerning the submission of applications and issuance of waivers of Part 91 of the Federal Aviation Regulations.
 2. **GENERAL.** A waiver may be issued authorizing flight operations contrary to Section 91.17 and the rules of Subpart B, if the proposed operation can be safely conducted under the terms of that waiver. The waiver will contain terms and conditions designed to provide an acceptable degree of safety to other air traffic and to persons and property on the surface.
 3. **APPLICATIONS.** Applications should be completed in conformance with the following instructions:
 - a. Applications normally should be submitted in triplicate on Form FAA-400, at least 30 days in advance of the proposed operation. Forms may be obtained at any FAA office and applicants are encouraged to seek the assistance of these offices in preparation of the application.
 - b. Type or print in ink.
 - c. Give complete information on all applicable items.
 - d. List name of organization whenever possible in preference to an individual, and indicate name and title of the individual authorized to act for the organization.
 - e. Sign all copies of the completed application on the reverse side in the space provided for the applicant's signature.
 - f. The information submitted should be as complete as possible, with particular attention to the following:
-

2/27/64

- (1) The proposed operation - speeds, altitudes, areas, times of operation.
 - (2) The means by which a level of safety equal to that afforded by the waived regulation can be achieved.
4. WAIVERS. The waiver will authorize flight operations contrary to those sections of the rules listed on the waiver. It will not relieve the holder from compliance with any state or local law or ordinance which may apply to the operation.
 5. DURATION. The waiver will contain an expiration date to allow ample time for completion of the operation, not to exceed one year. It may be surrendered by the holder at any time. It may be canceled by the Administrator for failure to comply with provisions of the waiver, for violations of regulations that have not been waived, or when a need no longer exists for the waiver. A waiver may also be canceled or amended when safety so requires.
 6. SPECIAL PROVISIONS. The waiver will contain such special provisions or conditions as may be necessary in the interest of safety or appropriate to good operating practices. In addition, specific instructions or precautions will be required where they are deemed necessary to insure safety during the use of special equipment, or are necessary for the particular areas or types of operation involved.
 7. APPROPRIATE FAA OFFICES. Applications may be submitted to any FAA office. However, processing of an application may be expedited by submitting it to the appropriate office as outlined below. Such offices in many cases have authority to act on the request. In other cases, these offices are suitable for assisting the applicant in ascertaining appropriate information, and will forward the request to the office having waiver authority.
 - a. Sections 91.77, ATC light signals; 91.85(c)(1), Operating on or in the vicinity of an airport; 91.107, Special VFR weather minimums in a control zone - to the appropriate airport traffic control tower;
 - b. Section 91.89, Operation at airports without control towers - to the nearest airport traffic control tower;
 - c. Applications for waivers of Sections 91.17, Towing; 91.105, Basic VFR weather minimums, and those pertaining to aerial application and industrial operations, the subject of a separate advisory circular - to the nearest General Aviation District Office (See paragraph 9 for list of such typical operations); and

- d. All other sections of Subpart B - to the Air Route Traffic Control Center, in whose area the operation will be conducted, unless another office is specified in the rule itself.
8. WAIVERS FOR AIR SHOWS, RACES, MEETS, ETC. A waiver authorizing an aerial demonstration may be issued only when the demonstration can be conducted without creating a hazard to persons or property in the air or on the ground, and will not cause an undue hardship to other flight operations. Such waivers will contain special provisions which will -- prohibit conduct of the demonstration over congested areas of cities, towns, settlements, or open-air assemblies of persons; specify a minimum distance from the spectator area at which the maneuvers can be performed; and prescribe the minimum weather conditions applicable to the demonstration.
9. TYPICAL AERIAL APPLICATIONS AND INDUSTRIAL OPERATIONS:
- Dusting
 - Spraying
 - Seeding
 - Fertilizing
 - Defoliation
 - Grasshopper baiting
 - Spraying towns - pest control
 - Agitating cherry trees
 - Antifrost agitation
 - Knocking ripe fruit from trees
 - Checking fallow land
 - Chasing birds from rice fields
 - Checking crops
 - Sign towing
 - Glider towing
 - Skywriting
 - Sailplane and water-ski towing
 - Mineral prospecting
 - Oil research (radar-magnetometer)
 - Rainmaking
 - Stocking lakes and streams with fish
 - Dropping beaver and pheasant
 - Forest fire fighting
 - Delivery of mail and newspapers
 - Radiation measurement survey



D. D. THOMAS
ASSOCIATE ADMINISTRATOR
FOR PROGRAMS