



Interagency Aviation ACCIDENT PREVENTION BULLETIN



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Subject: Temporary Flight Restrictions (TFR)**Area of Concern: Aviation Operations****Distribution: All Aviation Operations**

Discussion: During wildfires, Air Tactical Group Supervisor (ATGS), Aerial Supervision Module (ASM), Helicopter Coordinator (HLCO) and Dispatch offices have received requests from general aviation, Fixed Base Operators (FBO's), charter flights, skydiving schools, glider operators and Department of Defense (DOD) schedulers (for military training flights including bombing missions and cruise missile flights) requesting permission to "pass through" or operate within an active TFR.

14 CFR 91.137 (a) 2 prescribes how Temporary Flight Restrictions are established to provide a safe environment for the operation of disaster relief aircraft. When a NOTAM has been issued under this CFR section, all aircraft are prohibited from operating in the designated area unless at least one of the following conditions is 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 observing the disaster."
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".

Note: According to FAA JO7210.3X "*Coordination with the official in charge of on-scene emergency response activities is required prior to ATC allowing any IFR or VFR aircraft to enter into the TFR area.*" The FAA Advisory Circular 91-63C states "*Notification must be given to the ATC/Flight Service Station (FSS) specified in the NOTAM for coordination with the official in charge of on-scene emergency response activities.*"

In the interagency fire environment, participating pilots are trained and carded to understand Fire Traffic Area (FTA) conditions surrounding a TFR and have appropriate communication equipment on their aircraft. Non-participating pilots do not have the agency specific training and can be a hazard to disaster relief aircraft operating within the TFR area unless the procedures cited in the subject CFR and the implementing FAA FDC NO-TAM are followed.

Some accommodations (for flights such as early morning agricultural spraying operations) can be made through the establishment of time specific Temporary Flight Restrictions that releases the airspace for use after hours.

With no legal authority to waive 14 CFR 91.137 and allow nonparticipating aviation, which do not meet at least one of the access criteria identified on page 1, to “pass through” the TFR area, ATGS, ASM and HLCO have only two options: 1.) Release the TFR (through normal ordering channels) to accommodate the requests 2.) Advise the requestor that they will have to continue to fly around the TFR for their own safety. Except in rare circumstances, we recommend aerial supervisors choose option number two.

For more information contact:

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References

Interagency Airspace Coordination Guide: <http://www.airspacecoordination.org/guide/index.html>

FAA TFR Regulation: [14 CFR 91.137 \(a\) 2](#)

FAA Advisory Circular AC 91-63C: http://www.faa.gov/regulations_policies/advisory_circulars/index.cfm/go/document.information/documentID/22432

FAA Orders “Facility Operation and Administration: JO 7210.3X: <http://www.faa.gov/documentlibrary/media/order/fac.pdf>

FAA’s Airspace Management Plan for Disasters Version 1.1 18 July 2012: <http://www.airspacecoordination.net/files/FAA%20AMP%20for%20disasters%20pdf%20version%20for%20website.pdf>

FAA Orders “Procedures for Handling Airspace Matters” 7400.2J: <http://www.faa.gov/documentLibrary/media/Order/AIR.pdf>

FAA Orders “Air Traffic Control” 7110.65: <http://www.faa.gov/documentlibrary/media/order/atc.pdf>

FAA Orders “Flight Services” 7110.10V: <http://www.faa.gov/documentLibrary/media/Order/FSS.pdf>

Interagency Aerial Supervision Guide: <http://www.nwcg.gov/pms/pubs/pms505.pdf>

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