

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9937; Amdt. 105-5]

PART 105—PARACHUTE JUMPING

Clearance From Clouds and Flight Visibility Requirements

The purpose of this amendment to Part 105 of the Federal Aviation Regulations is to make the clearance from clouds requirements and flight visibility minimums of Part 105 more consistent with the basic VFR weather minimums of Part 91.

This amendment is based on a notice of proposed rule making, Notice 69-47, published in the FEDERAL REGISTER on October 29, 1969 (34 F.R. 17448).

In addition to the proposal upon which this amendment is based, Notice 69-47 also proposed to allow altimeters on aircraft carrying parachute jumpers to be set at zero altitude prior to takeoff, when the airport of takeoff and the jump zone are at the same location. Of the 11 comments received in response to the notice, the majority of them dealt predominantly with this proposal, and generally speaking the reaction of the commentators was mixed. However, further FAA study based on the comments received, indicates that it is not appropriate at this time to adopt this requirement. As indicated in the notice, the FAA is aware that permitting the operator of a jump aircraft to set the altimeter at zero altitude would enhance the safety of the parachute jumper because it would give a calculation-free reading of the actual height above the ground. However, while beneficial to the jumper, such a requirement could cause difficulties for the pilot and consequently could create a dangerous situation for other traffic in the vicinity of the jump. For example, several commentators favoring the proposal

noted the fact that if it were adopted the jumper would be freed of a mental calculation in determining the actual height above the ground; but, the net effect of this action would be to require the pilot to make calculations to determine his proper altitude based on MSL. Such calculations by the pilot defeat the purpose of an altimeter requirement which is to apprise the pilot of his altitude by ready reference.

The FAA is cognizant of the need to improve conditions for parachute jumpers, but actions taken toward that end cannot so adversely affect the total jump operation that safety in air commerce is jeopardized. The need to increase jump safety through actual altitude information can be met by use of a jump altimeter for use by the parachutist. Use of such equipment will give the jumper the altitude information he needs while not affecting the pilot and his source of altitude information.

With regard to the second proposal made in the notice, and the subject of this amendment, the majority of commentators agreed that there is a need to make the clearance from clouds requirements and flight visibility minimums of Part 105 consistent with the basic VFR weather minimums of Part 91. As pointed out in the notice, prior to Amendment 91-51 (effective Mar. 16, 1968), the clearance requirements and flight visibility minimums of §§ 105.29 and 105.31 were consistent with, and in some cases more restrictive than the basic VFR minimums prescribed in Part 91.

It was recommended that greater clearance criteria be established by requiring 1-mile horizontal clearance from clouds rather than 2,000 feet as proposed, and that there be a 5-mile flight visibility requirement rather than 3 miles. The FAA does not consider it necessary at this time in the interest of safety to require greater clearance from clouds requirements or flight visibility minimums than those currently in effect under Part 91.

This amendment changes the format of proposed § 105.29 by setting forth the clearance and visibility requirements in

chart form, similar to that used in Part 91. This change will result in greater clarity in understanding the requirements prescribed therein.

Finally, as proposed in the notice, § 105.31 is deleted inasmuch as the requirements currently contained therein will be incorporated in the amendment to § 105.29.

In consideration of the foregoing, Part 105 of the Federal Aviation Regulations is amended, effective June 12, 1971, as follows:

1. By amending § 105.29 to read as follows:

§ 105.29 Flight visibility and clearance from clouds requirements.

No person may make a parachute jump, and no pilot in command of an aircraft may allow a parachute jump to be made from that aircraft—

- (a) Into or through a cloud; or
- (b) When the flight visibility is less, or at a distance from clouds that is less, than that prescribed in the following table:

| Altitude | Flight visibility (statute miles) | Distance from clouds |
|---|-----------------------------------|--|
| (1) 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. |
| (2) 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. |
| (3) 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. |

§ 105.31 [Deleted]

2. By deleting and reserving § 105.31. (Secs. 307, 313(a), 601, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1354, 1421; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1656(c))

Issued in Washington, D.C., on May 3, 1971.

J. H. SHAFFER,
Administrator.

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