



The Privileged View

Steve Beste, President

The speed limit may say 65, but the cars are going 75 - except for that one poor fellow who's going nowhere. He's been stopped by a state trooper. I wonder how fast *he* was going. I tell foreigners that we have a secret speed limit in this country. The sign may say 65, but how fast you can actually drive without getting into trouble is not clear. It all depends, as we all know.

How low can you fly? The same ambiguity seems to apply to the question of *how low can you fly?* Here, too, there's the legal answer; and then there's the real answer. But the real answer cannot be pinned down in advance. Like the state trooper pulling you over, it all depends.

I looked into this, spurred by Jeff Goin's [excellent video](#) at the January Club meeting on airspace rules for Part 103 flyers. Here's what I found. Let's start with the published rules, which are like the 65 mph highway sign.



Flying Over...	Your minimum altitude...
Congested Area	<p>Part 103:</p> <ul style="list-style-type: none"> •No person may operate an ultralight vehicle over any congested area of a city, town, or settlement, or over any open air assembly of persons. 14 CFR 103.15 •You can't fly in the areas where Class E descends to the surface - unless you get permission. For an example, look at this magenta key-shaped area around the Shenandoah Valley airport. 14 CFR 103.17 <p>Helicopters:</p> <ul style="list-style-type: none"> •No minimums provided each person operating the helicopter complies with any routes or altitudes specifically prescribed for helicopters by the FAA. 14 CFR 91.119(d)(1) <p>Everybody else:</p> <ul style="list-style-type: none"> •At least 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft. 14 CFR 91.119(b)
Uncongested Area	<ul style="list-style-type: none"> •Airplanes: At least 500 feet above the surface, and no closer than 500 feet to any person, vessel, vehicle, or structure. •Trikes and PPGs: No minimums. 14 CFR 91.119(d)(2) •Helicopters: No minimums provided each person operating the helicopter complies with any routes or altitudes specifically prescribed for helicopters by the FAA. 14 CFR 91.119(d)(1)
Anywhere	Altitude allowing for emergency landing without undue hazard to persons or property on the ground. 14 CFR 91.119(a)

An aside on Experimental aircraft. Experimental aircraft, including E-LSA, have the same minimum-altitude limitations as general aviation airplanes, they just get there by a different regulatory route - “a distinction without a difference” as my lawyer father used to say.

14 CFR 91.319(c) adds additional restrictions that apply only to Experimental aircraft: “...no person may operate an aircraft that has an experimental certificate over a densely populated area or in a congested airway.” That would seem to prohibit flight over congested areas at any altitude.

But this is trumped by the Operating Limitations clause that the DAR gave you when he certified your Experimental aircraft. Mine says: *This aircraft is prohibited from operating in congested airways or over densely populated areas, unless directed by air traffic control, or unless sufficient altitude is maintained to effect a safe emergency landing in the event of a power unit failure.*

That last clause is basically the same as the Anywhere clause in 91.119. So we come full circle. Fly your experimental aircraft at least 1,000 feet above congested areas.

Part 103 and “over”. You’ll notice that Part 103 aircraft (officially known as *ultralight vehicles*) are not allowed to fly over congested areas at all. This is where the word “over” comes into play. In his video, Goin suggests transiting a subdivision by flying over the stream that threads through it. You’re *over* the stream, not the houses that constitute the congested area. If this is starting to

sound a little lawyerly, hang on for the next question.



What’s a *congested area*? It turns out that this is nowhere defined. The FAA will define it in your case after they come after you. Here’s what the AOPA’s legal counsel wrote in the [AOPA Flight Training magazine](#) in 2006:

The FAA does not define *congested* area in the FARs or in the *Aeronautical Information Manual*.

Interpretations in low-flight enforcement cases are not consistent, which makes it hard to draft a precise definition here. Such a determination is usually decided on a case-by-case basis, and in the cases that we’ve seen, *congested* has been interpreted rather broadly. For example, a highway with moderate traffic was found to be “congested”, as was a seaside area where 200 to 300 persons were sitting on the beach or bathing in the water.

