§§ 136.43–136.49

(1) Limitation. The Administrator may not grant interim operating authority under this paragraph (c) if the Administrator determines that it would create a safety problem at the park or on the tribal lands, or if the Director determines that it would create a noise problem at the park or on the tribal lands.

(2) ATMP limitation. The Administrator may grant interim operating authority under this paragraph (c) only if the ATMP for the park or tribal lands to which the application relates has not been developed within 24 months after April 5, 2000.


§§ 136.43–136.49 [Reserved]

Subpart C—Grand Canyon National Park

§§ 136.51–136.69 [Reserved]

APPENDIX A TO PART 136—SPECIAL OPERATING RULES FOR AIR TOUR OPERATORS IN THE STATE OF HAWAII

Section 1. Applicability. This appendix prescribes operating rules for airplane and helicopter visual flight rules air tour flights conducted in the State of Hawaii under 14 CFR parts 91, 121, and 135. This appendix does not apply to:
   (a) Operations conducted under 14 CFR part 121 in airplanes with a passenger seating configuration of more than 30 seats or a payload capacity of more than 7,500 pounds.
   (b) Flights conducted in gliders or hot air balloons.

Section 2. Definitions. For the purposes of this appendix:
   “Air tour” means any sightseeing flight conducted under visual flight rules in an airplane or helicopter for compensation or hire.
   “Air tour operator” means any person who conducts an air tour.
   Section 3. Helicopter flotation equipment. No person may conduct an air tour in Hawaii:
   (a) Below an altitude of 1,500 feet above the surface over all areas of the State of Hawaii, and,
   (b) Closer than 1,500 feet to any person or property; or,
   (c) Below any altitude prescribed by federal statute or regulation.
   Section 4. Passenger briefing. Before takeoff, each PIC of an air tour flight of Hawaii with a flight segment beyond the ocean shore of any island shall ensure that each passenger has been briefed on the following, in addition to requirements set forth in 14 CFR 91.107, 121.571, or 135.117:
   (a) Water ditching procedures;
   (b) Use of required flotation equipment; and
   (c) Emergency egress from the aircraft in event of a water landing.


PART 137—AGRICULTURAL AIRCRAFT OPERATIONS

Subpart A—General

Sec. 137.1 Applicability.
137.3 Definition of terms.
Federal Aviation Administration, DOT

Subpart B—Certification Rules

§ 137.11 Certificate required.

(a) Except as provided in paragraphs (c) and (d) of this section, no person may conduct agricultural aircraft operations under this part without, or in violation of, an agricultural aircraft operator certificate issued under this part.

§ 137.15 Application for certificate.

§ 137.17 Amendment of certificate.

§ 137.19 Certification requirements.

§ 137.21 Duration of certificate.

§ 137.23 Carriage of narcotic drugs, marijuana, and depressant or stimulant drugs or substances.

Subpart C—Operating Rules

§ 137.29 General.

§ 137.31 Aircraft requirements.

§ 137.33 Carrying of certificate.

§ 137.35 Limitations on private agricultural aircraft operator.

§ 137.37 Manner of dispensing.

§ 137.39 Economic poison dispensing.

§ 137.41 Personnel.

§ 137.42 Fastening of safety belts and shoulder harnesses.

§ 137.44 Operations in controlled airspace designated for an airport.

§ 137.46 Nonobservance of airport traffic pattern.

§ 137.48 Operation without position lights.

§ 137.50 Operations over other than congested areas.

§ 137.52 Operation over congested areas: General.

§ 137.54 Operation over congested areas: Pilots and aircraft.

§ 137.56 Business name: Commercial agricultural aircraft operator.

§ 137.58 Availability of certificate.

§ 137.59 Inspection authority.

Subpart D—Records and Reports

§ 137.71 Records: Commercial agricultural aircraft operator.

§ 137.73 Change of address.

§ 137.75 Termination of operations.

