

11/5/2002



Appendix 3

DM/ AIM and FAR EXCERPTS for BLM SPOTTERS

Aviation Management
Aviation Operations

Part 351

Chapter 1 Flight Operations Standards and Procedures

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Chapter 1 Flight Operations Standards and Procedures

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DEPARTMENT OF THE INTERIOR

DEPARTMENTAL MANUAL

Aviation Management
Aviation Operations

Part 351

Chapter 1 Flight Operations Standards and Procedures

351 DM 1.1

10/4/2002

1.1 General. This chapter prescribes flight operations standards and procedures for all aviation activities within the Department of the Interior (DOI). This applies to DOI fleet aircraft, commercial aviation operations, and privately owned aircraft on official business.

A. Applicability of Pilots Operating Handbook and FAA-Approved Flight Manuals.

Information, procedures and limitations contained in Pilots Operating Handbook and FAA-approved Flight Manuals (and supplements) are applicable to all operations. Exact titles of these documents may vary based on manufacturer and date of publication. Title variations include owner's manual, aircraft flight manual, owners' handbook and aircraft information manual.

B. Applicability of Federal Aviation Regulations (FAR) to DOI Operations Involving Owned or Operated Aircraft. [Title 14, Part 91](#) of the Code of Federal Regulations (CFR), including those portions that apply to civil aircraft, applies to DOI-owned or operated aircraft operations except as noted in the Departmental Manual. All other FARs are applicable as directed by Parts 350-354 of the Departmental Manual.

C. Vendor Operations Specifications. Notwithstanding paragraph (b) of [14 CFR 135.1](#), aircraft will be operated and maintained under provisions of [14 CFR 91, 121, 125, 127, 133, 135](#) or [137](#), as appropriate, including those portions applicable to civil aircraft, unless otherwise authorized by OAS.

D. Vendor Certification. Vendors providing commercial services with pilot shall be certificated under [14 CFR 121, 125, 127, 133, 135](#), or [137](#) as appropriate.

E. Flight Preparation. Each pilot-in-command shall, before beginning a flight, be familiar with all available information concerning that flight in accordance with [14 CFR 91](#). A visual pre-flight inspection shall be made by the pilot before the first flight of each day. For fleet aircraft, a post-flight inspection shall be made after the last flight of the day. Deficiencies which might affect the

G. Seat Belts and Shoulder Harness. Occupants shall wear seat belts, and installed shoulder harnesses during all phases of flight unless there is a valid operational or safety requirement, which would cause a PIC to direct otherwise.

H. Emergencies. When an emergency is encountered, the pilot shall take appropriate action to assure safety of flight. These situations shall be reported by the pilot to the chief pilot or supervisor and documented on Form OAS-34 SAFECOM.

I. Operations in Restricted Category and Uncertificated Aircraft. Aircraft certificated in restricted category or uncertificated aircraft shall be limited to:

- (1) Cargo
- (2) External loads (passengers prohibited)
- (3) DOI passenger and/or crewmember transportation in aircraft excessed/surplused by the military provided the aircraft are maintained in accordance with an applicable active military maintenance and inspection program or other equivalent program accepted by the OAS Director.
- (4) DOI employees performing assigned flight crew or aircrew duties.

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(5) Non-DOI passengers, crewmembers, and employees authorized by their employing agency to fly aboard restricted category and uncertificated aircraft.

J. Smoking Policy. Smoking is not permitted in fleet, contract, and BOA aircraft.

1.2 Crew Complement Requirements.

B. Personnel At Controls. Only those individuals authorized by the OAS Director may manipulate the flight controls. Authorization may be in the form of Pilot Qualification Cards or special letters of authorization signed by the OAS Director. This includes pre-employment flight evaluations. Exceptions are:

(1) Vendor second-in-command pilots need not be carded except where second-in-command experience is defined by the procurement document.

(2) [14 CFR 121](#) operators not under contract are exempt from specific pilot carding procedures.

(3) DOI employees shall only participate in pinch hitter courses that are approved by OAS Director.

1.3 Flight Limitations.

D. Airplane, Multiengine - DOI Owned or Operated.

(1) Night VFR. Airplanes shall be equipped for IFR flight. The pilot shall be instrument rated and current at night in accordance with [14 CFR Part 61.57\(d\)](#). Except for takeoff and landing, all night flights shall be conducted:

(a) At least 1,000 feet above the highest obstacle (2,000 feet in mountainous areas) within a horizontal distance of five miles from course intended to be flown, and

1.4 Flight Plans and Flight Following. Flight plans and flight following are required for all flights except those conducted within a 25-mile radius of the base of operations which involve local flight training, flight evaluations and maintenance test flights. These exempt flights must be able to maintain continuous radio contact with the base of operations. All flight plans shall be specific as to routing, i.e., published airways or direct "a" to "b" to "c," etc. Flight plans will be filed prior to takeoff whenever possible. Any deviation from direct or airway routes shall indicate interim points, defined area reconnaissance, enroute delays expected, etc. Flight plans shall be filed in one of the following ways:

A. IFR. IFR flight plans shall be filed with an appropriate FAA facility.

B. VFR. VFR flight plans should be filed with the FAA. Bureau flight plans may be used in lieu of FAA flight plans, provided the bureau has a written and operational flight following program.

C. Flight Following.

1. When a flight plan has been filed with the FAA, flight following shall be provided by the FAA or a bureau flight following program, or;
2. Flight following shall be provided by the bureau for flight plans filed under the bureau's written flight following program. The bureau program shall consist of at least one of the following:

(a) Radio contact shall be made at predetermined intervals not to exceed 1 hour so that position reports or amendments can be communicated and recorded.

b) An exception to reporting each hour will be allowed for operations in remote and mountainous areas where normal flight following is not available. Pilots will follow their flight plan as closely as possible and have their locations for operations reports relayed to a flight following facility whenever possible, but not less than once every 24 hours. Exercise of this exception requires aviation management approval at the regional/state/area level of the bureau concerned. Frequency of reporting will be specified in the exception authority document.

(c) Have an effective electronic flight following system in operation.

Note: Bureau personnel tasked with flight following responsibility must monitor the communications radio at all times during the flight and must have received training concerning actions to take in the event of an overdue aircraft, aircraft mishap, etc.

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OPM 01-02 Flight Plans and Flight Following.

United States Department of the Interior

OFFICE OF THE SECRETARY

Office of Aircraft Services

2350 W. Robinson Rd.

P.O. Box 15428

Boise, ID 83715-5428

OAS OPERATIONAL PROCEDURES (OPM) MEMORANDUM NO. 02-2

Subject: Flight Plans and Flight Following

Effective Date: January 1, 2002

Supersedes: OPM 01-2, dated January 1, 2001

Distribution: A, B, & C

Expiration: December 31, 2002

.1 Purpose. This OPM establishes policy for aircraft flight plans and flight following and replaces policy stated in Departmental Manual 351 DM 1.4.

