

FAR OUT

By Stephen Blucher

A balloon flight was made more exciting for the pilot and passengers when they were greeted upon landing by police cars, ambulance and fire truck. A witness to the flight called 911 when the balloon, after flying over houses, suddenly disappeared. In truth, the aerostat had made a “text book” landing in the yard of a church.

The caller found the balloon crew packing the envelope and asked if they were all right. Not being aware of how balloons flights progress, the observer thought because of its altitude, there was trouble. When the “accident witness” asked why the balloon had landed where it did, she was told a pilot picks the most suitable spot for a safe landing. Sometimes it is a large, open field and sometimes a neighborhood street.

Was the pilot of this flight in violation of the regulations? FAR 91.3(a) states, “the pilot in command of an aircraft is directly responsible for, and is the final authority as to, the operation of that aircraft”. Paragraph (b) says “In an in-flight emergency requiring immediate action, the pilot in command may deviate from any rule of [the FARs] to the extent required to meet that emergency”.

WAIT...who said the landing was an emergency and what rule is in question? Granted, there are some pilots whose landings seems to be an emergency...just kidding.

I hope it is obvious to every pilot the rule we are discussing is FAR 91.119: Minimum Safe Altitudes. Was this pilot in violation? There has been much discussion of late about changing the altitude compliance rule for balloons to allow flight lower than

the 1000 foot above ground level, over congested areas, presently required. Did anyone catch the mistake that most pilots make??? FAR 91.119(b), in fact, states, “1000 feet above the highest obstacle within a horizontal radius of 2000 feet of the aircraft”. Not until part (c) is in effect does “above the surface” come into the situation. But I digress.

The flight profile was this. The balloon lifted off, climbed to 1500+ AGL and floated toward open fields. Upon arriving in the area, a descent was initiated to terminate the flight prior to crossing the final approach for the local airport runway. Approximately 300 feet AGL, the wind shifted 180 degrees sending the aerostat back along the path it had just come. Again over the houses, the pilot could see a good landing area in the line of flight for the speed the balloon was traveling and remained level to take advantage of wind conditions to a safe touchdown.

FAR 91.119 opens by saying, “Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes:” The key words here are obviously *except when necessary*. It would be hard to make a case of necessity for the pilot who “roof tops” for miles. But could the above flight have ended in open country if the pilot had returned to a higher altitude, hopefully found the same “outbound” wind, crossed the active runway approach and used considerably more fuel to get out of town? Which was the safer decision? These are judgment calls on the pilot’s part...I refer back to FAR 91.3.

Was weather checked prior to flight? Yes. Were the winds as forecast? No. Did the pilot do all he could to learn about the flight prior to liftoff? But that is another FAR all together.... Safe Flying!