

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.370

National Policy

Effective Date:
7/22/16

Cancellation Date:
7/22/17

SUBJ: TSA/FAA Airspace Waivers for Sporting Events and Civilian Flyovers

- 1. Purpose of This Notice.** This notice clarifies Federal Aviation Administration (FAA) policy, guidance, and procedures regarding flyovers of stadiums, race tracks, civic events, funerals, etc., with a focus on major sporting events requiring a sporting event temporary flight restriction (TFR). This notice defines what aviation safety inspectors (ASI) and/or aviation safety technicians (AST) will review upon electronic notification of Transportation Security Administration (TSA)/FAA airspace waivers. The FAA has seen a growing number of civil aircraft requesting relief from sporting event TFRs in order to conduct a flyover at one of these events.
- 2. Audience.** The primary audience for this notice is Flight Standards Service (AFS) ASIs, ASTs, their managers and supervisors, and other operational and administrative employees. The secondary audience includes AFS branches and divisions in the regions and in headquarters (HQ).
- 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. Background.** Following the events of September 11, 2001, Congress enacted legislation that restricted civil aircraft operations over sporting events such as NASCAR, Major League Baseball (MLB), the National Football League (NFL), National Collegiate Athletic Association (NCAA) Division I Football, and other open-air events containing more than 30,000 people. These restrictions are implemented via a TFR. In 2004, Public Law (PL) 108-199, Consolidated Appropriations Act, Section 521 was modified to allow civil aircraft limited use of designated sporting event TFR airspace. The U.S. Government Sequestration in 2013 reduced, and in some cases eliminated, support for Department of Defense (DOD) operations of military aircraft flyovers of sporting events and other open-air events. As a result, a growing number of civil aircraft are requesting relief from these sporting event TFRs in order to conduct formation and single aircraft flyovers of these events. With the October 27, 2014, publication of Flight Data Center (FDC) Notice to Airmen (NOTAM) 4/3621, Special Security Notice Sporting Events,

updates were added to further define the sporting event TFR. (See Appendix A, FDC NOTAM 4/3621, Special Security Notice Sporting Events.)

a. Size and Scope. The size and scope of these flyovers vary and range from military aircraft to civilian jet teams to small piston-powered aircraft. In the past, these flights have consisted of anything from a single aircraft to as many as 50 aircraft in formation. The flyovers are conducted day or night and may include single direction or opposing direction passes, and circling skydiver operations. While FAA Order 8900.1, Flight Standards Information Management System (FSIMS), Volume 3, Chapter 6, Section 1, Issue a Certificate of Waiver or Authorization for an Aviation Event, contains guidance for a military flyover, it does not address a civil aircraft flyover and how a civil pilot would gain access to enter the sporting event TFR.

b. The General Aviation Operations Branch's (AFS-830) Role. AFS-830 requested copies of the approved TSA/FAA airspace waivers from the Air Traffic Organization's (ATO) System Operations Security Directorate in order to collect data and information regarding civil aircraft flyovers. Additionally, select TSA/FAA airspace waivers have been forwarded to the Regional Technical Branch – General Aviation (AXX-230) and the responsible Flight Standards District Office (FSDO) of the event location when the waiver was issued for a major sporting event. These waivers are only issued for the security-driven requirements set forth by FDC NOTAM 4/3621; these waivers do not relieve the proponent from any Title 14 of the Code of Federal Regulations (14 CFR) parts.

c. Electronic Notifications. Effective immediately, FSDOs with geographic responsibility will receive electronic notifications of approved TSA/FAA airspace waivers through the Regional Operations Center (ROC). The guidance below defines what ASIs and/or ASTs will review upon notification of TSA/FAA airspace waivers to determine compliance with 14 CFR and new policy requirements of this notice and the Airspace Access Program.

5. Guidance.

a. Airspace Access Program. The TSA's Airspace Authorizations Office and ATO's System Operations Security Directorate manage the Airspace Access Program. There are five different waiver types available through the Airspace Access Program covering authorizations for different types of restricted airspace. The waiver types are Disney Theme Parks; Major Sporting Events; Special Events; Washington, D.C. Special Flight Rules Area (SFRA) and Flight Restricted Zone (FRZ); and International Waivers.

(1) The Airspace Access Program is used to verify the crew, passengers, and the purpose of flight to identify persons traveling on General Aviation (GA) aircraft that could be security threats in an effort to enhance national security. This notice focuses on major sporting event waiver types.