.2 Authority. This policy is established by the Director, OAS, in accordance with Departmental Manual 350 DM 1.

.3 Policy.

Flight Plans. Pilots shall file and operate: a) on a Federal Aviation Administration (FAA) flight plan; or b) on an International Civil Aviation Organization (ICAO) flight plan; or c) in accordance with a bureau-approved flight plan program; or d) in accordance with an OAS Director-approved vendor flight plan program specified in an OAS procurement document. Flight plans shall be filed prior to takeoff when possible.

Bureau flight plan programs may be used to accommodate specialized bureau missions and must be approved as delegated by the bureau Director. As a minimum, a bureau flight plan program must specify route of flight, estimated time of arrival (ETA), how an aircraft will be tracked during flight and response procedures should the aircraft experience a mishap or fail to check-in.

Flight Following. Pilots are responsible for flight following: a) with the FAA, or b) with the appropriate ICAO entity, or c) in accordance with a bureau-approved flight following program, or d) in accordance with an OAS Director-approved vendor flight following program specified in an OAS procurement document. When communication is possible, position reporting shall not exceed one-hour intervals under normal circumstances.

Bureau flight following programs must be approved as delegated by the bureau Director. As a minimum, a bureau-approved flight following program must specify actions to be taken (e.g. notify the FAA) in the event of an overdue or missing aircraft. Position reports resulting from use of a bureau-approved flight following program must be documented by the receiving office and provide enough information to enable easy location of an overdue or missing aircraft.

OPM 2

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An aircraft is considered "overdue" when it fails to arrive within 30-minutes past the ETA and cannot be located. An aircraft is considered "missing" when it has been reported to the FAA as being "overdue" and the FAA has completed an administrative search for the aircraft without success.

Acting Director

1.5 Passenger Operations.

A. Manifesting. The pilot-in-command shall ensure that a manifest of all crewmembers and passengers on board has been completed. A copy of this manifest shall remain at the point of initial departure. Manifest changes will be left at subsequent points of departure when practical. In those instances where multiple short flights will be made in a specified geographical area which involves frequent change of passengers, a single manifest of all passengers involved may be left with an appropriate person to preclude unreasonable administrative burden.

B. Briefing. Before each takeoff, the pilot-in-command shall ensure that all passengers have been briefed in accordance with the briefing items contained in [14 CFR 135](#). In those instances where multiple short flights are made, the pilot's briefing does not need to be repeated unless new passengers come aboard. Additionally, the briefing should include location of the following items if installed on the aircraft:

- (1) Emergency Locator Transmitter (ELT).
- (2) Aviation life support equipment.
- (3) First aid kit.

1.6 Special Operations.

B. Aviation Transport of Hazardous Materials. Detailed procedures are outlined in the [Interagency Aviation Transport of Hazardous Materials Handbook](#) issued as a supplement to this chapter.

C. Temporary Flight Restrictions. DOI personnel may request a temporary flight restriction under Federal Aviation Regulation ([14 CFR 91.137](#)) to protect persons or property on the surface or in the air from the hazards associated with an incident on the surface and to provide a safe environment for the operation of disaster relief aircraft. The procedures necessary to obtain a temporary flight restriction are contained in the [Interagency Airspace Coordination Guide](#).

1.7 Special Use Activities. Special use activities are the utilization of airplanes and helicopters in support of programs which are not point-to-point flight activities and which require special considerations due to their functional use. The following activities are excepted from normal operating procedures. Refer to the "Revised Standards for Technical Oversight" document (OPM).

A. Operational Requirements.

- (1) Aircraft and pilots shall be approved for each special use activity prior to use. Privately-owned aircraft used on official business for DOI shall not be approved for special use operations.

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(2) Employees engaged in special use activities must meet the training requirements outlined in the Aviation User Training Program.

B. Personal Protective Equipment (PPE). Policy and detailed information are outlined in the [Aviation Life Support Equipment \(ALSE\) Handbook](#) issued as a supplement to this chapter.

Chapter 3 Flight Crewmember Policy

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DEPARTMENT OF THE INTERIOR

DEPARTMENTAL MANUAL

**Aviation Management
Operations**

Part 351 Aviation

Chapter 3 Flight Crewmember Policy

351 DM 3.1

3.1 General. This chapter prescribes flight crewmember policy for all aviation activities within the Department of the Interior (DOI).

A. Certificates.

(1) Medical Certificate. As a minimum, a current FAA Class II Medical Certificate is required to fly for DOI.

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(2) Airman Certificates. Flight crewmembers must possess appropriate FAA Airman Certificates for their positions, e.g., pilots, navigator, flight engineer. Flight crewmembers shall be approved by Office of Aircraft Services (OAS).

B. Pilot-In-Command (PIC). The assigned PIC is the final authority for the safe operation of the aircraft. If two-pilot crews are used, the PIC for the mission shall be designated. The PIC is responsible for:

(1) Exercising command authority over all assigned crewmembers from the time of reporting for the flight until the mission is completed.

(2) Adequate security and tiedown of the aircraft.

(3) Supervising the fueling of the aircraft to include type, quantity and quality.

(1) Determining Aircraft Weight and Balance.

3.5 Administrative Procedures.

(2) Flight crewmembers shall be limited to the following flight hour and duty hour limitations. Duty includes flight time, ground duty of any kind, and standby or alert status.

(a) All flight crewmembers shall have two 24-hour periods of rest (off duty) within any 14 consecutive calendar days. In the conterminous United States, these two 24-hour rest periods shall be two calendar days off duty.

(b) All flight crewmembers shall have a minimum of 10 consecutive hours of rest (off duty) not to include any pre-flight or post-flight activity prior to any assigned duty period.

(c) Time spent by a flight crewmember going to or from a duty assignment, and not local in character, shall not be considered part of a crew rest period.

(d) For a single-pilot crew, the following limitations apply in addition to (a), (b), and (c) above.

(i) A maximum of 8 hours flight time during any assigned duty period.

(ii) A maximum of 14 consecutive duty hours during any duty period.

(iii) A maximum of 42 hours flight time during any consecutive six-day period. When a pilot acquires 36 or more flight hours in a consecutive six-day period, the pilot shall be given the following 24-hour period of rest (off duty) and a new six-day cycle shall begin. In the conterminous United States, this 24-hour rest period shall be one calendar day off duty.

(e) For a two-pilot crew (Pilot-in-Command [PIC]/Second-in-Command [SIC]), the following limitations apply in addition to (a), (b), and (c) above.

(i) A maximum of 10 hours flight time (8 hours for fire missions) during any assigned duty period.

(ii) A maximum of 14 consecutive duty hours during any assigned duty period.