Authority: 49 U.S.C. 106(g), 40103, 40113, 44701–44702.

Source: Docket No. 1464, 30 FR 8106, June 24, 1965, unless otherwise noted.

Subpart A—General

§ 137.1 Applicability.

(a) This part prescribes rules governing—

(1) Agricultural aircraft operations within the United States; and

(2) The issue of commercial and private agricultural aircraft operator certificates for those operations.

(b) In a public emergency, a person conducting agricultural aircraft operations under this part may, to the extent necessary, deviate from the operating rules of this part for relief and welfare activities approved by an agency of the United States or of a State or local government.

(c) Each person who, under the authority of this section, deviates from a rule of this part shall, within 10 days after the deviation send to the nearest FAA Flight Standards District Office a complete report of the aircraft operation involved, including a description of the operation and the reasons for it.


§ 137.3 Definition of terms.

For the purposes of this part—

Agricultural aircraft operation means the operation of an aircraft for the purpose of (1) dispensing any economic poison, (2) dispensing any other substance intended for plant nourishment, soil treatment, propagation of plant life, or pest control, or (3) engaging in dispensing activities directly affecting agriculture, horticulture, or forest preservation, but not including the dispensing of live insects.

Economic poison means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the Secretary of Agriculture shall declare to be a pest, and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

§ 137.15 Application for certificate.

An application for an agricultural aircraft operator certificate is made on a form and in a manner prescribed by the Administrator, and filed with the FAA Flight Standards District Office that has jurisdiction over the area in which the applicant’s home base of operations is located.

§ 137.17 Amendment of certificate.

(a) An agricultural aircraft operator certificate may be amended—

(1) On the Administrator’s own initiative, under section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429) and part 13 of this chapter; or

(2) Upon application by the holder of that certificate.

(b) An application to amend an agricultural aircraft operator certificate is submitted on a form and in a manner prescribed by the Administrator. The applicant must file the application with the FAA Flight Standards District Office having jurisdiction over the area in which the applicant’s home base of operations is located at least 15 days before the date that it proposes the amendment become effective, unless a shorter filing period is approved by that office.

(c) The Flight Standards District Office grants a request to amend a certificate if it determines that safety in air commerce and the public interest so allow.

(d) Within 30 days after receiving a refusal to amend, the holder may petition the Director, Flight Standards Service, to reconsider the refusal.

§ 137.19 Certification requirements.

(a) General. An applicant for a private agricultural aircraft operator certificate is entitled to that certificate if he shows that he meets the requirements of paragraphs (b), (d), and (e) of this section. An applicant for a commercial agricultural aircraft operator certificate is entitled to that certificate if he shows that he meets the requirements of paragraphs (c), (d), and (e) of this section. However, if an applicant applies for an agricultural aircraft operator certificate containing a prohibition against the dispensing of economic poisons, that applicant is not required to demonstrate the knowledge required in paragraphs (e)(1)(ii) through (iv) of this section.

(b) Private operator—pilot. The applicant must hold a current U.S. private, commercial, or airline transport pilot certificate and be properly rated for the aircraft to be used.

(c) Commercial operator—pilots. The applicant must have available the services of at least one person who holds a current U.S. commercial or airline transport pilot certificate and who is properly rated for the aircraft to be used. The applicant himself may be the person available.

(d) Aircraft. The applicant must have at least one certificated and airworthy aircraft, equipped for agricultural operation.

(e) Knowledge and skill tests. The applicant must show, or have the person who is designated as the chief supervisor of agricultural aircraft operations for him show, that he has satisfactory knowledge and skill regarding agricultural aircraft operations, as described in paragraphs (e)(1) and (2) of this section.

(1) The test of knowledge consists of the following:
(i) Steps to be taken before starting operations, including survey of the area to be worked.

(ii) Safe handling of economic poisons and the proper disposal of used containers for those poisons.