I found an interesting online account from a law firm concerning a crop sprayer who was accused by the FAA of flying over a congested area. The airmen looked at the land and the regs (and the lost revenue if they didn’t fly), and decided the area was not congested. The FAA disagreed. Click [here](#) to see how the case turned out. The lawyers write:

Neither the FAA nor the NTSB has ever provided airmen with a precise definition of what constitutes a “congested area”. Rather, a “congested area” is determined on a case-by-case basis. According to the Board, “the determination must take into consideration all circumstances, not only the size of an area and the number of homes or structures, but, for example, whether the buildings are occupied or people are otherwise present, such as on roads”.

Multiple legal interpretations issued by the FAA's Office of the Chief Counsel have also addressed this issue and reiterated the "case-by-case" analysis used to determine whether an area is congested. Size of the area is not controlling, and violations of the rule have been sustained for operation of aircraft: (i) over a small congested area consisting of approximately 10 houses and a school; (ii) over the campus of a university; (iii) over a beach area along a highway; and (iv) over a boy's camp where there were numerous people on the docks and children at play on shore. The legal interpretations have noted that the presence of people is important to the determination of whether a particular area is "congested".

Concludes the law firm: "Airmen should remember that the FAA, NTSB and the Court will judge a flight's compliance with FAR 91.119 using 20/20 hindsight."

Basically, once you get close to the line *it all depends*, just like with the state trooper. Therefore, I give you the excellent advice from one online fellow: "Distances are only there to argue over. Exceed it by such a margin that there is no question."

Fly safely - and not too low,
Steve





**Fly on in for
WinterFest!**

**Saturday, March 14
8am-4pm**

Pancake Breakfast 8-11am

Polar Plunge 9am

Costume Parade 11am

Pond Skimming 2pm

**Bryce Resort
Basye, Virginia**



**Pattern Altitude:
2400 Feet, Left Turns**

**Runways:
23 & 5**

**Monitor:
122.8**

Day VFR Only, NO Fuel

This Month's Fly-In Destinations

To encourage all of us to get in the air more, the following is a list of fly-ins I found within (about) 100 NM of the Warrenton Airpark which are occurring in the next month. Sources are: The [EAA Calendar of Events](#), the [AOPA Calendar of Events](#), www.flyins.com and the [Virginia Department of Aviation Calendar of Events](#).

Date	Event Description	Location	Distance from 7VG0
Sat, Mar 7 / 8-11 AM	Breakfast 8-10 am "How to Fly VFR Coast to Coast in a GA Aircraft" with Dr. David Newcomer 10 AM	Lancaster Airport (KLNS)	112 NM
Sat, mar 7 / 9 AM - noon	Fly-in breakfast to benefit the Huey Veteran Memorial (located on airport)	Ocean City Municipal (KOXB)	127 NM
Sat, Mar 14 / 8 AM - 5 PM	Winterfest Fly-in (see flyer)	Sky Bryce Airport (VG18)	47 NM
Sat, Mar 14 / 8-11 AM	EAA 518 Drive-in Fly-in Breakfast	Mifflin County Airport (KRVL)	121 NM
Sat, Mar 21 / 8 - 10:30 AM	Pancake breakfast to benefit Montoursville High School Aviation students, fuel discount	Williamsport Regional Airport (KIPT)	160 NM
Sun, Mar22 / 8 AM	5k Runway Runaway to benefit EAA 1099 youth programs (flyer)	Stafford Regional (KRMN)	22 NM
Sat, Mar 28 / 8:30 - 10:30 AM	EAA Chapter 339 / Old Dominion CAF Squadron fly-in pancake breakfast	Franklin Municipal (KFKN)	125 NM

Also, this is likely not a fly-in event (due to the late time and availability of alcohol) but Stafford Regional Airport is hosting a WWII USO-themed swing dance March 28th. [See flyer](#).

Flying into IAD

By Tom Simmons

This year, the Air and Space Museum has changed the name of their annual June event to “Innovations of Flight Family Day”. But the main thrust of the event is still the same: about 50 planes will fly into Dulles Airport (IAD) and taxi over to the museum, where they will become a one-day static display for hundreds of visitors.