(2) Major sporting event waivers permit flight operations within the TFR airspace established for NFL, MLB, NCAA Division I Football, NASCAR Sprint Cup Series main events, Champ Car World Series races, and INDY Racing League main events occurring in stadiums with a seating capacity of 30,000 or more. Sporting events waivers are event-specific. Each approved waiver will specify the name, dates, purpose, and location of the specific

sporting event over which the pilot will be authorized to fly. The purpose of the request is shown on the approved waiver and will be one of the following: aerial demonstration flyover, broadcast of the event, parachute operations, transportation of event personnel, or venue operations survey.

b. TSA/FAA Airspace Waiver. The TSA's Airspace Authorizations Office and ATO's System Operations Security Directorate maintain a joint Web site to administer the Airspace Access Program at https://waivers.faa.gov/aap/te_pages.p_login. An operator can register as a new user, which will allow him or her to submit waiver applications, access historical data for previous waivers, and monitor the status of any requests. It is important to note that an operator will only be able to view waivers that are requested under his or her specific username. Because multiple agencies and offices have to process the request, the TSA asks that operators submit requests with 5 business days' lead time. For each waiver applicant, the Web site collects the full name, social security number, date of birth, place of birth, passport number, and passport country.

c. Operator Authorization. An approved TSA/FAA airspace waiver will have a unique authorization number and should be added into the comment section of filed flight plans. Pilots are required to carry a hardcopy of the waiver approval letter on board the aircraft. This two-page document not only gives approval to enter the sporting event TFR airspace detailed in FDC NOTAM 4/3621, it also reminds the holder that this security airspace waiver does not relieve the operator from obtaining all necessary authorizations and complying with *all* applicable CFRs. (See Appendix B, Sample TSA/FAA Airspace Waiver.)

d. TSA/FAA Waiver Distribution. Through the use of the ROC, field offices with geographical responsibility for the sporting event TFR will receive a copy of the approved TSA/FAA airspace waiver. Specifically, the appropriate ROC will send an email notification with the attached waiver to the respective office mailbox, the FSDO manager, and other recipients as customized.

6. Field Office Topics for Special Consideration.

a. TFRs. Various 14 CFR rules impose additional TFR restrictions. The most notable is 14 CFR part 91, § 91.145, which states in part that no person may operate an aircraft or device, or engage in any activity within the designated airspace area, except in accordance with the authorizations, terms, and conditions of the TFR published in the NOTAM, unless otherwise authorized by air traffic control (ATC) or a Flight Standards Certificate of Waiver or Authorization (COA) issued for the demonstration or event. For clarification, a TSA/FAA airspace waiver only applies as a security authorization to enter the sporting event TFR airspace, and as such, does not constitute relief from any other regulation. An operator must request any additional regulatory relief sought separately, and such relief must be granted before operating in the sporting event TFR airspace.

b. Flyover Definition. Order 8900.1, Volume 3, Chapter 6, Section 1, defines "flyover" as a non-maneuvering pass or a series of non-maneuvering passes performed by one or more aircraft over an open-air assembly of persons temporarily gathered at an event (e.g., stadiums, civic events, and funerals). A Flight Standards Certificate of Waiver (CoW) is not required for a flyover.

(1) However, there are situations when FAA Form 7711-2, Certificate of Waiver or Authorization Application, should be submitted to the FSDO with geographic responsibility for coordination at least 45 days prior:

(a) The operator requests a waiver from the maximum airspeed established for the given airspace (refer to § 91.117); or

(b) A sanctioned North American military jet demonstration team (United States Air Force (USAF) Thunderbirds, United States Navy (USN) Blue Angels, or Canadian Forces Snowbirds), a military single-ship demonstration team (USN, USAF, or Canadian Forces), or members of the USAF Heritage or USN Tailhook Legacy Flight Programs are authorized to request an altitude for flyover that is below that set forth in § 91.119(b). If a waiver of § 91.119 or § 91.117 is required for a military flyover, certain conditions must be met, and a CoW must be issued. Order 8900.1, Volume 3, Chapter 6, Section 1, subparagraph 3-148G lists those conditions.

(2) Civilian flight less than 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft is not authorized when a flyover is conducted over an open-air assembly of persons.

