U.S. Department
of Transportation
Federal Aviation Administration

Office of the Chief Counsel

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

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Charles Harris
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Attorney and Counselors at Law
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La Mesa, California 91942

Dear Mr. Harris:

This letter is in response to your legal interpretation request regarding parachute operations. Your client operates a parachute jump facility and occasionally gets requests to fly the jumpers "some distance away (more than 25 miles)" for demonstration or exhibition jumps and questions whether these operations would fall under 14 CFR part 91 or part 135.

Since the flights you describe above go beyond the 25 mile limitation of § 119.1(e)(6), your client must hold an air carrier or commercial operator certificate and must operate such flights in accordance with either 14 CFR part 121 or 135.

The FAA has responded to several interpretation requests regarding the exceptions provided in 14 CFR 119.1(e). Specifically, the FAA has reiterated that several of these exceptions restrict operations to a 25 mile radius limitation. *See* Legal Interpretation to Ray Bonilla from Rebecca B. MacPherson, Assistant Chief Counsel for Regulations (Sept. 7, 2011) (cautioning that "commercial air tours operated under § 91.147 are limited to operations within a 25 mile radius of the take-off location…").[1]

Additionally, the FAA has denied an application for an exemption from § 119(e)(6) from an operator that wished to conduct nonstop intentional parachute operations outside the 25 mile radius of the airport of takeoff. The FAA determined that the petitioner did not demonstrate an equivalent level of safety that the exemption would not be in the public interest. A copy of the legal interpretations and exemption are attached.[2]

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[1] *See also* Legal Interpretation to Victor Anderson from Donald Byrne, Assistant Chief Counsel for Regulations (June 26, 1997) (stating that "non-stop sightseeing flights which began and ended at the same airport and were conducted within a 25 mile radius of the airport…would qualify for the exception under Section 119.2(e)(2)").

[2] FAA legal interpretations may be found at http://www.faa.gov/about/office_org/headquarters_offices/agc/pol_adjudication/agc200/Interpretations/. Additionally, you may search the FAA exemption database at rgl.faa.gov/Regulatory_and_Guidance_Library/rgEX.nsf/MainFrame?OpenFrameSet.

If your potential operations differ substantially from the ones described in the following interpretations and exemption, you may submit another request for a legal interpretation.

Mark W. Bury
Assistant Chief Counsel for
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enclosures