January 19, 2000

Mr. William F. Reeves

Re: Aerobatic flight over Columbus Airport

Dear Mr. Reeves:
This is in response to your letter of August 30, 1999, requesting a legal opinion on "the altitudes at which aerobatic flight can be conducted over the Columbus, IN (BAK) airport." The opinion that follows is limited strictly to aerobatic operations that can be legally performed within controlled airspace surrounding BAK.

Columbus Airport is surrounded by Class-D and Class-E airspace. The Class-D airspace extends from the surface up to 3,200 feet above the surface, mean sea level (MSL). The Class-E airspace designated for BAK extends from the surface to 14,500 feet MSL. Section 91.303 of Title 14 of the Code of Federal Regulations applies to the aerobatic flight that you propose. In pertinent part, that regulation provides:

> No person may operate an aircraft in aerobatic flight
> ***
> ***
> (c) Within the lateral boundaries of the surface areas of Class B, Class C, Class D, or Class E airspace designated for an airport;
>
> For the purposes of this section, aerobatic flight means an intentional maneuver involving an abrupt change in an aircraft's attitude, an abnormal attitude, or abnormal acceleration, not necessary for normal flight.

14 C.F.R. § 91.303 (a).
The text of section 91.303 is clear that aerobatic operations are not permitted within the surface area of controlled airspace regardless of its alpha designator. A "surface area" is defined as "[t]he airspace contained by the lateral boundary of the Class B, C, D, or E airspace designated for an airport, that begins at the surface and extends upward." Air Traffic Control Handbook, Order 7110.65L, PCG S-6; Aeronautical Information Manual, PCG S-6. Therefore, by this definition, aerobatic flight is not permitted within the Class D or Class E airspace at Columbus Airport. However, pursuant to section 91.903, under certain circumstances a waiver to operate within the controlled airspace may be obtained if it is secured prior to conducting the acrobatic operation.

We hope that this interpretation answers your questions regarding aerobatic flight in the Class D and E airspace surrounding Columbus Airport.

Sincerely,

Donald P. Byrne
Assistant Chief Counsel
Regulations Division, AGC-200