

§ 101.35

(b) At any altitude where there are clouds or obscuring phenomena of more than five-tenths coverage;

(c) At any altitude below 60,000 feet standard pressure altitude where the horizontal visibility is less than five miles;

(d) During the first 1,000 feet of ascent, over a congested area of a city, town, or settlement or an open-air assembly of persons not associated with the operation; or

(e) In such a manner that impact of the balloon, or part thereof including its payload, with the surface creates a hazard to persons or property not associated with the operation.

[Doc. No. 1457, 29 FR 47, Jan. 3, 1964, as amended by Amdt. 101-5, 56 FR 65662, Dec. 17, 1991]

§ 101.35 Equipment and marking requirements.

(a) No person may operate an unmanned free balloon unless—

(1) It is equipped with at least two payload cut-down systems or devices that operate independently of each other;

(2) At least two methods, systems, devices, or combinations thereof, that function independently of each other, are employed for terminating the flight of the balloon envelope; and

(3) The balloon envelope is equipped with a radar reflective device(s) or material that will present an echo to surface radar operating in the 200 MHz to 2700 MHz frequency range.

The operator shall activate the appropriate devices required by paragraphs (a) (1) and (2) of this section when weather conditions are less than those prescribed for operation under this subpart, or if a malfunction or any other reason makes the further operation hazardous to other air traffic or to persons and property on the surface.

(b) No person may operate an unmanned free balloon below 60,000 feet standard pressure altitude between sunset and sunrise (as corrected to the altitude of operation) unless the balloon and its attachments and payload, whether or not they become separated during the operation, are equipped with lights that are visible for at least 5 miles and have a flash frequency of at

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least 40, and not more than 100, cycles per minute.

(c) No person may operate an unmanned free balloon that is equipped with a trailing antenna that requires an impact force of more than 50 pounds to break it at any point, unless the antenna has colored pennants or streamers that are attached at not more than 50 foot intervals and that are visible for at least one mile.

(d) No person may operate between sunrise and sunset an unmanned free balloon that is equipped with a suspension device (other than a highly conspicuously colored open parachute) more than 50 feet along, unless the suspension device is colored in alternate bands of high conspicuity colors or has colored pennants or streamers attached which are visible for at least one mile.

(Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

[Doc. No. 1457, 29 FR 47, Jan. 3, 1964, as amended by Amdt. 101-2, 32 FR 5254, Mar. 29, 1967; Amdt. 101-4, 39 FR 22252, June 21, 1974]

§ 101.37 Notice requirements.

(a) *Prelaunch notice:* Except as provided in paragraph (b) of this section, no person may operate an unmanned free balloon unless, within 6 to 24 hours before beginning the operation, he gives the following information to the FAA ATC facility that is nearest to the place of intended operation:

(1) The balloon identification.

(2) The estimated date and time of launching, amended as necessary to remain within plus or minus 30 minutes.

(3) The location of the launching site.

(4) The cruising altitude.

(5) The forecast trajectory and estimated time to cruising altitude or 60,000 feet standard pressure altitude, whichever is lower.

(6) The length and diameter of the balloon, length of the suspension device, weight of the payload, and length of the trailing antenna.

(7) The duration of flight.

(8) The forecast time and location of impact with the surface of the earth.

(b) For solar or cosmic disturbance investigations involving a critical time element, the information in paragraph (a) of this section shall be given within 30 minutes to 24 hours before beginning the operation.