

Cellphone & Data Card Use

What is the policy on using personal cellular phones during a CAP mission, either from the aircraft or from the ground to supplement CAP communications? What about a non-mission flight?

Instances do arise in which the use of cellular telephones is beneficial on a CAP mission however some guidelines should be observed. First, the use of cellular phones is generally illegal in airborne aircraft. This is not a CAP rule but that of the FCC and FAA. For ground use, cellular phones can provide a useful adjunct to other CAP communications systems however they are likely to be unavailable in times of disaster. For this reason we may be able to make use of them for many SAR missions but should not plan on their availability for disaster response scenarios. Where they are used for support of an AF mission, the air time expense, if any, can be claimed as a communications expense for the mission in the normal manner.

Although the above seems clear, there has been some confusion generated by CAP's use of the GIIEP system, which can use a cellular card to transmit imagery from the aircraft. The assumption that cell phone use in flight is therefore okay is a reasonable, but untrue conclusion. The Geospatial Information Interoperability Exploitation - Portable (GIIEP) system is a man-portable, multi-band receiver capable of ingesting a variety of visual and textual data which will enhance CAP's ability to respond to disaster situations and provide annotated and compressed imagery products (both still and video) that can be quickly disseminated to mission partners. What is not glaringly obvious in the press release above or in the GIIEP presentations posted on the NHQ web site is the fact that 1AF obtained approval from both the FAA and the FCC before implementing use of a very specific kind of cellular card in the GIIEP system.

The FAA rules are contained in 14 CFR 91.21 and allow use of portable electronic devices on general aviation aircraft in VFR conditions if the operator has determined the device will not cause interference with the navigation or communication system of the aircraft on which it is to be used. 1AF coordinated with the FAA and received a response confirming this is acceptable. However, the FCC rules are more restrictive. The underlying regulations are a bit convoluted, due to the evolution of the cellular business. The operative regulations are from the FCC - 47CFR - and not the FAA, so they are not readily visible to most pilots. 47CFR 22.925 "Prohibition on airborne operation of cellular telephones", and it clearly prohibits the use of cellular phones from aircraft in flight. Since it is in Part 22, it therefore applies to the 800 MHz band used by cellular providers. It is NOT under Part 24, so it does NOT apply to frequencies in the 1800-1900 MHz band. Unfortunately, none of the commercially-available cell phones and air cards today allow for the operator to "lock out" one of the bands, at least not without some technical support at this time.

When GIIEP was done, DoD coordinated with the FAA and FCC for approval. The cards being used for GIIEP are limited so that they will not transmit on the prohibited band. This was actually the only card that was available that didn't have the prohibited frequencies under the FCC. That is not the norm in cards and phones. Most operate in multiple bands now, some prohibited. Sprint appears to be the only provider that has set their networks up and will allow for use from the air by disabling the FCC restricted bands, and even then it is a firmware fix, not a simple toggle on/off so just having a sprint device does not solve the problem. Most work in multiple bands which would make them essentially illegal for airborne use.

The bottom line is, other than the special equipment used in the GIIEP system, **we are not allowed to use cell phones or cellular cards in flight. No text messages, no phone calls, no emails, etc.** That may change in the future as technology advances, but members should be careful not to take it upon themselves to test the rules as fines can be steep CAP does not condone personnel operating illegally.

Ground use of is is a different issue. It is generally legal, even in a taxiing aircraft or moving vehicle. That said, there are many states and local jurisdictions that have laws addressing the use of cell phones or other hand held devices while driving. Members are not excused from these, and even if there is not a local law prohibiting it, drivers need to be prudent and safe to avoid accidents. It makes much more sense and is much safer to have a passenger in the vehicle call in items or text results, than for a distracted driver to do so, even if using a hands free device.

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