

**§ 137.35**

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which the operation is conducted, is carried on that aircraft. The facsimile shall be presented for inspection upon the request of the Administrator or any Federal, State, or local law enforcement officer.

(b) Notwithstanding part 91 of this chapter, the registration and airworthiness certificates issued for the aircraft need not be carried in the aircraft. However, when those certificates are not carried in the aircraft they shall be kept available for inspection at the base from which the dispensing operation is conducted.

[Doc. No. 1464, 30 FR 8106, June 24, 1965, as amended by Amdt. 137-3, 33 FR 9601, July 2, 1968]

**§ 137.35 Limitations on private agricultural aircraft operator.**

No person may conduct an agricultural aircraft operation under the authority of a private agricultural aircraft operator certificate—

- (a) For compensation or hire;
- (b) Over a congested area; or
- (c) Over any property unless he is the owner or lessee of the property, or has ownership or other property interest in the crop located on that property.

**§ 137.37 Manner of dispensing.**

No persons may dispense, or cause to be dispensed, from an aircraft, any material or substance in a manner that creates a hazard to persons or property on the surface.

[Doc. No. 1464, 30 FR 8106, June 24, 1965, as amended by Amdt. 137-3, 33 FR 9601, July 2, 1968]

**§ 137.39 Economic poison dispensing.**

(a) Except as provided in paragraph (b) of this section, no person may dispense or cause to be dispensed from an aircraft, any economic poison that is registered with the U.S. Department of Agriculture under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135-135k)—

- (1) For a use other than that for which it is registered;
- (2) Contrary to any safety instructions or use limitations on its label; or
- (3) In violation of any law or regulation of the United States.

(b) This section does not apply to any person dispensing economic poisons for experimental purposes under—

(1) The supervision of a Federal or State agency authorized by law to conduct research in the field of economic poisons; or

(2) A permit from the U.S. Department of Agriculture issued pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135-135k).

[Amdt. 137-2, 31 FR 6686, May 5, 1966]

**§ 137.41 Personnel.**

(a) *Information.* The holder of an agricultural aircraft operator certificate shall insure that each person used in the holder's agricultural aircraft operation is informed of that person's duties and responsibilities for the operation.

(b) *Supervisors.* No person may supervise an agricultural aircraft operation unless he has met the knowledge and skill requirements of §137.19(e).

(c) *Pilot in command.* No person may act as pilot in command of an aircraft unless he holds a pilot certificate and rating prescribed by §137.19 (b) or (c), as appropriate to the type of operation conducted. In addition, he must demonstrate to the holder of the Agricultural Aircraft Operator Certificate conducting the operation that he has met the knowledge and skill requirements of §137.19(e). If the holder of that certificate has designated a person under §137.19(e) to supervise his agricultural aircraft operations the demonstration must be made to the person so designated. However, a demonstration of the knowledge and skill requirement is not necessary for any pilot in command who—

(1) Is, at the time of the filing of an application by an agricultural aircraft operator, working as a pilot in command for that operator; and

(2) Has a record of operation under that applicant that does not disclose any question regarding the safety of his flight operations or his competence in dispensing agricultural materials or chemicals.

**§ 137.42 Fastening of safety belts and shoulder harnesses.**

No person may operate an aircraft in operations required to be conducted

under part 137 without a safety belt and shoulder harness properly secured about that person except that the shoulder harness need not be fastened if that person would be unable to perform required duties with the shoulder harness fastened.

[Amdt. 137-10, 44 FR 61325, Oct. 25, 1979]

**§ 137.43 Operations in controlled airspace designated for an airport.**

(a) Except for flights to and from a dispensing area, no person may operate an aircraft within the lateral boundaries of the surface area of Class D airspace designated for an airport unless authorization for that operation has been obtained from the ATC facility having jurisdiction over that area.

(b) No person may operate an aircraft in weather conditions below VFR minimums within the lateral boundaries of a Class E airspace area that extends upward from the surface unless authorization for that operation has been obtained from the ATC facility having jurisdiction over that area.

(c) Notwithstanding §91.157(a)(2) of this chapter, an aircraft may be operated under the special VFR weather minimums without meeting the requirements prescribed therein.

[Amdt. 137-14, 56 FR 65664, Dec. 17, 1991, as amended by Amdt. 137-14, 58 FR 32840, June 14, 1993]

**§ 137.45 Nonobservance of airport traffic pattern.**

Notwithstanding part 91 of this chapter, the pilot in command of an aircraft may deviate from an airport traffic pattern when authorized by the control tower concerned. At an airport without a functioning control tower, the pilot in command may deviate from the traffic pattern if—

(a) Prior coordination is made with the airport management concerned;

(b) Deviations are limited to the agricultural aircraft operation;

(c) Except in an emergency, landing and takeoffs are not made on ramps, taxiways, or other areas of the airport not intended for such use; and

(d) The aircraft at all times remains clear of, and gives way to, aircraft conforming to the traffic pattern for the airport.

**§ 137.47 Operation without position lights.**

Notwithstanding part 91 of this chapter, an aircraft may be operated without position lights if prominent unlighted objects are visible for at least 1 mile and takeoffs and landings at—

(a) Airports with a functioning control tower are made only as authorized by the control tower operator; and

(b) Other airports are made only with the permission of the airport management and no other aircraft operations requiring position lights are in progress at that airport.

**§ 137.49 Operations over other than congested areas.**

Notwithstanding part 91 of this chapter, during the actual dispensing operation, including approaches, departures, and turnarounds reasonably necessary for the operation, an aircraft may be operated over other than congested areas below 500 feet above the surface and closer than 500 feet to persons, vessels, vehicles, and structures, if the operations are conducted without creating a hazard to persons or property on the surface.

[Amdt. 137-3, 33 FR 9601, July 2, 1968]

**§ 137.51 Operation over congested areas: General.**

(a) Notwithstanding part 91 of this chapter, an aircraft may be operated over a congested area at altitudes required for the proper accomplishment of the agricultural aircraft operation if the operation is conducted—

(1) With the maximum safety to persons and property on the surface, consistent with the operation; and

(2) In accordance with the requirements of paragraph (b) of this section.

(b) No person may operate an aircraft over a congested area except in accordance with the requirements of this paragraph.

(1) Prior written approval must be obtained from the appropriate official or governing body of the political subdivision over which the operations are conducted.