U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

JAN 8 2008

Barry C. Lloyd
[redacted]

RE: Legal Interpretation For Helicopter Taxi Operations

Dear Mr. Lloyd:

In a letter dated October 17, 2007 you requested a legal interpretation involving the hovering of a helicopter over an airport located in Class B, C, D or E airspace.

The three questions you presented are:

(1) Is a helicopter which is in hovering flight without contact with the ground in a Class B, C, D or E surface area, considered to be "operating" for the purposes of applicability of 14 CFR § 91.155 and 14 CFR § 91.157 weather minimums?

(2) In weather conditions less than basic VFR, may a helicopter be flown in a hover taxi to reposition the aircraft on an airport in a Class B, C, D or E surface area, without having to obtain a Special VFR clearance for such an operation from the controlling authority?

(3) In weather conditions less than basic VFR, may a helicopter be flown in an air taxi to reposition the aircraft on an airport in a Class B, C, D or E surface area for an airport, without having to obtain a Special VFR clearance for such an operation from the controlling authority?

In consultation with the FAA's Flight Standards Division, the FAA can find no violation to 14 C.F.R. §§ 91.123(a) or (b), 91.155, or 91.157, if a helicopter pilot chooses to ground taxi or air taxi from one position on the airport to another position at that same airport. Any procedural issues on when and how such a flight should be conducted is an issue to be discussed and decided between the pilot-in-command and Air Traffic Control (ATC) responsible for the airport's airspace.

To the extent that a helicopter pilot taxis the helicopter at low altitudes from one area at an airport to another, such taxi operations are considered ground operations. If the airport is not subject to an ATC tower, then such helicopter taxiing operations are treated like any other aircraft ground operations. As stated in the Aeronautical Information Manual (AIM), Chapter 4, paragraph 4-3-17 (a.)(3)(b):

"Controllers normally limit ATC ground service and instruction to *movement* areas; therefore, operations from *nonmovement* areas are conducted at pilot discretion and should be based on local policies, procedures, or letters of agreement. In order to maximize the flexibility of helicopter operations, it is necessary to rely heavily on sound pilot judgment. For example, hazards such as debris, obstructions, vehicles, or personnel must be recognized by the pilot, and action should be taken as necessary to avoid such hazards. Taxi, hover taxi, and air taxi operations are considered to be ground movements. Helicopters conducting such operations are expected to adhere to the same conditions, requirements, and practices as apply to other ground taxiing and ATC procedures in the AIM."

This response was prepared by Bruce Glendening, Attorney in the Regulations Division of the Office of the Chief Counsel and has been coordinated with the General Aviation and Commercial Division, AFS-800 of Flight Standards Service. If you have additional questions regarding this matter, please contact us at your convenience at (202) 267-3073.

Sincerely,

Rebecca MacPherson
Assistant Chief Counsel,
Regulations Division (AGC-200)