

Powered Parachutes Flying at Low Altitudes

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In the United States, the Federal Aviation Administration (FAA) has the sole authority to control all airspace, exclusively determining the rules and requirements for its use. Specifically, the Federal Aviation Act provides that: "The United States Government has exclusive sovereignty of airspace of the United States."

To effectively control all US airspace, the FAA classified airspace into 6 groupings (A,B,C,D,E,G) with different minimum and maximum altitudes for each. For example, Class "D" airspace is declared for 5 miles around smaller airports, and generally extends from the ground to 1200 feet. Class "G" airspace is all airspace not controlled by the other classes - much of Maine is in this class.

For the property owner, this means that your right to the skies extends to the highest usable structure on you land (plus a few feet to allow for maintenance) - the rest belongs to Uncle Sam and its designee, the FAA.

The general rule is that airplanes must fly high enough that, in the event of an engine failure, the pilot can land the plane without undue hazard to persons or property on the ground.

Title 14 of the Code of Federal Regulations (CFR), Part 91.119 which sets minimum altitudes for flight, specifically states:

91.119(a) - "An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface."

91.119(d)(2) - "A powered parachute or weight-shift-control aircraft may be operated at less than the minimums prescribed in this section."

Two-seater Powered Parachutes are classified as Light Sport aircraft. They are registered by the FAA (have "N" numbers on them), the same as small Cessnas, business jets, or airliners. To fly them, you must have an FAA license, just as you do for flying a small Cessna, a business jet, or an airliner. They must follow the same rules of the skies as all other aircraft, and have the same limitations and privileges in the sky as all other aircraft.

Therefore, Powered Parachutes flying low over any property are perfectly within their legal rights, as long as they fly high enough to land the aircraft in case of engine failure without undue hazard to persons or property on the ground. Since these aircraft are very slow and can land in a very small space, this safe altitude can be very low indeed.

HOWEVER, no pilot in any aircraft is exempt from obeying published airspace restrictions, such as minimum altitudes over wildlife refuge areas, Class B, C, D, airport minimums, etc. In addition, there may be local ordinances regarding noise levels certain times of the day.

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Summary

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1. *The Federal Aviation Administration (FAA) has the sole authority to control all airspace. The Federal Aviation Act provides that: "The United States Government has exclusive sovereignty of airspace of the United States."*
2. *As a property owner, your right to the skies extends to the highest usable structure on you land - the rest belongs to Uncle Sam and its designee, the FAA.*
3. *The FAA regulation Title 14 of the Code of Federal Regulations (CFR), Part 91.119 specifies that airplanes must fly high enough that, in the event of an engine failure, the pilot can land the plane without undue hazard to persons or property on the ground, and Part 91.119(d)(2) specifies that Powered Parachute aircraft may be operated at less than the minimums prescribed in this section.*
4. *Two-seater Powered Parachutes are registered by the FAA (have "N" numbers on them), the same as all other aircraft. The pilots have an FAA license. They must follow the same rules of the skies as all other aircraft, and have the same limitations and as all other aircraft.*
5. *Powered Parachutes flying low over any property are perfectly within their legal rights. Since these aircraft are very slow and can land in a very small space, the altitude needed to safely land in case of an engine failure can be very low indeed.*
6. *HOWEVER, no pilot in any aircraft is exempt from obeying published airspace restrictions, such as minimum altitudes over wildlife refuge areas, Class B, C, D, airport minimums, etc.*