(iii) The general effects of economic poisons and agricultural chemicals on plants, animals, and persons, with emphasis on those normally used in the areas of intended operations; and the precautions to be observed in using poisons and chemicals.

(iv) Primary symptoms of poisoning of persons from economic poisons, the appropriate emergency measures to be taken, and the location of poison control centers.

(v) Performance capabilities and operating limitations of the aircraft to be used.

(vi) Safe flight and application procedures.

(2) The test of skill consists of the following maneuvers that must be shown in any of the aircraft specified in paragraph (d) of this section, and at that aircraft’s maximum certificated take-off weight, or the maximum weight established for the special purpose load, whichever is greater:

(i) Short-field and soft-field takeoffs (airplanes and gyroplanes only).

(ii) Approaches to the working area.

(iii) Flare-outs.

(iv) Swath runs.

(v) Pullups and turnarounds.

(vi) Rapid deceleration (quick stops) in helicopters only.


§ 137.21 Duration of certificate.

An agricultural aircraft operator certificate is effective until it is surrendered, suspended, or revoked. The holder of an agricultural aircraft operator certificate that is suspended or revoked shall return it to the Administrator.


§ 137.23 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

If the holder of a certificate issued under this part permits any aircraft owned or leased by that holder to be engaged in any operation that the certificate holder knows to be in violation of §91.19(a) of this chapter, that operation is a basis for suspending or revoking the certificate.


§ 137.29 General.

(a) Except as provided in paragraphs (d) and (e) of this section, this subpart prescribes rules that apply to persons and aircraft used in agricultural aircraft operations conducted under this part.

(b) [Reserved]

(c) The holder of an agricultural aircraft operator certificate may deviate from the provisions of part 91 of this chapter without a certificate of waiver, as authorized in this subpart for dispensing operations, when conducting nondispensing aerial work operations related to agriculture, horticulture, or forest preservation in accordance with the operating rules of this subpart.

(d) Sections 137.31 through 137.35, §§137.41, and 137.53 through 137.59 do not apply to persons and aircraft used in agricultural aircraft operations conducted with public aircraft.

(e) Sections 137.31 through 137.35, §§137.39, 137.41, 137.51 through 137.59, and subpart D do not apply to persons and rotorcraft used in agricultural aircraft operations conducted by a person holding a certificate under part 133 of this chapter and involving only the dispensing of water on forest fires by rotorcraft external-load means. However, the operation shall be conducted in accordance with—

(1) The rules of part 133 of this chapter governing rotorcraft external-load operations; and

(2) The operating rules of this subpart contained in §§137.29, 137.37, and §§137.43 through 137.49.


§ 137.31 Aircraft requirements.

No person may operate an aircraft unless that aircraft—

(a) Meets the requirements of §137.19(d); and
§ 137.33 Carrying of certificate.

(a) No person may operate an aircraft unless a facsimile of the agricultural aircraft operator certificate, under which the operation is conducted, is carried on that aircraft. The facsimile shall be presented for inspection upon the request of the Administrator or any Federal, State, or local law enforcement officer.

(b) Notwithstanding part 91 of this chapter, the registration and airworthiness certificates issued for the aircraft need not be carried in the aircraft. However, when those certificates are not carried in the aircraft they shall be kept available for inspection at the base from which the dispensing operation is conducted.

§ 137.35 Limitations on private agricultural aircraft operator.

No person may conduct an agricultural aircraft operation under the authority of a private agricultural aircraft operator certificate—

(a) For compensation or hire;

(b) Over a congested area; or

(c) Over any property unless he is the owner or lessee of the property, or has ownership or other property interest in the crop located on that property.

§ 137.37 Manner of dispensing.

No persons may dispense, or cause to be dispensed, from an aircraft, any material or substance in a manner that creates a hazard to persons or property on the surface.

§ 137.39 Economic poison dispensing.