I’ll say it again: about 50 planes will fly into Dulles Airport. My Quicksilver MXL Sport II will be one of them, I hope.



It’s not everyday that you get to fly your ultralight into B airspace. Especially when it’s overlaid by an SFRA. And you don’t have a Mode C transponder or an encoding altimeter. (And you don’t get shot out of the sky.)

It’s so rare, in fact, that I’m the only one I know who’s ever done it. (The only fixed wing ultralight, that is; Steve Beste piloted the only weight-shift ultralight that has ever flown into Dulles Airport.)

It’s a pretty exciting experience but it takes some doing. Here’s how:

First, you have to get chosen. The Air and Space Museum puts out an application that you fill out and 50 planes are selected. I first heard of this about 10 years ago, when I sat on the board of the Committee for Dulles with General Joe Anderson. He mentioned the upcoming event at a board meeting and I asked if he wanted some ultralights and experimental aircraft. He put me in touch with the organizer and we went from there.

The first year, Chuck Tippet and Tom Richards trailered in a Quicksilver MX. When it came time to leave, we were told the plane could fly out with a gaggle so long as the pilot had a radio. None of us had one. Curses!

Chuck has flown a Stearman biplane in every year since then, except for a couple where bad weather prevented it, and I have flown in my Quicksilver three times since I built it in 2008. Flying into Dulles Airport is a real thrill.

So, let's say you fill out your application and the gods smile upon you: you're selected. Now you have to arrange to fly in under the auspices of another show plane that is equipped with Mode C and an encoding altimeter. That pilot will do all the ATC communications but you must also have a radio and follow the directions of the air traffic controller and the tower.

Your flight plan is logged in advance, including all pilot names and N numbers, so it can be cleared with TSA. Then you need to call FAA on the morning of the flight to see if threat levels have canceled your plans. So that's two clearances you need to get. This simply would not happen if the Air and Space Museum didn't have a great relationship with the Dulles Tower. It's a gift!

Dulles wants you in before 8:00 AM so we meet with our escort in the air above Warrenton-Fauquier (HWY) at 7:00 AM, listen for permission to enter the SFRA, and off we go. The first two years I went they brought us in on 19L, so we had to fly north over Reston, west over Herndon, and south to the runway. That's a lot of territory where an off-field landing would be a hazardous maneuver. And you can't make that up with altitude; the tower has us at 1,500 feet.

Last year, they changed the runway three times during our approach. We ended up on 1R but had to circle over Manassas while two commercial jetliners went in before us. So yeah, I've been in a holding pattern for IAD.

On final, you become painfully aware of how slow a 55 mph flight speed is. You hear the people behind you calling in their approach distance and telling the tower they don't see you. Unsettling, to say the least.



19L/1R is 11,500 feet. I need 150 feet to land. And I taxi at less than 20 mph. So the better part of valor is to fly to the taxiway entry at full speed, land and turn off immediately. That clears the

runway for the plane behind you. Then you taxi about a mile and a half to the museum and, if you're like me, you feel like you got away with something extraordinary.

When the show is over around 3:30, the gaggle reassembles and out we go. But that's even cooler because they send us out Runway 30, so we get to taxi past the tower and all the flight gates and we're in the queue with commercial jetliners. One of my copilots snapped a selfie of us with the big birds in a line behind us.

Man, that's living!



