



Figure 7-7. Contour flying.

- (c) *Over other than congested areas. An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In those cases, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.*

14 CFR part 91, section 91.119(a) requires a pilot to fly at an altitude that allows for a power unit failure and/or an emergency landing without undue hazards to persons or property. All aircraft should be operated so as to be safe, even in worst-case conditions. Every good pilot is always thinking “what if...,” and should operate accordingly. This portion of the regulation can be applied in the following way. When climbing over an obstacle, a pilot can make the balloon just clear the obstacle, fly over it with room to spare, or give the obstacle sufficient clearance to account for a problem or miscalculation. An obstacle can be overflowed while climbing, descending, or in level flight. Descending over an obstacle gives the greatest opportunity to misjudge clearance over an obstacle. In level flight, the danger is reduced. Hazards are minimized by climbing. Most instructors teach minimizing the hazard by climbing when approaching an obstacle, thus giving room to coast over the obstacle in case of a burner malfunction.

14 CFR part 91, section 91.119(b) concerns flying over congested areas, such as settlements, towns, cities, and gatherings of people. There is no standard definition of “congested area” or “open air assembly of persons” but case law has indicated that a subdivision or homes, constitute a congested area, as does a small rural town.

A balloon pilot must stay 1,000 feet above the highest obstacle within a 2,000-foot radius of the balloon. This is a straightforward regulation and easy to understand. Note that the highest obstacle is probably an antenna, tower, or some other tall object, not the rooftops. Two thousand feet is almost one-half mile. This portion of the regulation is often forgotten or ignored. [Figure 7-8]

A conscientious pilot includes livestock of any form—dairy cows, horses, poultry—in the 1,000-feet above rule. Domestic animals, while not specifically mentioned in the regulations, are considered to be property; and experienced pilots know that almost all poultry, exotic birds, swine, horses, and cows may be spooked by the overflight of a balloon. Livestock in large fields seem to be less bothered by balloons; however, it is always a good idea to stay at least 1,000 feet away from domestic animals. This is discussed in detail on page 7-16.