(iii) A maximum of 50 hours flight time during any consecutive six-day period. When a pilot acquires 40 or more flight hours in a consecutive six-day period, the pilot shall be given the following 24-hour period of rest (off duty) and a new six-day cycle shall begin. In the conterminous United States, this 24-hour rest period shall be one calendar day off duty.

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(f) For an augmented crew, the following limitations apply in addition to (a), (b), and (c) above.

(i) A pilot assigned to augment a two-man crew shall be PIC- qualified in the aircraft to which the crew is assigned. If a flight engineer/ mechanic is required on the basic crew, that position shall also be augmented.

(ii) A maximum of 14 hours flight time during any assigned duty period. If flight time exceeds 12 hours during any duty period, adequate sleeping facilities aboard the aircraft must be provided for the augmented crew positions.

(iii) A maximum of 18 consecutive duty hours during any assigned duty period.

(iv) A maximum of 50 hours flight time during any consecutive six-day period. When a pilot acquires 40 or more flight hours in a consecutive six-day period, the pilot shall be given the following 24-hour period of rest (off duty) and a new six-day cycle shall begin. In the conterminous United States, this 24-hour rest period shall be one calendar day off duty.

(g) Flight and crew duty time on all airtanker operations shall be in accordance with the single-pilot requirements, paragraph (d) above. The exception is that two-pilot or augmented crews may operate in accordance with paragraph (e) above as long as no low-level operations are involved.

(h) Any time the pilot is engaged in mechanic duties will apply against the pilot's duty limitations. In addition, all time in excess of two (2) hours (not necessarily consecutive) will apply against the pilot's flight limitations. Refer to 351 DM 1.11 for mechanic duty limitations

B. Drugs and Alcohol.

- (1) DOI. Interior employees shall adhere to Interior prescribed drug and alcohol program requirements.
- (2) Vendors. Vendors shall adhere to drug and alcohol program requirements as specified in appropriate FAA regulations.

FAR Part 91 -

§ 91.1 Applicability.

(a) Except as provided in paragraphs (b) and (c) of this section and §§ 91.701 and 91.703, this part prescribes rules governing the operation of aircraft (other than moored balloons, kites, unmanned rockets, and unmanned free balloons, which are governed by part 101 of this chapter, and ultralight vehicles operated in accordance with part 103 of this chapter) within the United States, including the waters within 3 nautical miles of the U.S. coast.

(b) Each person operating an aircraft in the airspace overlying the waters between 3 and 12 nautical miles from the coast of the United States shall comply with §§ 91.1 through 91.21; §§ 91.101 through 91.143; §§ 91.151 through 91.159; §§ 91.167 through 91.193; § 91.203; § 91.205; §§ 91.209 through 91.217; § 91.221; §§ 91.303 through 91.319; § 91.323; § 91.605; § 91.609; §§ 91.703 through 91.715; and 91.903.

(c) This part applies to each person on board an aircraft being operated under this part, unless otherwise specified.

[Amdt. 91-257 {sic}, 64 FR 1079, January 7, 1999]

§ 91.3 Responsibility and authority of the pilot in command.

(a) The pilot in command of an aircraft is directly responsible for, and is the final authority as to, the operation of that aircraft.

(b) In an in-flight emergency requiring immediate action, the pilot in command may deviate from any rule of this part to the extent required to meet that emergency.

(c) Each pilot in command who deviates from a rule under paragraph (b) of this section shall, upon the request of the Administrator, send a written report of that deviation to the Administrator.

(Approved by the Office of Management and Budget under control number 2120-0005)

§ 91.7 Civil aircraft airworthiness.

(a) No person may operate a civil aircraft unless it is in an airworthy condition.

(b) The pilot in command of a civil aircraft is responsible for determining whether that aircraft is in condition for safe flight. The pilot in command shall discontinue the flight when unairworthy mechanical, electrical, or structural conditions occur.

§ 91.11 Prohibition on interference with crewmembers.

No person may assault, threaten, intimidate, or interfere with a crewmember in the performance of the crewmember's duties aboard an aircraft being operated.

[Amdt. 91-257 {sic}, 64 FR 1079, January 7, 1999]

§ 91.13 Careless or reckless operation.

(a) *Aircraft operations for the purpose of air navigation.* No person may operate an aircraft in a careless or reckless manner so as to endanger the life or property of another.

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(b) *Aircraft operations other than for the purpose of air navigation.* No person may operate an aircraft, other than for the purpose of air navigation, on any part of the surface of an airport used by aircraft for air commerce (including areas used by those aircraft for receiving or discharging persons or cargo), in a careless or reckless manner so as to endanger the life or property of another.

§ 91.15 Dropping objects.

No pilot in command of a civil aircraft may allow any object to be dropped from that aircraft in flight that creates a hazard to persons or property. However, this section does not prohibit the dropping of any object if reasonable precautions are taken to avoid injury or damage to persons or property.

§ 91.17 Alcohol or drugs.

(a) No person may act or attempt to act as a crewmember of a civil aircraft -

(1) Within 8 hours after the consumption of any alcoholic beverage;

(2) While under the influence of alcohol;

(3) While using any drug that affects the person's faculties in any way contrary to safety;
or

(4) While having 0.04 percent by weight or more alcohol in the blood.

(b) Except in an emergency, no pilot of a civil aircraft may allow a person who appears to be intoxicated or who demonstrates by manner or physical indications that the individual is under the influence of drugs (except a medical patient under proper care) to be carried in that aircraft.

(c) A crewmember shall do the following:

(1) On request of a law enforcement officer, submit to a test to indicate the percentage by weight of alcohol in the blood, when -

(i) The law enforcement officer is authorized under State or local law to conduct the test or to have the test conducted; and

(ii) The law enforcement officer is requesting submission to the test to investigate a suspected violation of State or local law governing the same or substantially similar conduct prohibited by paragraph (a)(1), (a)(2), or (a)(4) of this section.

(2) Whenever the Administrator has a reasonable basis to believe that a person may have violated paragraph (a)(1), (a)(2), or (a)(4) of this section, that person shall, upon request by the Administrator, furnish the Administrator, or authorize any clinic, hospital, doctor, or other person to release to the Administrator, the results of each test taken within 4 hours after acting or attempting to act as a crewmember that indicates percentage by weight of alcohol in the blood.

(d) Whenever the Administrator has a reasonable basis to believe that a person may have violated paragraph (a)(3) of this section, that person shall, upon request by the Administrator, furnish the Administrator, or authorize any clinic, hospital, doctor, or other person to release to the Administrator, the results of each test taken within 4 hours after acting or attempting to act as a crewmember that indicates the presence of any drugs in the body.

(e) Any test information obtained by the Administrator under paragraph (c) or (d) of this section may be evaluated in determining a person's qualifications for any airman certificate or possible violations of this chapter and may be used as evidence in any legal proceeding under section 602, 609, or 901 of the Federal Aviation Act of 1958.