West Virginia Adds Aviation to Its Recreational Use Statute

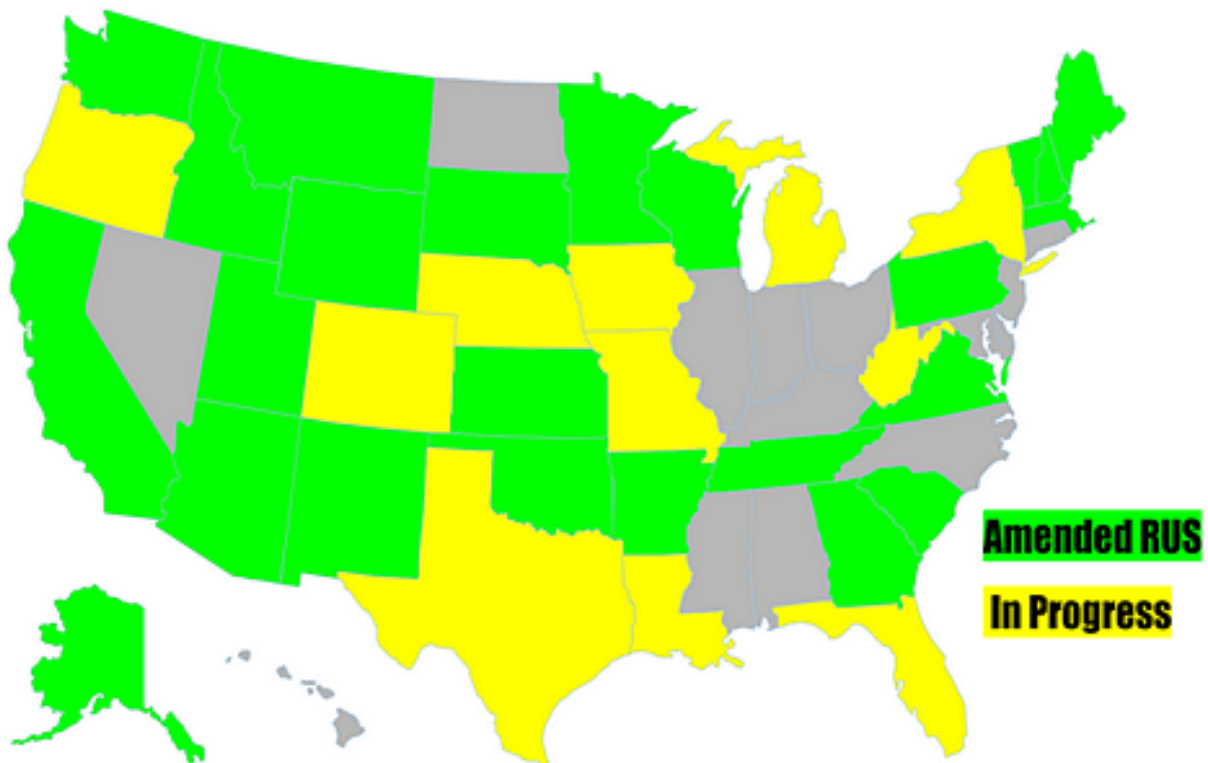
Steve Beste

Are you flying to West Virginia? You'll be glad to hear that the state has just changed its recreational use statute to hold landowners harmless for injuries sustained by recreational aviators. This is good news for us as it encourages the owners of farm fields and private airfields to let us land on their property. Virginia made the same change a couple of years ago. It made a difference. There are fields we now fly to that previously required liability waivers or were closed.



Spearheading the changes to these “recreational use statutes” has been the Recreational Aviation Foundation. Most of their work has been out west, gaining access to remote Forest Service airstrips. But they have also been working nationwide to change these recreational use statutes.

The map below shows the current situation. (West Virginia should now be green, effective May 12, 2015.)



[This page](#) contains links to the laws in each state. If you're talking to a landowner about landing on their property - and they have reservations about liability - you can send them a copy of their state's recreational use statute.

Meeting Minutes

February 2015

Flying Club One Meeting

Thursday, February 5, 2015
Centreville Regional Library
Centreville, VA

- Fixed wing instructor: **Chuck Tippet**
- PPG, Ultralight, LSA and General Aviation flight instruction: **Grass Roots Flyers**
- Welder: **Tom Kotsch**
- A&P mechanic: **JD Ingram**

Selling 50/50 tickets before meeting

Call to Order

President, Steve Beste called the meeting to order at 7:35 P.M.
19 members present.

CONNECTIONS

Visitors & New Members

Visitor **Jane Mee** said she worked for Cessna, was a member of the 99s pilot association and her husband was a test pilot. **Ed Myers** wants to get back flying. He flew out of the old Woodbridge airport over 25 years ago.

Old Members

Winter weather has grounded most of the members.

SERVICE PROVIDERS

Recap our standing list of service providers:

- PPG instructor and dealer: **Michael O'Daniel**
- Sport Pilot / LSA instruction: **Pete Bastien** None

REGULAR REPORTS

Secretary: Jim Heidish reported that the January minutes were published in the February Club newsletter and were approved as published.

