

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 4057; Amdt. 105-1]

PART 105—PARACHUTE JUMPING [NEW]

Intentional Parachute Jumping

The purpose of this amendment to Part 105 [New] of the Federal Aviation Regulations is to permit a person making an intentional parachute jump to drift over a congested area, an open air assembly of persons, or an airport, with an opened parachute if he is at a sufficient altitude to avoid creating a hazard to air traffic or to persons or property on the ground. This action was published as a notice of proposed rule making and circulated as Federal Aviation Notice 64-15 (29 F.R. 3584), issued March 13, 1964.

Present § 105.15 [New] of the Federal Aviation Regulations prohibits an intentional parachute jump when it is made "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 jump has been issued * * *." A parachute jump is defined by § 105.1(b) so that it includes the use of a parachute "during all or part of that descent." Therefore, "drifting over" a congested area or open air assembly with an opened parachute is prohibited by § 105.15 unless an authorization has been issued by the local FAA District Office.

The Agency proposed in Notice 64-15 to relax the regulations, not only with regard to § 105.15 but also § 105.17, that pertain to jumps over or onto airports. Comments on the proposal indicated concern as to whether the proposed relaxation would apply to other airspace. The requirements of §§ 105.19 (control zone with control tower), 105.21 (positive control area or positive control route segment), 105.23 (other controlled airspace), and 105.27 (restricted or prohibited areas) are not relaxed. This amendment to §§ 105.15 and 105.17 only relaxes the rule as it pertains to "drifting over" a congested area, an open air assembly, or an airport that does not have a functioning control tower operated by the United States. It does not modify the other requirements of Part 105 [New].

Section 105.17 has also been rewritten to make it clear that the airport management must give approval of a parachute jump over an airport that does not have a functioning control tower, as well as onto any airport.

Jumping into or through a cloud is already prohibited by §§ 105.29 and 105.31, but the lead-in clause to § 105.29 is rewritten to state that prohibition more specifically.

Comments on the proposal also expressed concern as to what was meant by a "sufficient altitude" for drifting over an airport that does not have a functioning control tower operated by the United States. Therefore, the regulation has been rewritten to state that an intentional parachutist may not drift over that airport unless he does so at least 2000 feet above the airport's traffic pattern.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matters presented.

In consideration of the foregoing, Part 105 [New] of the Federal Aviation Regulations is amended, effective December 4, 1964, as follows:

1. By amending § 105.15(a) [New] by adding a new sentence to read as follows:

§ 105.15 Jumps over or into congested areas or open air assembly of persons.

(a) * * * However, a parachutist may drift over that congested area or open air assembly with a fully deployed and properly functioning parachute if he is at a sufficient altitude to avoid creating a hazard to persons and property on the ground.

2. By amending § 105.17 [New] to read as follows:

§ 105.17 Jumps over or onto airports.

Unless prior approval has been given by the airport management, 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) Over an airport that does not have a functioning control tower operated by the United States; or

(b) Onto any airport.

However, a parachutist may drift over that airport with a fully deployed and properly functioning parachute if he 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.

3. By amending the introductory paragraph of § 105.29(a) [New] to read as follows:

§ 105.29 Clearance from clouds requirements.

(a) No person may make a parachute jump into or through a cloud and no person may make a parachute jump—

(Secs. 307, 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354, 1421)

Issued in Washington, D.C., on October 22, 1964.

N. E. HALABY,
Administrator.

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