(3) A helicopter may be operated at less than the minimums prescribed in § 91.119(b), if the operation is conducted without hazard to persons or property on the surface and provided each person operating the helicopter complies with any routes or altitudes specifically prescribed for helicopters by the FAA.

c. Applicable 14 CFR Parts. Since the TSA/FAA airspace waivers offer no relief from 14 CFR part 61 or 91, some common regulatory issues have been identified in past events. Review the following to ensure compliance with these flight demonstrations.

(1) Minimum Altitudes. Sections 91.119 and 91.515 are general to all operators of aircraft, helicopter, or devices at all times, and large and turbine-powered multiengine airplanes.

(2) Compensation. Refer to part 61, §§ 61.113 and 61.133. An airman must have a commercial pilot certificate and second-class medical certificate, if a medical certificate is required for the aircraft operation. The aircraft must be certificated for operations that allow compensation or hire. Additionally, if an aircraft carries passengers or property for compensation or hire, it must be certificated to allow for those types of operations.

(3) Experimental Aircraft. In accordance with § 91.319(a)(2), no person may operate an aircraft that has an experimental certificate carrying persons or property for compensation or hire.

(4) Flight Over Densely Populated Areas. Operators of experimental and restricted category aircraft must comply with §§ 91.319 and 91.313. Section 91.319(c) states, "Unless otherwise authorized by the Administrator in special operating limitations, no person may operate an aircraft that has an experimental certificate over a densely populated area or in a congested airway. The Administrator may issue special operating limitations for particular aircraft to permit takeoffs and landings to be conducted over a densely populated area or in

a congested airway, in accordance with terms and conditions specified in the authorization in the interest of safety in air commerce.” Section 91.319 is not subject to waiver under § 91.905. Section 91.313(e) states, “Except when operating in accordance with the terms and conditions of a certificate of waiver or special operating limitations issued by the Administrator, no person may operate a restricted category civil aircraft within the United States— (1) Over a densely populated area; (2) In a congested airway; or (3) Near a busy airport where passenger transport operations are conducted.”

d. Congested Areas and Densely Populated Areas. The FAA considers stadiums, race tracks, and sporting events to be open-air assemblies of people, subject to regulation under § 91.119(b). Many stadiums and sporting events, however, will also be located near densely populated areas. Those civil aircraft that hold an experimental airworthiness certificate may not overfly densely populated areas. In such cases, ingress, egress, and holding paths for flyover events involving experimental aircraft would require an exemption from § 91.319(c) if flight over densely populated areas cannot be avoided.

e. Unmanned Aircraft Systems (UAS). Current FAA policy does not allow for UAS flyovers. Forward any questions to the respective regional Flight Standards division (RFSD) Next Generation Air Transportation System (NextGen) Branch (AXX-220) office.

7. Procedure. When a FSDO receives a TSA/FAA airspace waiver, evaluate to ensure an equivalent level of safety to protect spectators, in the event of an incident involving the aircraft. At a minimum, a review will be conducted by electronic means (Safety Performance Analysis System (SPAS) or appropriate databases) of regulatory requirements for the intended operation.

a. Evaluate Airman Certificates. Conduct a review to ensure that the participating pilots have:

- A valid pilot certificate with appropriate ratings;
- A valid letter of authorization (LOA) in lieu of type rating, including LOA/endorsement for pilots operating surplus military aircraft, if applicable;
- An experimental authorization on the pilot certificate for the aircraft, if required by the aircraft operating limitations; and
- A current medical certificate, if applicable.

b. Evaluate Participating Aircraft. Review the following:

- Inspection status;
- Airworthiness and registration certificates;
- Program letter, if applicable;
- Special Flight Authorization (SFA) for foreign-registered aircraft;
- Operating limitations associated with Special Airworthiness Certificates; and
- Operating Certificate or Letter of Deviation Authority (LODA).

c. Evaluate the Flightpath. The TSA/FAA airspace waiver shows the sporting event location. If the local FSDO determines that the area surrounding the flyover may not provide a safe flight routing in accordance with the aircraft type and applicable 14 CFR part, including

ingress and egress flight routes, they should request further information from the applicant. Aeronautical charts alone often do not provide sufficient detail for depicting routes and altitudes over a congested area. City maps or even hand-drawn charts to approximate scale may be necessary. Topographical maps, charts, and aerial photographs should be as current as possible to ensure an accurate representation of the route of flight. At all times, if the aircraft experiences failure of a power unit or other mechanical malfunctions, it must accomplish an emergency landing without undue hazard to persons or property on the surface.

d. Future Activities. Inspectors should coordinate their findings with the supervisor and/or office manager when they detect potential adverse safety data.