Treasurer: Jim Birnbaum reported January income: \$120.00, Expenses: \$152.09 and the Flying Club 1 Checkbook Balance: \$2994.67.

President: Steve Beste - said that our next meeting (March 5) would be held in the lecture hall on the second floor of the High School. Look for directional signs.

Safety and Training Director: Pete Bastien - nothing special to report.

Membership Director: Jim Birnbaum reported that we have a few unpaid members, so he is still collecting dues for 2015. We should have 53 active members now.

Warrenton Airpark Owner: Tom Richards - said he is looking forward to the end of this long winter, as not much is happening!

Old Business

None

New Business

MONTHLY PROGRAM

Before the program we had a PowerPoint show of old black and white B-17 combat photos from WWII.

Mary Dominiak, EAA's B-17 Project Manager gave an in depth multimedia presentation about her experience touring America with *Aluminum Overcast*, one of the few WWII B-17s still flying. She talked about all the logistics and local EAA Chapter support that it takes to bring the 70-year-old bomber to many small airports across the nation. Most of the time, like the old circuses, they fly the seasons - north in the summer and head south for the cold winter months. Many thousands of people have climbed through her belly and some have taken the short flight, but everyone realizes that this living part of history is a tribute to the young aircrews that flew her and her 12,730 sisters (4750 lost in combat). One of the most interesting and very touching things about the old bomber is what is left behind by some of her visitors. Many old air medals and faded photos of young men in uniform are found carefully tucked into seams on the fuselage. *I finally got to fly in one, Dad!* was written on the back of one photo.

50-50 Drawing

Winner was **Monty Betts**

Adjourn

President, Steve Beste adjourned the meeting at 8:55 P.M.

Submitted by **Jim Heidish**, *Secretary*

Activities

2014 Flying Club 1 Activities Schedule

Designated Club meetings will be held the first Thursday of each month in the Centreville High School, Union Mill Rd., Centreville, VA, at 7:30 PM. Others will be held at 11:00 AM at the Warrenton Airpark as shown in the 2014 schedule. Changes in time or location will be posted in this newsletter and on the Club website.

Date	Activity	Location	Description
Thu, March 5th, 7:30 pm	Club Meeting	CVHS	Conversation, club business meeting and program.
Sat, April 4th, 11 am	Club Meeting	Airpark	Club meeting and cookout at Warrenton Airpark
Sat, May 2nd	Club Meeting	Airpark	Monthly meeting and cookout at Warrenton Airpark
Sat, June 6th ●6:15 am - PPG Poker Run ●8:30 am - Airplane & Trike Poker Run ●11 am - Club meeting	Poker Run	Airpark	Poker Run
Sat, June 20th	Father's Day Fly-In at Shreveport North (62PA) Description . Flyer . Video . Another video .	62PA	The largest ultralight fly-in in the mid-Atlantic states. Club 1 fly-out from Warrenton Airpark.
Sat, July 4th, 11 am	Summer BBQ and Club Meeting	Airpark	Monthly meeting and Summer BBQ at Warrenton Airpark
Sat, August 1st, 11 am	Club Meeting	Airpark	Memorial table, monthly meeting and cookout at Warrenton Airpark
Sat, September 5th, 11 am	Club Meeting	Airpark	Monthly meeting and cookout at Warrenton Airpark
Sat, October 3rd	Club 1 Fly-in and meeting	Airpark	Monthly meeting, Club 1 Fall Fly-in and cookout at Warrenton Airpark
Sat, October 24th	Club 1 Color Run Fly-out	Airpark	Club 1 Color Run fly-out at Warrenton Airpark
Thu, November 5th, 7:30 pm	Club Meeting	CVHS	Conversation, club business meeting and program.

Date	Activity	Location	Description
Sat, December 5th, 5 pm - 8 pm	Club Meeting / Holiday Party	Airpark Club House	Monthly meeting and Holiday Party.

Classifieds

Ads will be run twice and then dropped unless resubmitted, or renewed by telephone or e-mail.

