

## 702 CMR: AERONAUTICS DIVISION

### 702 CMR 2.00: CONSTRUCTION AND APPLICATION

#### Section

#### 2.01: Definitions

#### 2.02: Waiver

#### 2.01: Definitions

(1) As used in 702 CMR, the following words shall have the meanings set forth in 702 CMR 2.01, unless otherwise required in 702 CMR 2.00.

Accident. An aircraft accident as defined in 49 C.F.R. § 830.2

Acrobatic Flight. Maneuvers intentionally performed by a pilot of an aircraft involving an abrupt change in its attitude, an abnormal attitude or an abnormal acceleration, not including turns or maneuvers necessary to normal flight.

Administrator. Administrator of the division. Administrator shall have the same meaning as the term "Director" pursuant to M.G.L. c. 90, § 35.

Aircraft. An aircraft as defined in M.G.L. c. 90, § 35 including, without limitation, an unmanned aerial vehicle.

Air Meet. A scheduled event or events consisting of a contest, demonstration or exhibition involving aircraft in flight, conducted mainly for the interest of either spectators or contestants.

Balloon. An aircraft, excluding moored balloons, without mechanical means of propulsion, the support of which is derived from lighter-than-air gas.

Certificate of Authorization. A Certificate of Authorization issued by FAA that permits the holder to operate one or more unmanned aerial vehicles.

Commonwealth. The Commonwealth of Massachusetts.

Division. The Aeronautics Division of MassDOT. Division shall have the same meaning as the term "Commission" pursuant to M.G.L. c. 90, § 35.

FAA. The Federal Aviation Administration.

Heliport. Any landing area used for the take-off and landing of helicopters.

MassDOT. The Massachusetts Department of Transportation.

Operator. A person who engages in the "Operation of aircraft", as defined by M.G.L. c. 90, § 35.

Pilot. A person operating an aircraft in flight.

Private Restricted Landing Area. A landing area that is used solely for non-commercial, private use by the owner or lessee of the landing area.

To Pilot. To be in command of the aircraft during takeoff, in flight, or landing.

Unmanned Aerial Vehicle. An aircraft operated without the possibility of direct human intervention from within or on the aircraft.

Vicinity of Airport. The airspace below 1500 ft. above the surface and within 10,000 ft. horizontally of the center of an airport.

## 702 CMR: AERONAUTICS DIVISION

### 2.02: Waiver

(1) The division, acting through the administrator, may in its direction waive any provision or requirement in 702 CMR not specifically required by law, when, in its judgment, after consideration of the facts involved, the division finds that:

- (a) Granting the waiver is consistent with the purposes of M.G.L. c. 90, §§ 35 through 52;
- (b) Granting the waiver will not interfere with the ability of the division to fulfill its duties;
- (c) Granting the waiver will not adversely affect the public interest or public safety; and
- (d) Not granting the waiver would cause a substantial hardship to the person requesting the waiver.

(2) All requests for waivers shall be in writing, shall set forth the specific provision from which a waiver is sought, and shall state the basis for the proposed waiver.

(3) The division may grant a waiver, deny a waiver, or grant a waiver subject to such terms, conditions and limitations as the division in its discretion may determine. Any waiver request not acted on by the division within 60 days of filing shall be deemed denied.

### REGULATORY AUTHORITY

702 CMR 2.00: M.G.L. c. 90, §§ 35, 39 and 40.