(1) Modification of intended operation (e.g., route change, plane change, or pilot change) to meet applicable 14 CFR sections. TSA/FAA airspace waivers may not be amended by a FSDO. The operator must resubmit any changes through the Airspace Access Program.

(2) Surveillance of the flyover.

(3) Investigations leading to possible compliance enforcement action when there exists evidence of regulatory noncompliance.

8. Action. When the FSDO receives a TSA/FAA airspace waiver and the review is complete, there are two ways to record the entry:

a. No Action. Review was complete with no concerns. Use Program Tracking and Reporting Subsystem (PTRS) code 1395, with the letters “AW” in the “National Use” block.

b. Action. Use PTRS code 1395, with the letters “AWA” in the “National Use” block. The ASI or AST should record the potential problems that were identified and the actions taken to mitigate the risk relevant to the sporting event flyover (Comments: Primary area-B, Keyword-643, Option Code-P). Any additional action will have an additional PTRS entry (e.g., compliance action or surveillance).

9. Disposition. We will incorporate the information in this notice into Order 8900.1 before this notice expires. Direct questions concerning the information in this notice to the General Aviation and Commercial Division (AFS-800) at 202-267-1100.

ORIGINAL SIGNED by

/s/John Barbagallo
Deputy Director, Flight Standards Service

7/22/16

N 8900.370
Appendix A

Appendix A. FDC NOTAM 4/3621, Special Security Notice Sporting Events

October 27, 2014 at 1432 UTC

Type:

Security

FDC 4/3621 FDC PART 1 OF 3 SPECIAL SECURITY NOTICE SPORTING EVENTS. THIS NOTAM REPLACES FDC NOTAM 9/5151 TO REFLECT A TRANSPORTATION SECURITY ADMINISTRATION (TSA) WEBSITE UPDATE AND ADDITIONAL INFORMATION CONCERNING AIRSPACE WAIVERS. FLIGHT RESTRICTIONS IN THIS NOTAM COMPLY WITH STATUTORY MANDATES DETAILED IN SECTION 352 OF PUBLIC LAW 108-7 AS AMENDED BY SECTION 521 OF PUBLIC LAW 108-199.

PURSUANT TO 49 USC 40103(B), THE FEDERAL AVIATION ADMINISTRATION (FAA) CLASSIFIES THE AIRSPACE DEFINED IN THIS NOTAM AS 'NATIONAL DEFENSE AIRSPACE'. ANY PERSON WHO KNOWINGLY OR WILLFULLY VIOLATES THE RULES PERTAINING TO OPERATIONS IN THIS AIRSPACE MAY BE SUBJECT TO CERTAIN CRIMINAL PENALTIES UNDER 49 USC 46307.

PILOTS WHO DO NOT ADHERE TO THE FOLLOWING PROCEDURES MAY BE INTERCEPTED, DETAINED AND INTERVIEWED BY LAW ENFORCEMENT/SECURITY PERSONNEL.

PURSUANT TO 14 CFR SECTION 99.7, SPECIAL SECURITY INSTRUCTIONS, COMMENCING ONE HOUR BEFORE THE SCHEDULED TIME OF THE EVENT UNTIL ONE HOUR AFTER THE END OF THE EVENT. ALL AIRCRAFT OPERATIONS; INCLUDING PARACHUTE JUMPING, UNMANNED AIRCRAFT AND REMOTE CONTROLLED AIRCRAFT, ARE PROHIBITED WITHIN A 3NMR UP TO AND INCLUDING 3000FT AGL OF ANY STADIUM HAVING A SEATING CAPACITY OF 30,000 OR MORE PEOPLE WHERE EITHER A REGULAR OR POST SEASON MAJOR LEAGUE BASEBALL, NATIONAL FOOTBALL LEAGUE, OR NCAA DIVISION ONE FOOTBALL GAME IS OCCURRING. THIS NOTAM ALSO APPLIES TO NASCAR SPRINT CUP, INDY CAR, AND CHAMP SERIES RACES EXCLUDING QUALIFYING AND PRE-RACE EVENTS.