§ 91.21 Portable electronic devices.

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(a) Except as provided in paragraph (b) of this section, no person may operate, nor may any operator or pilot in command of an aircraft allow the operation of, any portable electronic device on any of the following U.S.-registered civil aircraft:

(1) Aircraft operated by a holder of an air carrier operating certificate or an operating certificate; or

(2) Any other aircraft while it is operated under IFR.

(b) Paragraph (a) of this section does not apply to -

(1) Portable voice recorders;

(2) Hearing aids;

(3) Heart pacemakers;

(4) Electric shavers; or

(5) Any other portable electronic device that the operator of the aircraft has determined will not cause interference with the navigation or communication system of the aircraft on which it is to be used.

(c) In the case of an aircraft operated by a holder of an air carrier operating certificate or an operating certificate, the determination required by paragraph (b)(5) of this section shall be made by that operator of the aircraft on which the particular device is to be used. In the case of other aircraft, the determination may be made by the pilot in command or other operator of the aircraft.

§ 91.103 Preflight action.

Each pilot in command shall, before beginning a flight, become familiar with all available information concerning that flight. This information must include -

(a) For a flight under IFR or a flight not in the vicinity of an airport, weather reports and forecasts, fuel requirements, alternatives available if the planned flight cannot be completed, and any known traffic delays of which the pilot in command has been advised by ATC;

(b) For any flight, runway lengths at airports of intended use, and the following takeoff and landing distance information:

(1) For civil aircraft for which an approved Airplane or Rotorcraft Flight Manual containing takeoff and landing distance data is required, the takeoff and landing distance data contained therein; and

(2) For civil aircraft other than those specified in paragraph (b)(1) of this section, other reliable information appropriate to the aircraft, relating to aircraft performance under expected values of airport elevation and runway slope, aircraft gross weight, and wind and temperature.

§ 91.119 Minimum safe altitudes: General.

Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes:

(a) *Anywhere*. An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.

(b) *Over congested areas*. Over any congested area of a city, town, or settlement, or over any open air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.

(c) *Over other than congested areas*. An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In those cases, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.

(d) *Helicopters.* Helicopters may be operated at less than the minimums prescribed in paragraph (b) or (c) of this section if the operation is conducted without hazard to persons or property on the surface. In addition, each person operating a helicopter shall comply with any routes or altitudes specifically prescribed for helicopters by the Administrator. § 91.123 Compliance with ATC clearances and instructions.

(a) When an ATC clearance has been obtained, no pilot in command may deviate from that clearance unless an amended clearance is obtained, an emergency exists, or the deviation is in response to a traffic alert and collision avoidance system resolution advisory. However, except in Class A airspace, a pilot may cancel an IFR flight plan if the operation is being conducted in VFR weather conditions. When a pilot is uncertain of an ATC clearance, that pilot shall immediately request clarification from ATC.

(b) Except in an emergency, no person may operate an aircraft contrary to an ATC instruction in an area in which air traffic control is exercised.

(c) Each pilot in command who, in an emergency, or in response to a traffic alert and collision avoidance system resolution advisory, deviates from an ATC clearance or instruction shall notify ATC of that deviation as soon as possible.

(d) Each pilot in command who (though not deviating from a rule of this subpart) is given priority by ATC in an emergency, shall submit a detailed report of that emergency within 48 hours to the manager of that ATC facility, if requested by ATC.

(e) Unless otherwise authorized by ATC, no person operating an aircraft may operate that aircraft according to any clearance or instruction that has been issued to the pilot of another aircraft for radar air traffic control purposes.

[Amdt. 91-227, 56 FR 65658, Dec. 17, 1991; Amdt. 91-244, 60 FR 50676, Sept. 29, 1995]

(Approved by the Office of Management and Budget under control number 2120-0005)

§ 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.

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- (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.
 - (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.

[Amdt. 91-270, 66 FR 47372, September 11, 2001, effective October 11, 2001]

§ 91.145 Management of aircraft operations in the vicinity of aerial demonstrations and major sporting events.

- (a) The FAA will issue a Notice to Airmen (NOTAM) designating an area of airspace in which a temporary flight restriction applies when it determines that a temporary flight restriction is necessary to protect persons or property on the surface or in the air, to maintain air safety and efficiency, or to prevent the unsafe congestion of aircraft in the vicinity of an aerial demonstration or major sporting event. These demonstrations and events may include:
- (1) United States Naval Flight Demonstration Team (Blue Angels);
 - (2) United States Air Force Air Demonstration Squadron (Thunderbirds);
 - (3) United States Army Parachute Team (Golden Knights);
 - (4) Summer/Winter Olympic Games;
 - (5) Annual Tournament of Roses Football Game;

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- (6) World Cup Soccer;
 - (7) Major League Baseball All-Star Game;
 - (8) World Series;
 - (9) Kodak Albuquerque International Balloon Fiesta;
 - (10) Sandia Classic Hang Gliding Competition;
 - (11) Indianapolis 500 Mile Race;
 - (12) Any other aerial demonstration or sporting event the FAA determines to need a temporary flight restriction in accordance with paragraph (b) of this section.
- (b) In deciding whether a temporary flight restriction is necessary for an aerial demonstration or major sporting event not listed in paragraph (a) of this section, the FAA considers the following factors:
- (1) Area where the event will be held.
 - (2) Effect flight restrictions will have on known aircraft operations.
 - (3) Any existing ATC airspace traffic management restrictions.
 - (4) Estimated duration of the event.
 - (5) Degree of public interest.
 - (6) Number of spectators.
 - (7) Provisions for spectator safety.
 - (8) Number and types of participating aircraft.
 - (9) Use of mixed high and low performance aircraft.
 - (10) Impact on non-participating aircraft.
 - (11) Weather minimums.
 - (12) Emergency procedures that will be in effect.
- (c) A NOTAM issued under this section will state the name of the aerial demonstration or sporting event and specify the effective dates and times, the geographic features or coordinates, and any other restrictions or procedures governing flight operations in the designated airspace.
- (d) When a NOTAM has been issued in accordance with this section, no person may operate an aircraft or device, or engage in any activity within the designated airspace area, except in accordance with the authorizations, terms, and conditions of the temporary flight restriction published in the NOTAM, unless otherwise authorized by:
- (1) Air traffic control; or
 - (2) A Flight Standards Certificate of Waiver or Authorization issued for the demonstration or event.
- (e) For the purpose of this section:
- (1) Flight restricted airspace area for an aerial demonstration -- The amount of airspace needed to protect persons and property on the surface or in the air, to maintain air safety and efficiency, or to prevent the unsafe congestion of aircraft will vary depending on the aerial demonstration and the factors listed in paragraph (b) of this section. The restricted airspace area will normally be limited to a 5 nautical mile radius from the center of the demonstration and an altitude 17000 mean sea level (for high performance aircraft) or 13000 feet above the surface (for certain parachute operations), but will be no greater than the minimum airspace necessary for the management of aircraft operations in the vicinity of the specified area.
 - (2) Flight restricted area for a major sporting event--The amount of airspace needed to protect persons and property on the surface or in the air, to maintain air safety and

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efficiency, or to prevent the unsafe congestion of aircraft will vary depending on the size of the event and the factors listed in paragraph (b) of this section. The restricted airspace will normally be limited to a 3 nautical mile radius from the center of the event and 2500 feet above the surface but will not be greater than the minimum airspace necessary for the management of aircraft operations in the vicinity of the specified area.