(a) Except as provided in paragraph (b) of this section, no person may dispense or cause to be dispensed from an aircraft, any economic poison that is registered with the U.S. Department of Agriculture under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135–135k)—

(1) For a use other than that for which it is registered;

(2) Contrary to any safety instructions or use limitations on its label; or

(3) In violation of any law or regulation of the United States.

(b) This section does not apply to any person dispensing economic poisons for experimental purposes under—

(1) The supervision of a Federal or State agency authorized by law to conduct research in the field of economic poisons; or

(2) A permit from the U.S. Department of Agriculture issued pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135–135k).

§ 137.41 Personnel.

(a) Information. The holder of an agricultural aircraft operator certificate shall assure that each person used in the holder’s agricultural aircraft operation is informed of that person’s duties and responsibilities for the operation.

(b) Supervisors. No person may supervise an agricultural aircraft operation unless he has met the knowledge and skill requirements of §137.19(e).

(c) Pilot in command. No person may act as pilot in command of an aircraft unless he holds a pilot certificate and rating prescribed by §137.19(b) or (c), as appropriate to the type of operation conducted. In addition, he must demonstrate to the holder of the Agricultural Aircraft Operator Certificate conducting the operation that he has met the knowledge and skill requirements of §137.19(e). If the holder of that certificate has designated a person under §137.19(e) to supervise his agricultural aircraft operations the demonstration must be made to the person so designated. However, a demonstration of the knowledge and skill requirement is not necessary for any pilot in command who—

(1) Is, at the time of the filing of an application by an agricultural aircraft operator, working as a pilot in command for that operator; and

(2) Has a record of operation under that applicant that does not disclose any question regarding the safety of
his flight operations or his competence in dispensing agricultural materials or chemicals.

§ 137.42 Fastening of safety belts and shoulder harnesses.

No person may operate an aircraft in operations required to be conducted under part 137 without a safety belt and shoulder harness properly secured about that person except that the shoulder harness need not be fastened if that person would be unable to perform required duties with the shoulder harness fastened.

[Amdt. 137–10, 44 FR 61325, Oct. 25, 1979]

§ 137.43 Operations in controlled airspace designated for an airport.

(a) Except for flights to and from a dispensing area, no person may operate an aircraft within the lateral boundaries of the surface area of Class D airspace designated for an airport unless authorization for that operation has been obtained from the ATC facility having jurisdiction over that area.

(b) No person may operate an aircraft in weather conditions below VFR minimums within the lateral boundaries of a Class E airspace area that extends upward from the surface unless authorization for that operation has been obtained from the ATC facility having jurisdiction over that area.

(c) Notwithstanding §91.157(b)(4) of this chapter, an aircraft may be operated under the special VFR weather minimums without meeting the requirements prescribed therein.


§ 137.44 Nonobservance of airport traffic pattern.

Notwithstanding part 91 of this chapter, the pilot in command of an aircraft may deviate from an airport traffic pattern when authorized by the control tower concerned. At an airport without a functioning control tower, the pilot in command may deviate from the traffic pattern if—

(a) Prior coordination is made with the airport management concerned;

(b) Deviations are limited to the agricultural aircraft operation;

(c) Except in an emergency, landing and takeoffs are not made on ramps, taxiways, or other areas of the airport not intended for such use; and

(d) The aircraft at all times remains clear of, and gives way to, aircraft conforming to the traffic pattern for the airport.

§ 137.47 Operation without position lights.

Notwithstanding part 91 of this chapter, an aircraft may be operated without position lights if prominent unlighted objects are visible for at least 1 mile and takeoffs and landings at—

(a) Airports with a functioning control tower are made only as authorized by the control tower operator; and

(b) Other airports are made only with the permission of the airport management and no other aircraft operations requiring position lights are in progress at that airport.

§ 137.49 Operations over other than congested areas.

