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

Office of the Chief Counsel

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

AUG 8 2011

Jeffrey W. Buckholz
President
Buckholz Traffic
3585 Kori Road
Jacksonville, Florida 32257

Dear Mr. Buckholz:

This is in response to your March 21, 2011 letter asking the FAA for locations at which it is acceptable for a roadable aircraft to takeoff and land.

An aircraft is defined in 14 C.F.R. 1.1 as "a device that is used or intended to be used for flight in the air." Because a roadable aircraft is a device that is intended to be used for flight in the air, the FAA considers a roadable aircraft to be an aircraft that is subject to the same regulations that apply to other aircraft.

As such, the takeoffs and landings of a roadable aircraft would be governed by 14 C.F.R. 91.13 and 91.119. Section 91.13(a) prohibits the operation of an aircraft "in a careless or reckless manner so as to endanger the life or property of another." Section 91.119 sets out the minimum safe altitudes for aircraft flight. In light of NTSB precedent, the FAA would consider a non-emergency takeoff or landing that is conducted at a non-suitable location and/or in a manner that endangers a person's life or property to violate these two sections. *See, e.g., Administrator v. Schwandt*, 7 N.T.S.B. 1375 (1991) (finding that a pilot who landed his aircraft while other people were in close proximity to the landing site operated the aircraft in a careless or reckless manner); *Administrator v. Hart*, 6 N.T.S.B. 899 (1988) (finding that the minimum-altitude-flight regulations are violated when an aircraft descends in order to land at non-suitable landing site); *Administrator v. Hollis*, 2 N.T.S.B. 43 (1973) (finding that a pilot violated the pertinent regulations when he made a decision to land on a highway, which ultimately resulted in his aircraft colliding with a truck).

Depending on a number of factors, there also could be other federal aviation regulations that govern the selection of a roadable aircraft's takeoff and landing sites. One such factor is the certificate that the aircraft is certificated under. For example, aircraft with an experimental certificate generally cannot takeoff or land at a location that would require them to operate over a densely populated area or in a congested airway. *See* 14 C.F.R. 91.319(c). Another factor is the certificate of the person piloting the aircraft. For example, a person who holds a recreational pilot certificate cannot operate as a pilot in command on a flight that exceeds 50 nautical miles from the departure airport unless that

person has satisfied a number of specific requirements. *See* 14 C.F.R. 61.101(c). A third factor is the specific type of operation that the aircraft is engaged in. For example, a roadable aircraft cannot takeoff or land in Class C airspace unless it satisfies a number of specific requirements. *See* 14 C.F.R. 91.130.

As the preceding paragraph shows, depending on various specific factors, there could be a number of federal aviation regulations (in addition to sections 91.13 and 91.119) that govern the selection of takeoff and landing sites for a roadable aircraft. The FAA would need additional information to determine which of these regulations apply to specific operations involving roadable aircraft.

We appreciate your patience and trust that the above responds to your concerns. If you need further assistance, please contact my staff at (202) 267-3073. This response was prepared by Alex Zektser, Attorney, Regulations Division of the Office of the Chief Counsel, and coordinated with the General Aviation and Commercial Division of Flight Standards Service.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations, AGC-200