(f) A NOTAM issued under this section will be issued at least 30 days in advance of an aerial demonstration or a major sporting event, unless the FAA finds good cause for a shorter period and explains this in the NOTAM.

(g) When warranted, the FAA Administrator may exclude the following flights from the provisions of this section:

- (1) Essential military.
- (2) Medical and rescue.
- (3) Presidential and Vice Presidential.
- (4) Visiting heads of state.
- (5) Law enforcement and security.
- (6) Public health and welfare.

[Amdt. 91-270, 66 FR 47372, September 11, 2001, effective October 11, 2001]

§ 91.211 Supplemental oxygen.

(a) *General.* No person may operate a civil aircraft of U.S. registry -

(1) At cabin pressure altitudes above 12,500 feet (MSL) up to and including 14,000 feet (MSL) unless the required minimum flight crew is provided with and uses supplemental oxygen for that part of the flight at those altitudes that is of more than 30 minutes duration;

(2) At cabin pressure altitudes above 14,000 feet (MSL) unless the required minimum flight crew is provided with and uses supplemental oxygen during the entire flight time at those altitudes; and

(3) At cabin pressure altitudes above 15,000 feet (MSL) unless each occupant of the aircraft is provided with supplemental oxygen.

(b) *Pressurized cabin aircraft.*

(1) No person may operate a civil aircraft of U.S. registry with a pressurized cabin -

(i) At flight altitudes above flight level 250 unless at least a 10-minute supply of supplemental oxygen, in addition to any oxygen required to satisfy paragraph (a) of this section, is available for each occupant of the aircraft for use in the event that a descent is necessitated by loss of cabin pressurization; and

(ii) At flight altitudes above flight level 350 unless one pilot at the controls of the airplane is wearing and using an oxygen mask that is secured and sealed and that either supplies oxygen at all times or automatically supplies oxygen whenever the cabin pressure altitude of the airplane exceeds 14,000 feet (MSL), except that the one pilot need not wear and use an oxygen mask while at or below flight level 410 if there are two pilots at the controls and each pilot has a quick-donning type of oxygen mask that can be placed on the face with one hand from the ready position within 5 seconds, supplying oxygen and properly secured and sealed.

(2) Notwithstanding paragraph (b)(1)(ii) of this section, if for any reason at any time it is necessary for one pilot to leave the controls of the aircraft when operating at flight altitudes above flight level 350, the remaining pilot at the controls shall put on and use an oxygen mask until the other pilot has returned to that crewmember's station.

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§ 91.213 Inoperative instruments and equipment.

(a) Except as provided in paragraph (d) of this section, no person may takeoff an aircraft with inoperative instruments or equipment installed unless the following conditions are met:

(1) An approved Minimum Equipment List exists for that aircraft.

(2) The aircraft has within it a letter of authorization, issued by the FAA Flight Standards district office having jurisdiction over the area in which the operator is located, authorizing operation of the aircraft under the Minimum Equipment List. The letter of authorization may be obtained by written request of the airworthiness certificate holder. The Minimum Equipment List and the letter of authorization constitute a supplemental type certificate for the aircraft.

(3) The approved Minimum Equipment List must -

(i) Be prepared in accordance with the limitations specified in paragraph (b) of this section; and

(ii) Provide for the operation of the aircraft with the instruments and equipment in an inoperable condition.

(4) The aircraft records available to the pilot must include an entry describing the inoperable instruments and equipment.

(5) The aircraft is operated under all applicable conditions and limitations contained in the Minimum Equipment List and the letter authorizing the use of the list.

(b) The following instruments and equipment may not be included in a Minimum Equipment List:

(1) Instruments and equipment that are either specifically or otherwise required by the airworthiness requirements under which the aircraft is type certificated and which are essential for safe operations under all operating conditions.

(2) Instruments and equipment required by an airworthiness directive to be in operable condition unless the airworthiness directive provides otherwise.

(3) Instruments and equipment required for specific operations by this part.

(c) A person authorized to use an approved Minimum Equipment List issued for a specific aircraft under Part 121, 125, or 135 of this chapter shall use that Minimum Equipment List in connection with operations conducted with that aircraft under this part without additional approval requirements.

(d) Except for operations conducted in accordance with paragraph (a) or (c) of this section, a person may takeoff an aircraft in operations conducted under this part with inoperative instruments and equipment without an approved Minimum Equipment List provided -

(1) The flight operation is conducted in a -

(i) Rotorcraft, nonturbine-powered airplane, glider, or lighter-than-air aircraft for which a master Minimum Equipment List has not been developed; or

(ii) Small rotorcraft, nonturbine-powered small airplane, glider, or lighter-than-air aircraft for which a Master Minimum Equipment List has been developed; and

(2) The inoperative instruments and equipment are not -

(i) Part of the VFR-day type certification instruments and equipment prescribed in the applicable airworthiness regulations under which the aircraft was type certificated;

(ii) Indicated as required on the aircraft's equipment list, or on the Kinds of Operations Equipment List for the kind of flight operation being conducted;

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- (iii) Required by § 91.205 or any other rule of this part for the specific kind of flight operation being conducted; or
- (iv) Required to be operational by an airworthiness directive; and
- (3) The inoperative instruments and equipment are -
 - (i) Removed from the aircraft, the cockpit control placarded, and the maintenance recorded in accordance with § 43.9 of this chapter; or
 - (ii) Deactivated and placarded "Inoperative." If deactivation of the inoperative instrument or equipment involves maintenance, it must be accomplished and recorded in accordance with part 43 of this chapter; and
- (4) A determination is made by a pilot, who is certificated and appropriately rated under part 61 of this chapter, or by a person, who is certificated and appropriately rated to perform maintenance on the aircraft, that the inoperative instrument or equipment does not constitute a hazard to the aircraft.

An aircraft with inoperative instruments or equipment as provided in paragraph (d) of this section is considered to be in a properly altered condition acceptable to the Administrator.

(e) Notwithstanding any other provision of this section, an aircraft with inoperable instruments or equipment may be operated under a special flight permit issued in accordance with §§ 21.197 and 21.199 of this chapter.

