

# James R. Hoidahl

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Office of Chief  
Council  
Asst. Chief Council, Donald  
Byrnes  
Rules & Regulations Division FAA-2000-  
7623  
800 Independence Avenue,  
SW  
Washington DC  
20591

Dear Mr. Byrnes:

I write this letter in support of adding paragraph (e) to FAR 91.119 removing balloons from the minimum altitude requirement. As written, the regulation entraps balloon pilots who routinely take off and land within 500 feet of rural buildings, vehicles, and persons. Clearly the regulation allows for such activity. On review in court the FAA routinely tells the judge the act was not appropriate. Maybe not appropriate for a speeding fixed wing aircraft but for a balloon traveling less than 10 MPH and making no appreciable noise, the regulation is quite restrictive.

Ballooning is not advised or desired by most fixed wing pilots in or around an airport for obvious reasons. We lack steering so we could jam up a busy airport. We fly best in open fields and yes over cities, towns, residential areas. Restricting balloons to 1,000 feet over congested areas limits the balloons options for landings. On track to a landing spot at 1,000 feet could easily find the balloon off track by the time it reaches 100 feet due to change of wind direction by topography. The balloon would appear to be buzzing houses and buildings but in reality it is aborting landing because of change of wind direction.

Allowing flight of balloons at low altitudes gives the pilot the discretion to use the available winds to set down safely in accessible areas for retrieve by a ground crew. When the winds are up the pilot would know the need for larger fields and stay away from small fields with power lines etc.

Flying at high altitudes does not insure the safety of persons or property on the ground in the event of balloon malfunction. It merely delays the landing of the balloon. Flying low provides for a much softer landing with less resulting damage to persons or property.

The flight characteristics between fixed wing and balloon are so vastly different that as rotary aircraft were exempted so should balloons. Balloons can in most calm conditions make pinpoint landings as rotary aircraft. In windy conditions balloons do not fly by fixed wing aircraft limitations, but by balloon limitations. In the event of winds coming up during flight no pilot would be foolish to risk life and property in a populated area.

By the FARs, the pilot is responsible for his actions and therefore give the balloon pilots the respect of making decisions as to safe minimum altitudes for the conditions the pilot is flying under.

91.13 addresses careless or reckless operation and in my opinion should a balloon pilot have an accident without an appropriate emergency then the pilot was careless and should not be cited for flying too low. Minimum altitude for a balloon is a duplication and should not pertain to balloon.

All the best,

James R. Hoidahl

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