

TEMPORARY FLIGHT RESTRICTIONS (CLOSING AIRSPACE)

- The Federal Aviation Administration (FAA) may issue temporary flight restrictions for reasons such as protecting persons/property on the surface (or in the air) from hazards on the surface; providing a safe operating environment for disaster relief aircraft, or to prevent unsafe congestion of aircraft above an incident or event which may generate a high degree of public interest. These restrictions are covered by Federal Regulation 14 CFR 91.137.
- These rules apply to civilian aircraft and unmanned aerial systems (drones). Military aircraft are not subject to these restrictions.
- There are different rules regarding restrictions in proximity of Presidential and other VIP parties. Restrictions for these are usually handled by the US Secret Service.
- There are separate rules for limitations in proximity of space flight operations, aerial demonstrations (airshows), and major sporting events. Restrictions for these reasons are usually handled by the event coordinators and the FAA.
- The type of restrictions issued will be kept to a minimum by the FAA consistent with what is necessary to meet the objective. Situations which warrant the most restrictive limitations are covered by **Section(a)(1)** and include, but are not limited to, toxic gas leaks or spills, flammable agents, or fumes which if fanned by rotor or propeller wash could endanger persons or property on the surface, or if entered by an aircraft could endanger persons or property in the air; imminent volcano eruptions which could endanger airborne aircraft and occupants; nuclear accident or incident; and hijackings. Situations which warrant the restrictions associated with **Section (a)(2)** include: forest fires which are being fought by releasing fire retardants from aircraft; and aircraft relief activities following a disaster (earthquake, tidal wave, flood, etc.). Restrictions under **Section (a)(3)** are established for events and incidents that would attract an unsafe congestion of sightseeing aircraft (Sports events are covered under a separate rule).
- The amount of airspace needed to protect persons and property or provide a safe environment for rescue/relief aircraft operations is usually within 2,000 feet above the surface and within a 3-nautical-mile radius. These are the typical dimensions and not limitations. Ask for what is needed. While normally circular, if a different shape will work better, ask for it.
- Section (a)(1) allows the Incident Commander (IC) to determine who can fly within the restricted airspace. This section is the most restrictive rule possible – the FAA turns control of that chunk of airspace over to the IC. Aircraft operating in the airspace must be part of the hazard relief activities and under the direction of the IC or designee. (News media are restricted from the airspace)

REQUEST FLIGHT RESTRICTIONS AS SOON AS POSSIBLE

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- Section (a)(2) shares decision making regarding aircraft operations between the IC and Air Traffic Control (ATC). Though the IC does not have total control of the airspace, ATC will coordinate with the IC regarding areas they need to avoid providing a safe environment for disaster relief ops. Other aircraft, under direct control of ATC, may enter the airspace such as those with law enforcement officials, properly accredited news representatives (they must operate at an altitude ABOVE the altitude used by disaster relief aircraft unless otherwise approved by the IC), and other routine aircraft operations under ATC direction.
- Section (a)(3) also shares decision making between the IC and ATC and is the least restrictive. Media aircraft may fly in the airspace at altitudes being used by relief aircraft.

CHECKLIST:

1. PURPOSE (which part of 91.137(a)?)
2. LOCATION (BEST is lat/long in degrees-minutes-seconds, can also use radial/distance from navigation aids or degrees/distance from airports)
3. IF THE INCIDENT HAS A NAME the FAA likes to have it for file purposes, especially with fires
4. ALTITUDE (usually above ground level (AGL) but you can ask for above mean sea level (MSL) – the FAA Specialist can explain the difference)
5. EFFECTIVE TIMES
6. POINT OF CONTACT (BEST is Incident Command, can be the EOC or SEOC)

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This content is from the eCFR and is authoritative but unofficial.

Title 14 – Aeronautics and Space

Chapter I – Federal Aviation Administration, Department of Transportation

Subchapter F – Air Traffic and General Operating Rules

Part 91 – General Operating and Flight Rules

Subpart B – Flight Rules

General

Source: Docket No. 18334, 54 FR 34294, Aug. 18, 1989, unless otherwise noted.

Authority: 49 U.S.C. 106(f), 106(g), 40101, 40103, 40105, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, 47534, Pub. L. 114–190, 130 Stat. 615 (49 U.S.C. 44703 note); articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180), (126 Stat. 11).

§ 91.137 Temporary flight restrictions in the vicinity of disaster/hazard areas.

- (a) The Administrator will issue a Notice to Airmen (NOTAM) designating an area within which temporary flight restrictions apply and specifying the hazard or condition requiring their imposition, whenever he determines it is necessary in order to—
 - (1) Protect persons and property on the surface or in the air from a hazard associated with an incident on the surface;
 - (2) Provide a safe environment for the operation of disaster relief aircraft; or
 - (3) Prevent an unsafe congestion of sightseeing and other aircraft above an incident or event which may generate a high degree of public interest.

The Notice to Airmen will specify the hazard or condition that requires the imposition of temporary flight restrictions.

- (b) When a NOTAM has been issued under paragraph (a)(1) of this section, no person may operate an aircraft within the designated area unless that aircraft is participating in the hazard relief activities and is being operated under the direction of the official in charge of on scene emergency response activities.
- (c) When a NOTAM has been issued under paragraph (a)(2) of this section, no person may operate an aircraft within the designated area unless at least one of the following conditions are met:
 - (1) The aircraft is participating in hazard relief activities and is being operated under the direction of the official in charge of on scene emergency response activities.
 - (2) The aircraft is carrying law enforcement officials.
 - (3) The aircraft is operating under the ATC approved IFR flight plan.
 - (4) The operation is conducted directly to or from an airport within the area, or is necessitated by the impracticability of VFR flight above or around the area due to weather, or terrain; notification is given to the Flight Service Station (FSS) or ATC facility specified in the NOTAM to receive advisories concerning disaster relief aircraft operations; and the operation does not hamper or endanger relief activities and is not conducted for the purpose of observing the disaster.

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- (5) The aircraft is carrying properly accredited news representatives, and, prior to entering the area, a flight plan is filed with the appropriate FAA or ATC facility specified in the Notice to Airmen and the operation is conducted above the altitude used by the disaster relief aircraft, unless otherwise authorized by the official in charge of on scene emergency response activities.
- (d) When a NOTAM has been issued under paragraph (a)(3) of this section, no person may operate an aircraft within the designated area unless at least one of the following conditions is met:
- (1) The operation is conducted directly to or from an airport within the area, or is necessitated by the impracticability of VFR flight above or around the area due to weather or terrain, and the operation is not conducted for the purpose of observing the incident or event.
 - (2) The aircraft is operating under an ATC approved IFR flight plan.
 - (3) The aircraft is carrying incident or event personnel, or law enforcement officials.
 - (4) The aircraft is carrying properly accredited news representatives and, prior to entering that area, a flight plan is filed with the appropriate FSS or ATC facility specified in the NOTAM.
- (e) Flight plans filed and notifications made with an FSS or ATC facility under this section shall include the following information:
- (1) Aircraft identification, type and color.
 - (2) Radio communications frequencies to be used.
 - (3) Proposed times of entry of, and exit from, the designated area.
 - (4) Name of news media or organization and purpose of flight.
 - (5) Any other information requested by ATC.