



U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

AUG 8 2011

Jeffrey W. Buckholz
President
Buckholz Traffic
3585 Kori Road
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Dear Mr. Buckholz:

This is in response to your March 21, 2011 letter asking the FAA for locations at which it is acceptable for a roadable aircraft to takeoff and land.

An aircraft is defined in 14 C.F.R. 1.1 as "a device that is used or intended to be used for flight in the air." Because a roadable aircraft is a device that is intended to be used for flight in the air, the FAA considers a roadable aircraft to be an aircraft that is subject to the same regulations that apply to other aircraft.

As such, the takeoffs and landings of a roadable aircraft would be governed by 14 C.F.R. 91.13 and 91.119. Section 91.13(a) prohibits the operation of an aircraft "in a careless or reckless manner so as to endanger the life or property of another." Section 91.119 sets out the minimum safe altitudes for aircraft flight. In light of NTSB precedent, the FAA would consider a non-emergency takeoff or landing that is conducted at a non-suitable location and/or in a manner that endangers a person's life or property to violate these two sections. See, e.g., *Administrator v. Schwandt*, 7 N.T.S.B. 1375 (1991) (finding that a pilot who landed his aircraft while other people were in close proximity to the landing site operated the aircraft in a careless or reckless manner); *Administrator v. Hart*, 6 N.T.S.B. 899 (1988) (finding that the minimum-altitude-flight regulations are violated when an aircraft descends in order to land at non-suitable landing site); *Administrator v. Hollis*, 2 N.T.S.B. 43 (1973) (finding that a pilot violated the pertinent regulations when he made a decision to land on a highway, which ultimately resulted in his aircraft colliding with a truck).

Depending on a number of factors, there also could be other federal aviation regulations that govern the selection of a roadable aircraft's takeoff and landing sites. One such factor is the certificate that the aircraft is certificated under. For example, aircraft with an experimental certificate generally cannot takeoff or land at a location that would require them to operate over a densely populated area or in a congested airway. See 14 C.F.R. 91.319(c). Another factor is the certificate of the person piloting the aircraft. For example, a person who holds a recreational pilot certificate cannot operate as a pilot in command on a flight that exceeds 50 nautical miles from the departure airport unless that

