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

Office of the Chief Counsel

Office of the Chief Counsel
800 Independence Ave., SW.
Washington, DC 20591

MAR -5 2013

Ms. Sibylle Allgaier
Heliphoto
128 Rowell Avenue
Chatsworth, CA 91311

Dear Ms. Allgaier:

This is in response to your November 11, 2012, email to Elizabeth Lynn Ray, Vice President, Mission Support Services, Air Traffic Organization, questioning the ability for a helicopter operator conducting aerial photography over properties in Long Island, New York, to deviate from the North Shore route, in accordance with Title 14 of the Code of Federal Regulations §93.103.

Section 93.103(a) provides that "Unless otherwise authorized, each person piloting a helicopter along Long Island, New York's northern shoreline between the VPLYD waypoint and Orient Point, shall utilize the North Shore Helicopter route and altitude, as published." Paragraph (b) of that section further provides that "Pilots may deviate from the route and altitude requirement of paragraph (a) of this section when necessary for safety, weather conditions or transition to or from a destination or point of landing."

You specifically question whether the "transitioning to/from a destination" includes taking of aerial photographs of properties on Long Island.

The New York North Shore Helicopter Route final rule is a two year rule that requires pilots of civil helicopters, whose route of flight takes them over the north shore of Long Island, to fly the North Shore Helicopter Route. As described in paragraph (b) above, the rule provides permitted deviations from utilizing the North Shore Helicopter Route. Pilots of these helicopters may deviate when necessary for safety, weather, or when transitioning to or from a point of landing or destination.

In your letter, while you indicate that the purpose of the flight is for aerial photography, you do not indicate where the route of flight begins. If the intended flight requires the pilot to fly along the North Shore of Long Island to reach the location to be photographed, then the pilot is required to fly the North Shore route until he or she needs to transition off the route to reach the destination. Once the photography portion of the flight is completed, the pilot should resume flight to the route, if the operation is to continue along the North Shore. Please be advised that if the route to the destination that is to be photographed does not go along the North Shore, then the pilot does not need to follow the North Shore route.

This response was prepared by Lorelei Peter, an attorney in the International Law, Legislation, and Regulations Division of the Office of the Chief Counsel, and coordinated with the Airspace Policy and ATC Procedures Group, Air Traffic Organization, and the General Aviation and Commercial Division, Flight Standards Service.

Sincerely,

Mark W. Bury
Acting Assistant Chief Counsel for
International Law, Legislation and Regulations, (AGC-200)