§ 91.307 Parachutes and parachuting.

- (a) No pilot of a civil aircraft may allow a parachute that is available for emergency use to be carried in that aircraft unless it is an approved type and -
 - (1) If a chair type (canopy in back), it has been packed by a certificated and appropriately rated parachute rigger within the preceding 120 days; or
 - (2) If any other type, it has been packed by a certificated and appropriately rated parachute rigger -
 - (i) Within the preceding 120 days, if its canopy, shrouds, and harness are composed exclusively of nylon, rayon, or other similar synthetic fiber or materials that are substantially resistant to damage from mold, mildew, or other fungi and other rotting agents propagated in a moist environment; or
 - (ii) Within the preceding 60 days, if any part of the parachute is composed of silk, pongee, or other natural fiber, or materials not specified in paragraph (a)(2)(i) of this section.

{New-2001-6 (b) revised May 9, 2001, effective July 9, 2001}

(b) Except in an emergency, no pilot in command may allow, and no person may conduct, a parachute operation from an aircraft within the United States except in accordance with part 105 of this chapter.

{Beginning of old text revised May 9, 2001, effective July 9, 2001}

- (b) Except in an emergency, no pilot in command may allow, and no person may make, a parachute jump from an aircraft within the United States except in accordance with Part 105.
- (c) Unless each occupant of the aircraft is wearing an approved parachute, no pilot of a civil aircraft carrying any person (other than a crewmember) may execute any intentional maneuver that exceeds -
 - (1) A bank of 60° relative to the horizon; or
 - (2) A nose-up or nose-down attitude of 30° relative to the horizon.

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- (d) Paragraph (c) of this section does not apply to -
- (1) Flight tests for pilot certification or rating; or
 - (2) Spins and other flight maneuvers required by the regulations for any certificate or rating when given by -
 - (i) A certificated flight instructor; or
 - (ii) An airline transport pilot instructing in accordance with § 61.67 of this chapter.
- (e) For the purposes of this section, *approved parachute* means -
- (1) A parachute manufactured under a type certificate or a technical standard order (C-23 series); or
 - (2) A personnel carrying military parachute identified by an NAF, AAF, or AN drawing number, an AAF order number, or any other military designation or specification number.

[Amdt. 91-255 {sic}, 62 FR 68136, Dec. 30, 1997, effective Jan. 29, 1998; Amdt. 91-268, 66 FR 23543, May 9, 2001, effective July 9, 2001]

EFFECTIVE DATE NOTE: By Doc. No. 25910, 62 FR 68137, Dec. 30, 1997, in § 91.307, paragraph (d)(2)(ii) was amended by removing "61.169" and inserting in its place "61.67", effective Jan. 29, 1998.

§ 91.519 Passenger briefing.

- (a) Before each takeoff the pilot in command of an airplane carrying passengers shall ensure that all passengers have been orally briefed on -
- (1) *Smoking*. Each passenger shall be briefed on when, where, and under what conditions smoking is prohibited. This briefing shall include a statement, as appropriate, that the Federal Aviation Regulations require passenger compliance with lighted passenger information signs and no smoking placards, prohibit smoking in lavatories, and require compliance with crewmember instructions with regard to these items;
 - (2) *Use of safety belts and shoulder harnesses*: Each passenger shall be briefed on when, where, and under what conditions it is necessary to have his or her safety belt and, if installed, his or her shoulder harness fastened about him or her. This briefing shall include a statement, as appropriate, that Federal Aviation Regulations require passenger compliance with the lighted passenger sign and/or crewmember instructions with regard to these items;
 - (3) Location and means for opening the passenger entry door and emergency exits;
 - (4) Location of survival equipment;
 - (5) Ditching procedures and the use of flotation equipment required under § 91.509 for a flight over water; and
 - (6) The normal and emergency use of oxygen equipment installed on the airplane.
- (b) The oral briefing required by paragraph (a) of this section shall be given by the pilot in command or a member of the crew, but need not be given when the pilot in command determines that the passengers are familiar with the contents of the briefing. It may be supplemented by printed cards for the use of each passenger containing -
- (1) A diagram of, and methods of operating, the emergency exits; and
 - (2) Other instructions necessary for use of emergency equipment.
- (c) Each card used under paragraph (b) must be carried in convenient locations on the airplane for the use of each passenger and must contain information that is pertinent only to the type and model airplane on which it is used.

[Amdt. 91-231, 57 FR 42672, Sept. 15, 1992]

§ 91.815 Agricultural and firefighting airplanes: Noise operating limitations.

(a) This section applies to propeller driven, small airplanes having standard airworthiness certificates that are designed for "agricultural aircraft operations" (as defined in § 137.3 of this chapter, as effective on January 1, 1966) or for dispensing firefighting materials.

(b) If the Airplane Flight Manual, or other approved manual material information, markings, or placards for the airplane indicate that the airplane has not been shown to comply with the noise limits under part 36 of this chapter, no person may operate that airplane, except -

(1) To the extent necessary to accomplish the work activity directly associated with the purpose for which it is designed;

(2) To provide flight crewmember training in the special purpose operation for which the airplane is designed; and

(3) To conduct "nondispensing aerial work operations" in accordance with the requirements under § 137.29(c) of this chapter.

Part 105 - Parachute Operations

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Revision History:

Amdt. 105-12, 66 FR 23543, May 9, 2001, effective July 9, 2001.

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Amdt. 105-11, 60 FR 67254, Dec. 28, 1995.
Amdt. 105-10, 56 FR 65663, Dec. 17, 1991.
Amdt. 105-9, 51 FR 21907, June 17, 1986.

Authority: 49 U.S.C. 106(g), 40113-40114, 44701-44702, 44721. {As of 66 FR 23543}

Subpart A - General

{New-2001-6 § 105.1 revised May 9, 2001, effective July 9, 2001}

§ 105.1 Applicability.

(a) Except as provided in paragraphs (b) and (c) of this section, this part prescribes rules governing parachute operations conducted in the United States.

(b) This part does not apply to a parachute operation conducted--

(1) In response to an in-flight emergency, or

(2) To meet an emergency on the surface when it is conducted at the direction or with the approval of an agency of the United States, or of a State, Puerto Rico, the District of Columbia, or a possession of the United States, or an agency or political subdivision thereof.

(c) Sections 105.5, 105.9, 105.13, 105.15, 105.17, 105.19 through 105.23, 105.25(a)(1) and 105.27 of this part do not apply to a parachute operation conducted by a member of an Armed Force--

(1) Over or within a restricted area when that area is under the control of an Armed Force.

(2) During military operations in uncontrolled airspace.

[Amdt. 105-12, 66 FR 23543, May 9, 2001, effective July 9, 2001]

{New-2001-6 § 105.3 revised May 9, 2001, effective July 9, 2001}

§ 105.3 Definitions.

