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

JUL 16 2014

Mr. Noah Haydn-Myer
[redacted]

Dear Mr. Haydn-Myer:

This is in response to your letter requesting an interpretation of Title 14 of the Code of Federal Regulations § 91.119(d) as it applies to helicopter operations for aerial photography and filming.

Paragraph (d) of § 91.119 provides that, "If the operation is conducted without hazard to persons or property on the surface – (1) A helicopter may be operated at less than the minimums prescribed in paragraph (b) or (c) of this section, provided each person operating the helicopter complies with any routes or altitudes specifically prescribed for helicopters by the FAA."

Your letter poses three questions. Your first question is whether the pilot must comply with any routes or altitudes specifically prescribed for helicopters by the FAA when conducting aerial filming or photography. If the FAA has prescribed any helicopter routes, or altitude restrictions, then the helicopter operator must comply with those routes or altitude restrictions for that particular area, regardless of the nature or purpose of the operation. If no routes or altitude restrictions have been prescribed for a particular area, then the helicopter operator may operate below the 500 foot minimum, provided that the operation can be conducted without hazard to persons or property on the surface.

The second and third questions in your letter concern aerial filming and photography operations and certificates of waiver, as covered under FAA Order 8900.1, and descriptions of proposed operations. These questions are not matters that require legal interpretation of a specific regulation but are questions of compliance. I suggest you refer to Advisory Circular 91-72 *Waivers of Provisions of Title 14 of the Code of Federal Regulations Part 91* and contact your local Flight Standards District Office for assistance.

I hope that this response has been helpful to you. If you have additional questions, or need further information, please do not hesitate to contact my staff at (202) 267-3073. This response was prepared by Neal O'Hara, an attorney in the International Law, Legislation and Regulations Division of the Office of the Chief Counsel, and coordinated with the General Aviation and Commercial Division of the Flight Standards Service.

Sincerely,

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