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# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 11376, Amdt. 135-32]

### PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

#### Helicopter Emergency Landing Areas

The purpose of this amendment to Part 135 of the Federal Aviation Regulations is to relax somewhat the requirement that emergency landing areas be continuously available while a helicopter is being operated.

This amendment is based on a notice of proposed rule making (Notice No. 71-25) published in the FEDERAL REGISTER on September 14, 1971 (36 F.R. 18425). The comments received in response to the notice were, in the main, opposed to the proposal primarily because commentators believe it would curtail the use of helicopters in remote or wilderness areas. Secondly, it was felt by many that the rule discriminated unfairly against operators of helicopters especially in the light of the unique capability of the helicopter to land with zero forward speed in case of engine failure. Some commentators described operations in mountainous, heavily forested, or very remote areas as being uniquely suited to helicopter operations and cited the fact that such operations are the chief source of revenue for many Part 135 helicopter operators.

The FAA wishes to make it clear that the amendment proposed in Notice 71-25 and adopted herein is less restrictive than the emergency landing requirement currently prescribed in § 135.89. As was stated in Notice 71-25, the intent of the proposal was not to provide that the availability of emergency landing areas must be continuous, since such a requirement is considered impracticable for Part 135 helicopter operations. In addition, upon further consideration the FAA has concluded that the proposal should be changed in the amendment adopted to limit the applicability of the requirement for emergency landing areas to helicopter operations being conducted in congested areas, since persons using helicopters for

transportation into mountainous and heavily forested areas recognize that takeoffs and landings in such areas necessarily involve certain hazards.

Accordingly, the amendment adopted herein requires that emergency landing areas be available for both takeoff and landing, but only in congested areas. As proposed, the provisions of this amendment do not apply to helicopters certificated under the Transport Category A provisions of Part 29 when they are operated in that category, because of the demonstrated capability they have for safely operating with one engine inoperative.

It should also be pointed out that the words "from any point necessary for that takeoff or landing" used in the proposal were intended to mean "from any point along the flight path necessary for that takeoff or landing." The wording of the proposal has been changed in this amendment to more clearly reflect this intended meaning.

In consideration of the foregoing, Part 135 of the Federal Aviation Regulations is amended, effective August 18, 1972, by amending § 135.89 to read as follows:

#### § 135.89 Helicopter operations: Emergency landing areas.

Within a congested area, no person may takeoff or land a helicopter that is not certificated under the Transport Category A provisions of Part 29 of this chapter and operated in that category, unless areas are available from any point along the flight path necessary for that takeoff or landing which allow an emergency landing to be made without undue hazard to passengers or to persons or property on the surface. For the purposes of this section, areas such as schoolyards, parking lots, recreation areas, highways, shopping centers, and public docks are not considered available for possible emergency use when they are occupied by persons or vehicles unless there are unoccupied parts thereof that are large enough to allow a landing without that hazard.

(Secs. 307(c), 313(a), 601(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, 1354(a), 1421(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 11, 1972.

J. H. SHAFFER,  
Administrator.

(As published in the Federal Register [37 F.R. 14294] on July 19, 1972