For the purposes of this part--

Approved parachute means a parachute manufactured under a type certificate or a Technical Standard Order (C-23 series), or a personnel-carrying U.S. military parachute (other than a high altitude, high speed, or ejection type) identified by a Navy Air Facility, an Army Air Field, and Air Force-Navy drawing number, an Army Air Field order number, or any other military designation or specification number.

Automatic Activation Device means a self-contained mechanical or electro-mechanical device that is attached to the interior of the reserve parachute container, which automatically initiates parachute deployment of the reserve parachute at a pre-set altitude, time, percentage of terminal velocity, or combination thereof.

Direct Supervision means that a certificated rigger personally observes a non-certificated person packing a main parachute to the extent necessary to ensure that it is being done properly, and takes responsibility for that packing.

Drop Zone means any pre-determined area upon which parachutists or objects land after making an intentional parachute jump or drop. The center-point target of a drop zone is expressed in nautical miles from the nearest VOR facility when 30 nautical miles or less; or from the nearest airport, town, or city depicted on the appropriate Coast and Geodetic Survey World Aeronautical Chart or Sectional

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Aeronautical Chart, when the nearest VOR facility is more than 30 nautical miles from the drop zone.

Foreign parachutist means a parachutist who is neither a U.S. citizen or a resident alien and is participating in parachute operations within the United States using parachute equipment not manufactured in the United States.

Freefall means the portion of a parachute jump or drop between aircraft exit and parachute deployment in which the parachute is activated manually by the parachutist at the parachutist's discretion or automatically, or, in the case of an object, is activated automatically.

Main parachute means a parachute worn as the primary parachute used or intended to be used in conjunction with a reserve parachute.

Object means any item other than a person that descends to the surface from an aircraft in flight when a parachute is used or is intended to be used during all or part of the descent.

Parachute drop means the descent of an object to the surface from an aircraft in flight when a parachute is used or intended to be used during all or part of that descent.

Parachute jump means a parachute operation that involves the descent of one or more persons to the surface from an aircraft in flight when a parachute is used or intended to be used during all or part of that descent.

Parachute operation means the performance of all activity for the purpose of, or in support of, a parachute jump or a parachute drop. This parachute operation can involve, but is not limited to, the following persons: parachutist, parachutist in command and passenger in tandem parachute operations, drop zone or owner or operator, jump master, certificated parachute rigger, or pilot.

Parachutist means a person who intends to exit an aircraft while in flight using a single-harness, dual parachute system to descend to the surface.

Parachutist in command means the person responsible for the operation and safety of a tandem parachute operation.

Passenger parachutist means a person who boards an aircraft, acting as other than the parachutist in command of a tandem parachute operation, with the intent of exiting the aircraft while in-flight using the forward harness of a dual harness tandem parachute system to descend to the surface.

Pilot chute means a small parachute used to initiate and/or accelerate deployment of a main or reserve parachute.

Ram-air parachute means a parachute with a canopy consisting of an upper and lower surface that is inflated by ram air entering through specially designed openings in the front of the canopy to form a gliding airfoil.

Reserve parachute means an approved parachute worn for emergency use to be activated only upon failure of the main parachute or in any other emergency where use of the main parachute is impractical or use of the main parachute would increase risk.

Single-harness, dual parachute system: means the combination of a main parachute, approved reserve parachute, and approved single person harness and dual-parachute container. This parachute system may have an operational automatic activation device installed.

Tandem parachute operation: means a parachute operation in which more than one person simultaneously uses the same tandem parachute system while descending to the surface from an aircraft in flight.

Tandem parachute system: means the combination of a main parachute, approved reserve parachute, and approved harness and dual parachute container, and a separate approved forward harness for a

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passenger parachutist. This parachute system must have an operational automatic activation device installed.

[Amdt. 105-12, 66 FR 23543, May 9, 2001, effective July 9, 2001]

{New-2001-6 § 105.5 revised May 9, 2001, effective July 9, 2001}

§ 105.5 General.

No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a parachute operation to be conducted from an aircraft, if that operation creates a hazard to air traffic or to persons or property on the surface.

[Amdt. 105-12, 66 FR 23543, May 9, 2001, effective July 9, 2001]

{New-2001-6 § 105.7 revised May 9, 2001, effective July 9, 2001}

§ 105.7 Use of alcohol and drugs.

No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a person to conduct a parachute operation from that aircraft, if that person is or **appears to be under the influence of—**

- (a) Alcohol, or **(HANG OVER)**
- (b) Any drug that affects that person's faculties in any way contrary to safety.

[Amdt. 105-12, 66 FR 23543, May 9, 2001, effective July 9, 2001]

{New-2001-6 § 105.9 revised May 9, 2001, effective July 9, 2001}

§ 105.9 Inspections.

The Administrator may inspect any parachute operation to which this part applies (including inspections at the site where the parachute operation is being conducted) to determine compliance with the regulations of this part.

[Amdt. 105-12, 66 FR 23543, May 9, 2001, effective July 9, 2001]

Subpart B - Operating Rules

{New-2001-6 § 105.13 revised May 9, 2001, effective July 9, 2001}

§ 105.13 Radio equipment and use requirements.

- (a) Except when otherwise authorized by air traffic control--

(1) No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a parachute operation to be conducted from that aircraft, in or into controlled airspace unless, during that flight--

- (i) The aircraft is equipped with a functioning two-way radio communication system appropriate to the air traffic control facilities being used; and
- (ii) Radio communications have been established between the aircraft and the air traffic control facility having jurisdiction over the affected airspace of the first intended exit altitude at least 5 minutes before the parachute operation begins. The pilot in command must establish radio communications to receive information regarding air traffic activity in the vicinity of the parachute operation.

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(2) The pilot in command of an aircraft used for any parachute operation in or into controlled airspace must, during each flight--

(i) Continuously monitor the appropriate frequency of the aircraft's radio communications system from the time radio communications are first established between the aircraft and air traffic control, until the pilot advises air traffic control that the parachute operation has ended for that flight.

(ii) Advise air traffic control when the last parachutist or object leaves the aircraft.

(b) Parachute operations must be aborted if, prior to receipt of a required air traffic control authorization, or during any parachute operation in or into controlled airspace, the required radio communications system is or becomes inoperative.

[Amdt. 105-12, 66 FR 23543, May 9, 2001, effective July 9, 2001]

{New-2001-6 § 105.15 revised May 9, 2001, effective July 9, 2001}

§ 105.15 Information required and notices of cancellation or postponement of a parachute operation.

(a) Each person requesting an authorization under §§ 105.21(b) and 105.25(a)(2) of this part and each person submitting a notification under § 105.25(a)(3) of this part must provide the following information (on an individual or group basis):

(1) The date and time the parachute operation will begin.

(2) The radius of the drop zone around the target expressed in nautical miles.

