March 11, 1996

Mr. Jim Bengston
[redacted]

Dear Mr. Bengston:

You requested a legal interpretation of Federal Aviation Regulation (FAR) 105.17 which reads as follows:

> 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.

It appears that you are asking whether, under this rule, skydivers can land less than 450 feet from the center line of an active runway at Vance Brand Airport near Longmont, Colorado, when they do not have approval from the airport management to jump over or onto the airport.

However, as stated in the attached letters from the City of Longmont City Manager to Mile-Hi Skydiving, skydivers presently have approval from the airport management to skydive over Vance Brand Airport and to land on airport property.

Since skydivers presently have approval to jump over and onto the airport, the drift over exception contained in FAR 105.17 does not apply.

Sincerely,

DENISE D. KNAPP
Attorney, ANM-7G
Cc: Gregory Michael,
Denver FSDO