

Title 14—Aeronautics and Space  
CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 11934; Amdt. No. 91-115]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Helicopters at Heliports Over Water; Operating Limitations

The purpose of these amendments to part 91 of the Federal Aviation regulations is to permit helicopters, under certain prescribed conditions, to make transient flights through the prohibited range of the limiting height-speed envelope when taking off or landing at certain heliports constructed over water.

These amendments are based on notice of proposed rulemaking No. 72-13, published in the FEDERAL REGISTER on May 18, 1972 (37 FR 10005). These amendments and the reasons therefor are the same as those contained in the subject notice.

The comments received in response to notice 72-13 generally supported the proposal. However, one commentator questioned the rationale for the amendment. In this regard, we wish to further explain that § 29.79 requires that a limiting height-speed envelope be established for any combination of height and forward speed under which a safe landing cannot be made under specified power failure conditions. Compliance with that regulation is shown by demonstrating that a safe landing can be made when an engine failure is simulated at various combinations of heights and speeds which represent the boundary of the limiting height-speed envelope established for the helicopter. The nature of the flight test demonstrations results in a limiting height-speed envelope which is conservative; consequently, some margin of safety exists between the envelope established for the helicopter and some smaller envelope defined by the combination of heights and speeds at which a safe landing cannot actually be made.

As was pointed out in the notice, the heliports to which this amendment to

§ 91.31 applies may be constructed over any body of water; however, as stated in new paragraph (d) of this section, the transient flight through the prohibited range must occur while the helicopter is over water on which a safe ditching can be accomplished in the event that an engine failure does occur.

In the light of the foregoing, and for the reasons given in notice 72-13, we are of the opinion that a safe emergency ditching can be made in the event of a hazardous flight condition requiring such action if the helicopter is amphibious or is equipped with adequate flotation gear. (Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

In consideration of the foregoing, and for the reasons given in notice 72-13, § 91-31 of part 91 of the Federal Aviation regulations is amended, effective May 17, 1973, by amending paragraph (a) and adding a new paragraph (d) to read as follows:

§ 91.31 Civil aircraft operating limitations and marking requirements.

(a) Except as provided in paragraph (d) of this section, no person may operate a civil aircraft without compliance with the operating limitations for that aircraft prescribed by the certifying authority of the country of registry.

\* \* \* \* \*

(d) Any person taking off or landing a helicopter certificated under part 29 of this chapter at a heliport constructed over water may make such momentary flight as is necessary for takeoff or landing through the prohibited range of the limiting height-speed envelope established for that helicopter if that flight through the prohibited range takes place over water on which a safe ditching can be accomplished, and if the helicopter is amphibious or is equipped with floats or other emergency flotation gear adequate to accomplish a safe emergency ditching on open water.

Issued in Washington, D.C., on May 10, 1973.

ALEXANDER P. BUTTERFIELD,  
Administrator.

(As published in the Federal Register [38 F.R. 12904] on May 17, 1973)