

**§ 136.19 Helicopter operating limitations.**

Except for take-off and landing, the pilot in command shall operate a helicopter at a combination of height and forward speed (including hover) necessary to permit a landing in the event of an engine power loss, in accordance with the height-velocity diagram in the rotorcraft flight manual for the helicopter and the helicopter's current weight and altitude.

**§ 136.21 Deviation procedures.**

An air tour operator may be issued a deviation by the Administrator from the following sections of this subpart if the Administrator finds that the operation can be conducted with an equivalent level of safety under the terms of the deviation: § 136.3, Minimum altitudes; § 136.5, Standoff distance; § 136.7, Visibility; § 136.9, Cloud clearance; § 136.13, Life preservers; and § 136.15, Helicopter floats.

(a) For § 136.3, Minimum altitudes; § 136.5, Standoff distance; § 136.7, Visibility; and § 136.9, Cloud clearance, the Administrator considers the following factors, as appropriate, when determining whether to approve a deviation:

- (1) Traffic density;
  - (2) Mix of traffic;
  - (3) Nature of operation;
  - (4) Ability to operate the aircraft at a speed that will provide adequate opportunity to see and avoid air traffic and obstructions;
  - (5) Character of terrain;
  - (6) Size of the area of operation;
  - (7) Pilot workload (*e.g.*, number of pilots performing an operation and whether routine narrative is provided);
  - (8) Quality and quantity of meteorological services;
  - (9) Navigational facilities;
  - (10) Weather conditions in the area of operation;
  - (11) Size and type of the aircraft; and
  - (12) Any other relevant factors that may provide an equivalent level of safety.
- (b) For § 136.13, Life preservers, and § 136.15, Helicopter floats, the Administrator will consider the size and nature of the body of water and any other factors, as appropriate, when determining whether a deviation will be approved.
- (c) An application for a deviation under this part must be made in writing and in a manner prescribed by the Administrator. The application must be

submitted to the certificate-holding Flight Standards District Office or the Flight Standards District Office responsible for issuing operations specifications.

(d) Any deviation granted under this section will be detailed in the certificated air tour operator's operations specifications or in transition operations specifications issued to a non-certificated air tour operator, pending certification. In granting a deviation, the Administrator may impose additional requirements to provide an equivalent level of safety. A deviation is effective when placed in the air tour operator's operations specifications.

**§§ 136.23–136.29 [Reserved]**

16. In newly designated subpart B of part 136, remove the words "this part" wherever they appear and add, in their place, the words "this subpart".

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**James Ballough,**

*Director, Flight Standards Service.*

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