

Exemption No. 8255

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC 20591

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In the matter of the petition of *
*
DEPARTMENT OF THE ARMY *
*
for an exemption from *
§ 105.19(a) and (b) *
of Title 14, Code of *
Federal Regulations *
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Regulatory Docket No. FAA-2003-16491

GRANT OF EXEMPTION

By letter dated September 16, 2003, Colonel Allen S. Baker submitted this petition on behalf of the Department of the Army, 2nd Battalion, 75th Ranger Regiment (hereafter 2nd/75th), located at 9325 Gunston Road, Suite N319, Fort Belvoir, Virginia 22080. The Colonel petitioned the Federal Aviation Administration (FAA) for an exemption from the provisions of section 105.19(a) and (b), Title 14, Code of Federal Regulations (14 CFR). The proposed exemption, if granted, would permit the 2nd/75th to conduct night parachute operations using parachutes with no illumination, outside of the special use airspace at Fort Lewis, Washington.

The petitioner specifically requests relief from the following regulations:

Section 105.19 Parachute operations between sunset and sunrise.

(a) No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a person to conduct a parachute operation from an aircraft between sunset and sunrise, unless the person or object descending from the aircraft displays a light that is visible for at least 3 statute miles.

(b) The light required by paragraph (a) of this section must be displayed from the time that the person or object is under a properly functioning open parachute until that person or object reaches the surface.

AFS-04-006-E

The petitioner supports its request with the following information:

The petitioner states that the training missions would involve night parachute operations at a new drop zone identified as Rogers and Rogers West Drop Zone (hereafter Roger's Drop Zone), the center of which is located at lat/long coordinates of 47.00.98N, 122.27.42W, in Class G airspace. The planned drop zone provides the best terrain for combat readiness training and is located more than four miles from the nearest airport.

The petitioner contends that these operations would have no effect on air traffic operations in the McChord Air Force Base Class D airspace because they will be conducted in Class G airspace. The petitioner states that Roger's Drop Zone would be used approximately 40 times per year. Utilization of the drop zone would involve a jumper descending under a deployed, unlighted parachute to the ground from an altitude of approximately 800 feet above ground level (AGL). Each jumper would be under canopy from aircraft to ground for approximately 15 seconds. The proposed operational altitude for the aircraft at the time that the jumpers would exit would be no higher than 800 feet AGL.

A summary of the petition was published in the Federal Register on December 2, 2003 (68 FR 67504). No comments were received.

The FAA's analysis/summary is as follows:

The FAA is giving special consideration to this petition because the proposed operations are conducted in the furtherance of our national security. This petition is unique and provides mitigating factors for consideration. The FAA recognizes the limited time within which the Department of the Army must have the 2nd/75th combat ready and prepared for deployment. The FAA has therefore favorably considered the following information in reaching its decision.

The unlighted parachute operations would be of such short duration from a lighted aircraft that in view of the conditions and limitations below, safety would not be compromised. For example, safety will not be compromised because advisory NOTAMs will be issued alerting pilots of nonparticipating aircraft about the time and location of the jumps and dedicated observers watching for potential conflicts with nonparticipating aircraft will be on duty. The Department of the Army would provide advance notice to surrounding airports of its plan to conduct the operations and coordinate the planned operations with other sister agencies on a need to know basis. Also, the aircraft would be operated with lights-on throughout the operation. The 2nd/75th does not propose to operate the aircraft under lights-out conditions during the flight and only requests that the parachutists be allowed to jump without illumination. As such, the aircraft would be highly visible to any aircraft operating in the vicinity. Moreover, the petitioner would provide personnel to conduct surveillance (from the

air and from the ground) for the operation both prior to and during parachute deployment. Surveillance would be conducted from the air and the ground; the airborne observations will be done either by dedicated observers on each jump aircraft (at least two jump aircraft) or by at least a pilot on an escort airborne aircraft; and personnel would be on the ground at the drop zone to conduct surveillance from a different vantage point. As such, the jump aircraft would receive timely notice of conflicting traffic along with information on the position and speed of the nonparticipating aircraft.

The FAA believes that with adequate coordination among the governmental agencies, proper notification to the potential civil users of the airspace, and adequate surveillance of the drop zone area, both prior to and during parachute deployment can provide an equivalent level of safety. The low altitudes to be used, the short duration of the activity, and the limited size of the area proposed should not pose an undue hazard to persons or property either on the ground or in flight.

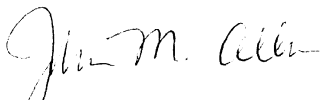
In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701, delegated to me by the Administrator, the Department of the Army, 2nd Battalion, 75th Ranger Regiment, is granted an exemption from the provisions of 14 CFR §105.19(a) and (b) to conduct certain night, parachute operations, subject to the following conditions and limitations:

1. This exemption is limited to night parachute, combat readiness, training exercises of the 2nd/75th located at Fort Lewis, Washington, conducted in the areas known as the Roger's Drop Zone, the center having a lat/long of 47.00.98N, 122.27.42W.
2. Each airborne training operation:
 - a. Must be:
 - (i) Conducted in a flight of two or more aircraft with a dedicated observer on duty, who is not a pilot, aboard each aircraft (non-pilot airborne observers); or
 - (ii) Escorted by an aircraft serving as an observation platform dedicated to surveillance for non-participating traffic (pilot airborne observer) in the event the training operation only consists of a single concept from which parachutists jump.
 - b. In addition to the aerial observation, the operation must be conducted with personnel on the ground at the drop zone to conduct surveillance for potential conflicts with nonparticipating aircraft (ground observers).

- c. The operation must be conducted in such a manner as to enable the airborne and ground observers to survey fully about for non-participating traffic and relay the findings to all participants so operations may be terminated while nonparticipating traffic is in the area.
3. Traffic notifications from the observers shall provide the flightcrews with information about the position and speed of the observed non-participating traffic.
4. When non-participating traffic is in the area, the training exercise and parachute operations shall be terminated until the air traffic is no longer in the area.
5. Unlighted parachute operations may not be conducted above 800 feet AGL and must be contained within the boundaries of the Rogers and Rogers West Drop Zones. This area must be established as an area of low air traffic, that does not infringe upon FAA-designated airspace areas, and has been coordinated with the appropriate FAA region's Air Traffic Division and Flight Standards Division offices.
6. Each pilot who will conduct operations for the 2nd/75th under this exemption must be thoroughly familiar with its provisions.
7. The holder shall advertise the approved training area to operators at all airports within 50 miles of the area for 60 days preceding the initial use and 7 days preceding each subsequent use.
8. The holder shall provide notice through the use of NOTAMs/Special Notices disseminated at least 72 hours in advance of scheduled exercises. The training airspace will be identified by name (if applicable) and by latitude/longitude. The NOTAMs will advise that during the course of flight planning, potential users of the operational area will be provided with information on the time and place of the proposed unlighted parachute operations. The NOTAMs must be made available to the civil aviation community and must be capable of being disseminated among civil users of the National Airspace System.

This exemption terminates on February 28, 2006, unless superseded or rescinded.

Issued in Washington, DC, on FEB 20 2004



John M. Allen
Acting Director
Flight Standards Service