**Section 14.410 Responsibility and Authority of Pilot**

The pilot-in-command of the aircraft shall be directly responsible for its operation and shall have final authority as to the operation of the aircraft. In emergency situations that require immediate decisions and actions (e.g., engine failure), the pilot-in-command may deviate from this Subpart D to the extent required for safety considerations. When emergency authority is exercised, the pilot-in-command, upon request of the Division, shall file a written report that, at a minimum, describes the circumstances of the emergency and how the pilot-in-command deviated from this Subpart D.

a) Careless or Reckless Operation

1) No pilot shall operate an aircraft in a careless or reckless manner so as to endanger the person or property of another.

2) Examples of careless or reckless aircraft operation that may endanger the person or property of another are:

A) Buzzing, diving on, or flying in close proximity to livestock, homes, any structure, aircraft, vehicle, vessel, person or group of persons.

B) Operating the aircraft at an insufficient altitude so as to endanger a person or property on the surface or passengers within the aircraft.

C) Lacking vigilance by the pilot to observe and avoid other air traffic.

D) Knowingly and substantially violating airport traffic rules established by the FAA or the airport owner.

E) Operating an aircraft without meeting the FAA's minimum qualifications and currency requirements for pilots.

b) Proximity of Aircraft. No pilot shall operate an aircraft in proximity to or on a course relative to other aircraft so as to create a collision hazard. No aircraft shall be operated in formation flight except by pre-arrangement between the pilot-in-command of each aircraft. No pilot shall operate an aircraft in formation flight when passengers are carried for hire.

c) Aerobatic Flight

1) No pilot shall intentionally fly an aircraft in aerobatic flight unless each occupant is equipped with a FAA approved parachute. Aerobatic flight relating to this Part means:

A) A bank in excess of 60º relative to the horizon; or

B) A nose up or nose down attitude in excess of 30º relative to the horizon.

2) No pilot shall engage in aerobatic flight under the following conditions:

A) Over congested areas of cities, towns, settlements, or over an open-air assembly of persons.

B) Within any FAA designated airway or within the lateral boundaries of the surface areas of Class B, Class C, Class D or Class E airspace designated for an airport.

C) When the flight visibility is less than three statute miles.

D) Below an altitude of 1,500 feet above the surface.

3) Subsection (c)(1) of this Section does not apply to:

A) Flight tests for pilot certification or rating; or

B) Spins and other flight maneuvers required by FAA regulations for any certificate or rating when given by:

i) An authorized flight instructor; or

ii) An airline transport pilot instructing in accordance with 14 CFR 61, effective October 1, 2002.

d) Minimum Safe Altitudes. Except when necessary for takeoff or landing, and except as permitted by a FAA low flying waiver, no pilot shall operate an aircraft below the following altitudes at the following locations:

1) Anywhere. An altitude that will permit, in the event of the failure of a power unit, an emergency landing without hazard to a person or property on the surface.

2) Over a Congested Area. Over any congested area of a city, town or settlement, or over any open-air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft. Helicopters and aircraft having similar flight characteristics may be flown at less than the minimum prescribed in this subsection (d)(2) if such operations are conducted without hazard to or disturbance of persons or property on the surface and in accordance with subsection (d) of this Section. However, the Division, in the interest of safety, may prescribe specific routes and altitudes for the operations, with which Special Purpose Aircraft shall conform.

3) Over an Area Other Than Congested Area. At an altitude of 500 feet above the surface, except over open water or sparsely populated areas. In these cases, the aircraft shall not be operated closer than 500 feet to any person, vessel, vehicle or structure. Helicopters may be flown at less than the minimums prescribed in this subsection (d)(3) if the operations are conducted without hazard to a person or property on the surface, and in accordance with subsection (d) of this Section.

e) Aircraft Lights

1) Between sunset and sunrise, all aircraft in flight or operated on the ground, or under way on the water, shall display position lights and approved aviation red or aviation white anti-collision lights if so equipped.

2) Between sunrise and sunset, all aircraft in flight shall display approved aviation red or aviation white anti-collision lights. However, the anti-collision lights need not be lighted if the pilot-in-command determines, due to operating conditions and in the interest of safety, the lights need not be on.

f) Visual Flight Rules (VFR) – Basic VFR Weather Minimums

1) Except as provided in 14 CFR 91.155(b) or 14 CFR 91.157, effective October 1, 2002, no pilot may operate an aircraft under VFR when the flight visibility is less, or at a distance from clouds that is less, than that prescribed in 14 CFR 91.155(a), effective October 1, 2002.

2) When the visibility is less than one statute mile, a helicopter may be operated outside Class E airspace at 1,200 feet or less above the surface, if operated at a speed that allows the pilot adequate opportunity to see any air traffic or other obstruction in time to avoid a collision.

3) Except as provided in subsection (g) of this Section, no pilot may operate an aircraft beneath the ceiling within the lateral boundaries of Class E airspace designated to the surface for an airport, under VFR, when the ceiling is less than 1,000 feet.

4) Except as provided in subsection (g) of this Section, no person may takeoff or land an aircraft, or enter the traffic pattern of an airport, under VFR, within the lateral boundaries of the surface areas of Class B, Class C, Class D or Class E airspace designated for an airport unless:

A) Ground visibility at that airport is at least three statute miles; or

B) If ground visibility is not reported at that airport, flight visibility during landing or takeoff, or while operating in the traffic pattern, is at least three statute miles.

5) For the purposes of subsection (f) of this Section, an aircraft operating at the base altitude of Class E airspace is considered to be within the airspace directly below that area.

g) Visual Flight Rules – Special VFR Weather Minimums.

1) When a pilot has received an appropriate Air Traffic Control (ATC) clearance, the special weather minimums of this subsection (g)(1), instead of those contained in subsection (f) of this Section, apply to the operation of an aircraft under VFR by that pilot in a Class B, Class C, Class D or Class E airspace designated for an airport.

2) No pilot may operate an aircraft, other than a helicopter, under special VFR clearance, unless one statute mile of flight visibility and clear of clouds is maintained.

3) Except for helicopters, no pilot may operate an aircraft under special VFR clearance between sunset and sunrise, unless that person meets the requirements for instrument flight under 14 CFR 61, effective October 1, 2002, and the aircraft is equipped as required in 14 CFR 91.205(d), effective October 1, 2002.

h) VFR Cruising Altitude or Flight Level. Except while holding in a holding pattern of two minutes or less, or while turning, each pilot operating an aircraft under VFR in level cruising flight, more than 3,000 feet above the surface, shall maintain the appropriate altitude prescribed below.

1) When operating below 18,000 feet mean sea level (MSL) and:

A) On a magnetic course of zero degrees through 179 degrees, any odd thousand foot MSL altitude + 500 feet (such as 3,500, 5,500 or 7,500); or

B) On a magnetic course of 180 degrees through 359 degrees, any even thousand foot MSL altitude + 500 feet (such as 4,500, 6,500 or 8,500).

2) VFR Flight above 18,000 feet MSL is prohibited throughout the conterminous United States.