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

Office of the Chief Counsel

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

JAN 20 2011

Markus Lavenson
[redacted]

Dear Mr. Lavenson,

This is in response to your October 4, 2010, request for legal interpretation regarding the applicability of operation specification paragraphs C057, *IFR Takeoff Minimums for part 135 Airplane Operations*, and H106, *IFR Standard Takeoff Minimums for Helicopter Operations*, when there is a published takeoff minimum. Specifically, you question when there is a published takeoff minimum that is greater, or otherwise more restrictive, than the takeoff minimums authorized via operation specification C057 or H106, whether an operator may use the minimums authorized via the operation specification. Based on the discussion below, the operator must comply with the published takeoff minimums.

Operation Specification paragraphs C057 and H106 are issued to all part 135 operators that conduct operations under instrument flight rules to authorize the operator to use takeoff minimums equal to the lowest straight-in landing minimums, provided there is no prescribed, or published, takeoff minimum under 14 CFR part 97 for the airport. *See* 14 C.F.R. §§ 97.20, 135.225(h); *see also* FAA Order 8900.1, Chg. 118, Vol. 3, Ch. 18, para. 3-871 (Nov. 12, 2010) (discussing applicability of operation specification paragraph C057). Only when a takeoff minimum is not published for an airport may a certificate holder use the applicable standard takeoff minimums set forth in 14 C.F.R. § 91.175 or the takeoff minimums authorized by these operation specification paragraphs. Therefore, in the Ukiah Airport example you referenced, the published takeoff minimum for Ukiah Airport, which requires a ceiling of 300 feet and visibility of 1 statute mile, would be the applicable takeoff minimum.

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 Anne Bechdolt and coordinated with the Flight Technologies and Procedures Division and Air Transportation Division of Flight Standards Service.

Sincerely,

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