Please advise the editor: **Lucy Ooi**

(Ooi.Lucy@gmail.com) when the ad is no longer needed.

To place an ad in the newsletter, contact ooi.lucy@gmail.com

Membership Dues Policy

The period of membership follows the calendar year January through December. The renewal period starts on 1 October with regular dues at \$20.00 and family at \$25.00. Members who have not paid their dues by the end of February will be dropped effective 1 March and will not receive the Newsletter or Membership Roster. New members joining after 1 October will be charged \$20.00 or the family rate, if applicable and will be credited with full membership for the following calendar year. Please mail payments to Flying Club 1, 8570 King Carter Street, Manassas, VA 20110. Payment can also be made at the regular monthly meeting. Please include the 2014 Membership Application form with your payment. This will be used to ensure that our records are current. A copy of the membership application is attached and also printed at the end of the Newsletter.

Jim Birmbaum
Flying Club 1
Membership Director, Treasurer

MEMBERSHIP APPLICATION



Type of membership: New, Renewal, Regular, Family membership

Name(s): _____

Name To Go On Your Name Tag: _____

Street or PO Box: _____

City: _____ State: _____ Zip: _____

Telephone, Home: _____ Cell: _____ Work: _____

Spouse's Name: _____

Emergency Contact: Name: _____ Phone: _____

E-mail Address: _____

Aircraft Liability Insurance through: _____

Aircraft make and model: _____ N-Number (if any): _____

Pilot rating(s): _____

Club Activities or Services for Which You Volunteer: _____

Information from this application will be in the club's membership roster which goes only to members.

Instructions:

1. FILL OUT THE ABOVE FORM.
2. ENCLOSE A CHECK FOR \$20 (\$25 FOR A FAMILY) MADE OUT TO **“FLYING CLUB 1”**.
3. SEND THE FORM AND CHECK TO:
Jim Birnbaum, Treasurer
8570 King Carter Street
Manassas, VA 20110-4888

To join the national USUA, go to <http://www.usua.org>

To join the national USPPA, go to <http://www.usppa.org>

Flying Club 1 General Information

The Flying Club 1 is a nonprofit, recreational club dedicated to the sport of ultralight and light sport aircraft flying.

2015 CLUB OFFICERS AND DIRECTORS

President: Steve Beste 703-321-9110

Vice President: Dick Martin 703-242-2367

Secretary: Jim Heidish 703-524-5265

Treasurer: Jim Birnbaum 703-361-7478

Director & Past President: Len Alt
703-945-9314

Director At Large: Larry Walker 540-347-7609

Director At Large: Pete Bastien 703-568-5778

meetings regularly may prefer to support functions associated with Club weekend activities.

ANNUAL DUES (Jan 1-Dec 31) \$20.00. Family membership (typically husband and wife): \$25.00. A spouse who wishes to participate will please complete a membership application form.

2014 CLUB VOLUNTEER STAFF

Safety & Training: Pete Bastien

Membership: Jim Birnbaum 703-361-7478

Club Artist: Jim Heidish 703-524-5265

Newsletter Editor: Lucy Ooi (“Wee”)

Ooi.Lucy@gmail.com

Web Master: Steve Beste,

president@flyingclub1.org

A club is only as good as the members who volunteer to support its activities. The following listed activities with the club require member support in varying amounts. Please indicate on your membership application the function(s) (can be more than one) you will support as a Club member. All active Club members are expected to participate. However, members who live some distance away and cannot attend

CLUB WEB SITE: <http://flyingclub1.org>

MEETINGS are monthly, year-round. See the web site for dates and places.

THE NEWSLETTER: The newsletter is published by email on the first of every month.

SUBMITTING ITEMS FOR THE NEWSLETTER Members and non-members are encouraged to submit items for this newsletter. Send submissions to Lucy Ooi at Ooi.Lucy@gmail.com at least one week prior to the end of the month.

If you are interested in joining the U.S. Ultralight National Organization go to their website for membership information at: www.usua.org

Likewise, if you are interested in joining the U.S. Powered Paragliding Association, the National PPG Organization, go to their website for membership information at: www.usppa.org