(3) The location of the center of the drop zone in relation to--

(i) The nearest VOR facility in terms of the VOR radial on which it is located and its distance in nautical miles from the VOR facility when that facility is 30 nautical miles or less from the drop zone target; or

(ii) the nearest airport, town, or city depicted on the appropriate Coast and Geodetic Survey World Aeronautical Chart or Sectional Aeronautical Chart, when the nearest VOR facility is more than 30 nautical miles from the drop zone target.

(4) Each altitude above mean sea level at which the aircraft will be operated when parachutists or objects exist the aircraft.

(5) The duration of the intended parachute operation.

(6) The name, address, and telephone number of the person who requests the authorization or gives notice of the parachute operation.

(7) The registration number of the aircraft to be used.

(8) The name of the air traffic control facility with jurisdiction of the airspace at the first intended exit altitude to be used for the parachute operation.

(b) Each holder of a certificate of authorization issued under §§ 105.21(b) and 105.25(b) of this part must present that certificate for inspection upon the request of the Administrator or any Federal, State, or local official.

(c) Each person requesting an authorization under §§ 105.21(b) and 105.25(a)(2) of this part and each person submitting a notice under § 105.25(a)(3) of this part must promptly notify the air traffic control facility having jurisdiction over the affected airspace if the proposed or scheduled parachute operation is canceled or postponed.

[Amdt. 105-12, 66 FR 23543, May 9, 2001, effective July 9, 2001]

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{New-2001-6 § 105.17 revised May 9, 2001, effective July 9, 2001}

§ 105.17 Flight visibility and clearance from cloud requirements.

No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a parachute operation to be conducted from that aircraft--

(a) Into or through a cloud, or

(b) When the flight visibility or the distance from any cloud is less than that prescribed in the following table:

Altitude	Flight visibility (statute miles)	Distance from clouds
1,200 feet or less above the surface regardless of the MSL altitude.	3	500 feet below, 1,000 feet above, 2,000 feet horizontal.
More than 1,200 feet above the surface but less than 10,000 feet MSL.	3	500 feet below, 1,000 feet above, 2,000 feet horizontal.
More than 1,200 feet above the surface and at or above 10,000 feet MSL.	5	1,000 feet below, 1,000 feet above, 1 mile horizontal.

[Amdt. 105-12, 66 FR 23543, May 9, 2001, effective July 9, 2001]

{New-2001-6 § 105.19 revised May 9, 2001, effective July 9, 2001}

§ 105.19 Parachute operations between sunset and sunrise.

(a) No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a person to conduct a parachute operation from an aircraft between sunset and sunrise, unless the person or object descending from the aircraft displays a light that is visible for at least 3 statute miles.

(b) The light required by paragraph (a) of this section must be displayed from the time that the person or object is under a properly functioning open parachute until that person or object reaches the surface.

[Amdt. 105-12, 66 FR 23543, May 9, 2001, effective July 9, 2001]

{New-2001-6 § 105.21 revised May 9, 2001, effective July 9, 2001}

§ 105.21 Parachute operations over or into a congested area or an open-air assembly of persons.

(a) No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a parachute operation to be conducted from that aircraft, over or into a congested area of a city, town, or settlement, or an open-air assembly of persons unless a certificate of authorization for that parachute operation has been issued under this section. However, a parachutist may drift over a congested area or an open-air assembly of persons with a fully deployed and properly functioning parachute if that parachutist is at a sufficient altitude to avoid creating a hazard to persons or property on the surface.

(b) An application for a certificate of authorization issued under this section must--

- (1) Be made in the form and manner prescribed by the Administrator, and
- (2) Contain the information required in § 105.15(a) of this part.

(c) Each holder of, and each person named as a participant in a certificate of authorization issued under this section must comply with all requirements contained in the certificate of authorization.

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(d) Each holder of a certificate of authorization issued under this section must present that certificate for inspection upon the request of the Administrator, or any Federal, State, or local official.

[Amdt. 105-12, 66 FR 23543, May 9, 2001, effective July 9, 2001]

{New-2001-6 § 105.23 revised May 9, 2001, effective July 9, 2001}

§ 105.23 Parachute operations over or onto airports.

No person may conduct a parachute operation, and **no pilot in command** of an aircraft may allow a parachute operation to be conducted from that aircraft, over or onto any airport unless--

(a) For airports with an operating control tower:

(1) Prior approval has been obtained from the management of the airport to conduct parachute operations over or on that airport.

(2) Approval has been obtained from the control tower to conduct parachute operations over or onto that airport.

(3) Two-way radio communications are maintained between the pilot of the aircraft involved in the parachute operation and the control tower of the airport over or onto which the parachute operation is being conducted.

(b) For airports without an operating control tower, prior approval has been obtained from the management of the airport to conduct parachute operations over or on that airport.

(c) A parachutist may drift over that airport with a fully deployed and properly functioning parachute if the parachutist is at least 2,000 feet above that airport's traffic pattern, and avoids creating a hazard to air traffic or to persons and property on the ground.

[Amdt. 105-12, 66 FR 23543, May 9, 2001, effective July 9, 2001]

{New-2001-6 § 105.25 revised May 9, 2001, effective July 9, 2001}

§ 105.25 Parachute operations in designated airspace.

(a) No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a parachute operation to be conducted from that aircraft--

(1) Over or within a restricted area or prohibited area unless the controlling agency of the area concerned has authorized that parachute operation;

(2) Within or into a Class A, B, C, D airspace area without, or in violation of the requirements of, an air traffic control authorization issued under this section;

(3) Except as provided in paragraph (c) and (d) of this section, within or into Class E or G airspace area unless the air traffic control facility having jurisdiction over the airspace at the first intended exit altitude is notified of the parachute operation no earlier than 24 hours before or no later than 1 hour before the parachute operation begins.

(b) Each request for a parachute operation authorization or notification required under this section must be submitted to the air traffic control facility having jurisdiction over the airspace at the first intended exit altitude and must include the information prescribed by § 105.15(a) of this part.

(c) For the purposes of paragraph (a)(3) of this section, air traffic control facilities may accept a written notification from an organization that conducts parachute operations and lists the scheduled series of parachute operations to be conducted over a stated period of time not longer than 12 calendar months. The notification must contain the information prescribed by § 105.15(a) of this part, identify the responsible

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persons associated with that parachute operation, and be submitted at least 15 days, but not more than 30 days, before the parachute operation begins. The FAA may revoke the acceptance of the notification for any failure of the organization conducting the parachute operations to comply with its requirements.

(d) Paragraph (a)(3) of this section does not apply to a parachute operation conducted by a member of an Armed Force within a restricted area that extends upward from the surface when that area is under the control of an Armed Force.

[Amdt. 105-12, 66 FR 23543, May 9, 2001, effective July 9, 2001]