



Background

- In the past, the DoD and NAVAIR had made the assumption that CAS operations could operate in support of DoD contracts under FAA civil certificates. In some cases the only certifications they hold are FAA “**Experimental Certs**”.
- An FAA Experimental Cert by law cannot be used for Compensation and Hire, therefore there is technically no certification.
- Some of these Navy contracts are managed by PMA207 but any contracting officer who holds a warrant can contract air services. Outsides of PMA207 and NAVAIR few understand the ramifications.
- In 2008 after meeting with the FAA and leadership, AIR-00 and Air Boss directed that NAVAIR work to reduce risk without hindering current operations.
- In Jan 2011 the FAA released interim policy that better defined swim lanes. This does not relieve DoD requirements but it does limit the scope and defines responsibilities better than before.
- U.S.C. does not stipulate that DoD must issue an airworthiness certificate but does imply that the government agency operating or contracting those services assumes responsibility for those aircraft in including airworthiness.



Aircraft Responsibility

“Public” Aircraft Operations

- NAVAIR along with all DoD has been struggling to understand its responsibilities and roles.
- What we know:
 - Ownership of aircraft is only one criteria that can drive an aircraft operation to be categorized as public vice civil operations under U.S.C.
 - Regardless of aircraft ownership, when a contractor is supporting DoD with aircraft or aircraft services, the **use** and **configuration** of the aircraft can drive the categorization of the operations as public under the law.
 - Identification of public aircraft operations brings with it an assumption of risk and responsibilities to include training, maintenance, safety, airworthiness and operational guidelines by the applicable contracting government agency.
 - The FAA has yet to define reporting processes.



“Public” Aircraft Operations

- **Based on Interim guidance released by the FAA, NAVAIR has developed this plain language definition:**

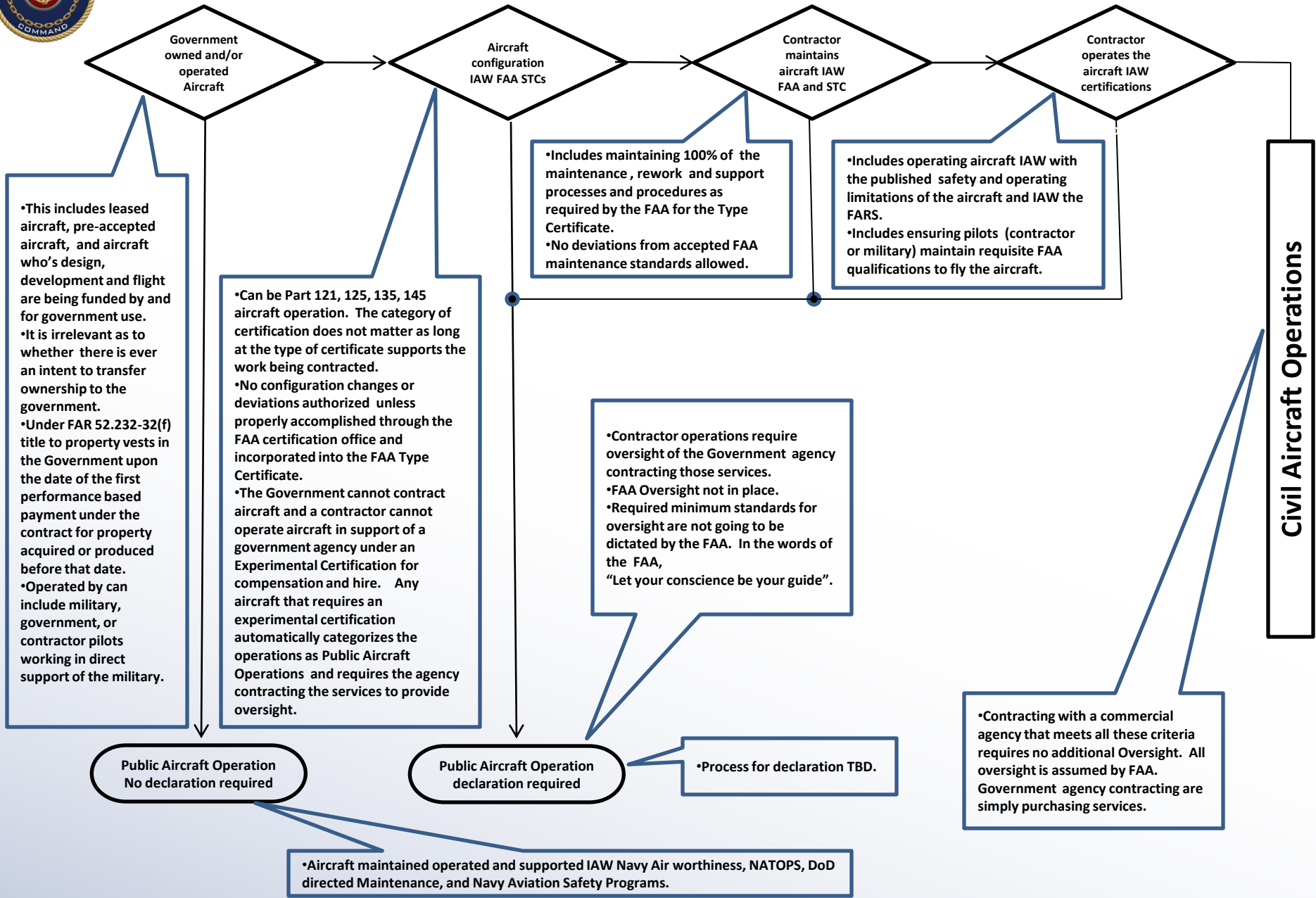
Public Aircraft Operations occur, 1) when an aircraft is owned or leased by the Navy, and is supporting government operations (includes pre-accepted aircraft being developed on behalf of DoD when title to the aircraft vests with the Government), 2) when a government agency contracts for commercial aircraft services, and the government agency contracting for those commercial services requires the owner/operator of the aircraft to deviate from the FAA certification, in configuration, operating limitations, maintenance practices, FAA flight crew qualifications or operations.