Notwithstanding part 91 of this chapter, during the actual dispensing operation, including approaches, departures, and turnarounds reasonably necessary for the operation, an aircraft may be operated over other than congested areas below 500 feet above the surface and closer than 500 feet to persons, vessels, vehicles, and structures, if the operations are conducted without creating a hazard to persons or property on the surface.

[Amdt. 137–3, 33 FR 9601, July 2, 1968]

§ 137.51 Operation over congested areas: General.

(a) Notwithstanding part 91 of this chapter, an aircraft may be operated over a congested area at altitudes required for the proper accomplishment of the agricultural aircraft operation if the operation is conducted—

(1) With the maximum safety to persons and property on the surface, consistent with the operation; and

(2) In accordance with the requirements of paragraph (b) of this section.

(b) No person may operate an aircraft over a congested area except in accordance with the requirements of this paragraph.
§ 137.53  Operation over congested areas: Pilots and aircraft.

(a) General. No person may operate an aircraft over a congested area except in accordance with the pilot and aircraft rules of this section.

(b) Pilots. Each pilot in command must have at least—

(1) 25 hours of pilot-in-command flight time in the make and basic model of the aircraft, at least 10 hours of which must have been acquired within the preceding 12 calendar months; and

(2) 100 hours of flight experience as pilot in command in dispensing agricultural materials or chemicals.

(c) Aircraft. (1) Each aircraft must—

(i) If it is an aircraft not specified in applying this requirement, takeoff data is based upon still-air conditions, and no correction is made for any uphill gradient of 1 percent or less when the percentage is measured as the difference between elevation at the end points of the runway divided by the total length. For uphill gradients greater than 1 percent, the effective takeoff length of the runway is reduced 20 percent for each 1-percent grade.

(ii) No person may operate a multiple-engine airplane at a weight greater than the weight that, with the critical engine inoperative, would permit a rate of climb of at least 50 feet per minute at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within the area to be worked or at an altitude of 5,000 feet, whichever is higher. For the purposes of this subdivision, it is assumed that the propeller of the inoperative engine is in the minimum drag position; that the wing flaps and landing gear are in the most favorable positions; and that the remaining engine or engines are operating at the maximum continuous power available.

(iii) No person may operate any multiple-engine aircraft over a congested area below the altitudes prescribed in part 91 of this chapter except during the actual dispensing operation, including the approaches, departures, and turnarounds necessary for that operation.

paragraph (c)(1)(ii) of this section, have
had within the preceding 100 hours of
time in service a 100-hour or annual in-
spection by a person authorized by part
65 or 145 of this chapter, or have been
inspected under a progressive inspec-
tion system; and
(ii) If it is a large or turbine-powered
multiengine civil airplane of U.S. reg-
istry, have been inspected in accord-
ance with the applicable inspection
program requirements of § 91.409 of this
chapter.
(2) If other than a helicopter, it must
be equipped with a device capable of
jettisoning at least one-half of the air-
craft’s maximum authorized load of ag-
ri-cultural material within 45 seconds.
If the aircraft is equipped with a device
for releasing the tank or hopper as a
unit, there must be a means to prevent
inadvertent release by the pilot or
other crewmember.
§ 137.55 Business name: Commercial
agricultural aircraft operator.
No person may operate under a busi-
ness name that is not shown on his
commercial agricultural aircraft oper-
ator certificate.
§ 137.57 Availability of certificate.
Each holder of an agricultural air-
craft operator certificate shall keep
that certificate at his home base of op-
erations and shall present it for inspec-
tion on the request of the Adminis-
trator or any Federal, State, or local
law enforcement officer.
§ 137.59 Inspection authority.
Each holder of an agricultural air-
craft operator certificate shall allow
the Administrator at any time and
place to make inspections, including
on-the-job inspections, to determine
compliance with applicable regulations
and his agricultural aircraft operator
certificate.
Subpart D—Records and Reports
§ 137.71 Records: Commercial agricul-
tural aircraft operator.
(a) Each holder of a commercial agricul-
tural aircraft operator certificate