FLIGHTS CONDUCTED FOR OPERATIONAL PURPOSES OF ANY EVENT, STADIUM OR VENUE AND BROADCAST COVERAGE FOR THE BROADCAST RIGHTS HOLDER ARE AUTHORIZED WITH AN APPROVED AIRSPACE WAIVER. AN FAA AIRSPACE WAIVER DOES NOT RELIEVE OPERATORS FROM OBTAINING ALL OTHER NECESSARY AUTHORIZATIONS AND COMPLYING WITH ALL APPLICABLE FEDERAL AVIATION REGULATIONS.

THE RESTRICTIONS DESCRIBED ABOVE DO NOT APPLY TO THOSE AIRCRAFT AUTHORIZED BY AND IN CONTACT WITH ATC FOR OPERATIONAL OR SAFETY OF FLIGHT PURPOSES, DEPARTMENT OF DEFENSE, LAW ENFORCEMENT, AND AIR AMBULANCE FLIGHT OPERATIONS.

ALL PREVIOUSLY ISSUED WAIVERS TO FDC NOTAM 9/5151 REMAIN VALID UNTIL THE SPECIFIED END DATE BUT NOT TO EXCEED 90 DAYS FOLLOWING THE EFFECTIVE DATE OF THIS NOTAM.

INFORMATION ABOUT AIRSPACE WAIVER APPLICATIONS AND TSA SECURITY AUTHORIZATIONS CAN BE FOUND AT [HTTP://WWW.TSA.GOV/STAKEHOLDERS/AIRSPACE-WAIVERS-0](http://www.tsa.gov/stakeholders/airspace-waivers-0) OR BY CALLING TSA AT 571-227-2071. SUBMIT REQUESTS FOR FAA AIRSPACE WAIVERS AT [HTTPS://WAIVERS.FAA.GOV](https://waivers.faa.gov). 1410271420-PERM END PART 3 OF 3.

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Appendix B. Sample TSA/FAA Airspace Waiver

March 16, 2016

Mr. John Wings
Wing Nation, Inc.
267 Airport Ln.
Champion, NJ 37443
United States

754-545-XXXX (phone)

754-545-XXXX (fax)

Dear Mr. Wings:

Authorization Number: 2016-SPT-XXXXXX

This is in response to your March 16, 2016, request for relief of the temporary flight restrictions detailed in Flight Data Center (FDC) Notice to Airmen (NOTAM) number 4/3621 pertaining to major sporting events.

FDC NOTAM 4/3621, in part, prescribes specific security and flight restriction requirements for aircraft operating over specific MLB, NFL, NCAA Division 1, NASCAR Sprint Cup, INDY Car, and Champ Series events.

We have reviewed your request and, based on the submitted information and statements, Wing Nation, Inc. is hereby authorized to operate in the aircraft listed below within the below named sporting event TFR for the purpose of aerial demonstration flyover.

Event Information

Sporting Event	Pilot(s)/Skydiver(s)	Date(s)	Aircraft(s)	Call Sign(s)
NASCAR Event Martinsville Speedway Martinsville, VA	Wings, John (pilot certificate #) Gear, Hugh (pilot certificate #)	April 3, 2016- April 4, 2016	N454NC (RV7) N675FT (YAK52)	TOPGUN2 TOPGUN3

1. This waiver is effective on the above listed date(s) only.
2. This waiver is limited to the temporary flight restrictions detailed in NOTAM 4/3621 only.
3. This security airspace waiver does not relieve the operator from obtaining all necessary authorizations and complying with ALL applicable Federal Aviation Regulations.
4. This waiver does not relieve the petitioner from complying with any governing security requirements.

5. The pilot(s) must verify all passengers' identities as named on the flight manifest by reviewing the passenger's government-issued identification.
6. The pilot(s) and, if applicable, the skydiver(s) named in this letter must present this waiver letter to any Federal Aviation Administration inspector, or any other Federal or State official who seeks to review the issued document.
7. This waiver only applies as a security authorization to enter the temporary restricted or prohibited airspace. This waiver does not constitute authority to operate contrary to any other safety or operational Federal Aviation Regulation.

A copy of this letter, and the submitted application, are on file in the OLE/FAMS, Airspace Authorizations Office, Transportation Security Administration, Arlington, Virginia, 22202. If you have any questions on this matter, please contact a TSA representative at 571-227-2071.

Sincerely,

Marshall Smith
Director, System Operations Security
Signature Control Number: XXXXXX-XXXXX
Authorized by William Review
Authorization Number: 2016-SPT-XXXXXX

Page 2 of 2 Signature Control Number: XXXXXX-XXXXX