Note: A FAA experimental certificate cannot be used for compensation and hire. Any attempt to contract an aircraft operating exclusively under an FAA experimental certification automatically categorizes the operations as Public Aircraft Operations since that certificate does not convey to support Public Aircraft Operations.

Civil aircraft operations are defined as anything other than public. See 49 U.S.C. 40102 (A)(41).

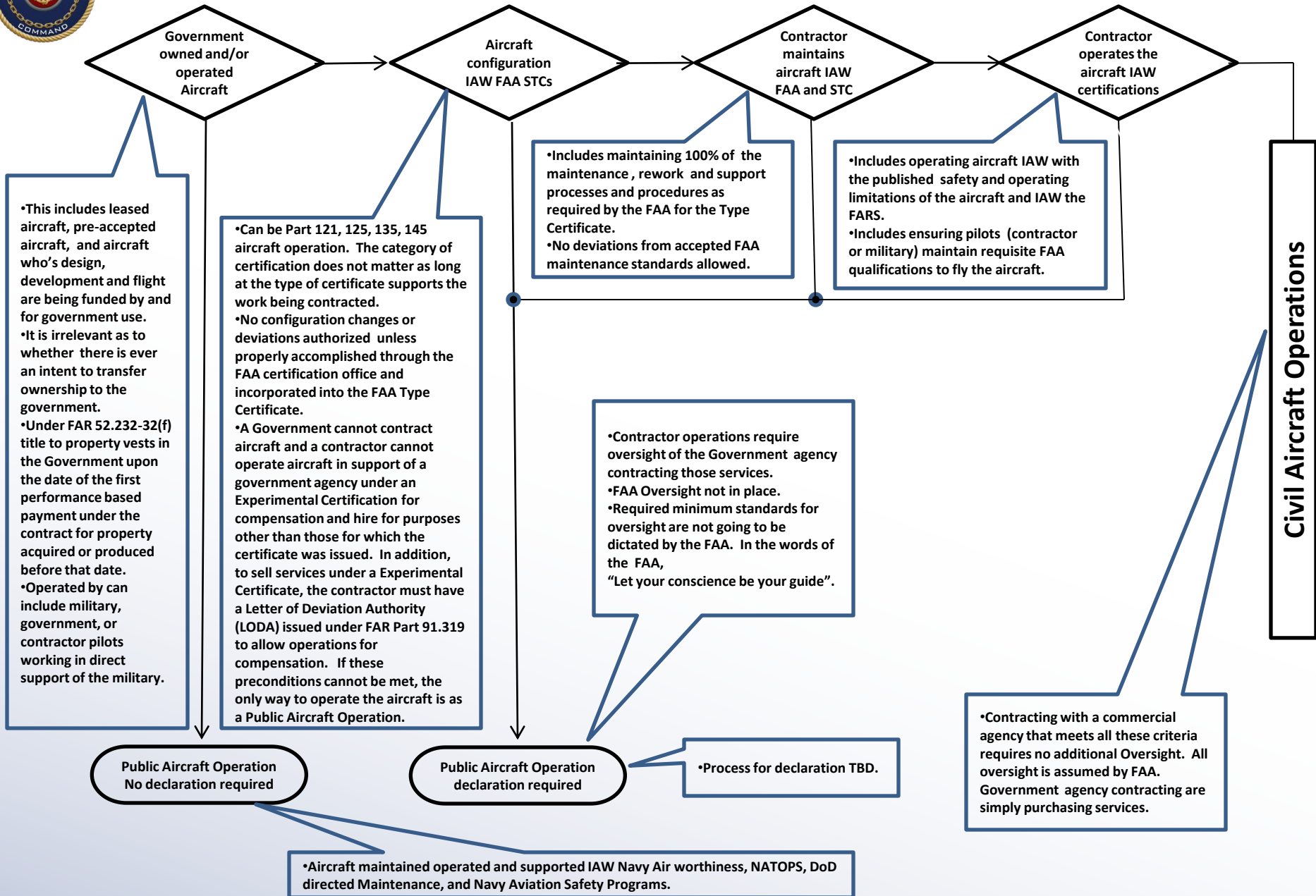


Public vs. Civil Aircraft Operations





Public vs. Civil Aircraft Operations (amended slide)



Civil Aircraft Operations