

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

CERTIFICATE OF WAIVER OR AUTHORIZATION

ISSUED TO

**Paul J. Petrehn, Event Director
2016 Albuquerque International Balloon Fiesta (AIBF)**

ADDRESS

**4401 Alameda Boulevard, N.E.
Albuquerque, New Mexico 87113
(505) 821-1000**

This certificate is issued for the operations specifically described hereinafter. No person shall conduct any operation pursuant to the authority of this certificate except in accordance with the standard and special provisions contained in this certificate and such other requirements of the Federal Aviation Regulations not specifically waived by this certificate.

OPERATIONS AUTHORIZED

2016 Albuquerque International Balloon Fiesta (AIBF)

Competitive balloon events and flight operations to be conducted within twenty-five (25) nautical miles (NM) of the Albuquerque, New Mexico (ABQ) VORTAC, bounded by the 320° radial clockwise to the 190° radial from the surface to 9,400 feet MSL, launching from Balloon Fiesta Park (ABQ 038R @ 14 NM DME), in accordance with the provisions of the FAA Accepted 2016 AIBF Operations Manual and Pilot Rules and Regulations.

LIST OF WAIVED REGULATIONS BY SECTION AND TITLE:

See Attachment A

STANDARD PROVISIONS

1. A copy of the application made for this certificate shall be attached to and become a part hereof.
2. This certificate shall be presented for inspection upon the request of any authorized representative of the Administrator of the Federal Aviation Administration, or of any State or municipal official charged with the duty of enforcing local laws or regulations.
3. The holder of this certificate shall be responsible for the strict observance of the terms and provisions contained herein.
4. This certificate is nontransferable.

NOTE— This certificate constitutes a waiver of those Federal rules or regulations specifically referred to above. It does not constitute a waiver of any State law or local ordinance.

SPECIAL PROVISIONS

SPECIAL PROVISIONS: Numbers 1 thru 31 (See Attachment B), inclusive, and the FAA Accepted 2016 Albuquerque International Balloon Fiesta® Balloon Operations Manual & Rules and Regulations.

See Attachment C for the effective dates and times of this Certificate of Waiver or Authorization. This Certificate of Waiver or Authorization is subject to cancellation at any time, upon notice by the Administrator or his authorized representative. Aircraft authorized by the AIBF to fly within the TFR are listed in Attachment D.

SOUTHWEST REGION

BY DIRECTION OF THE ADMINISTRATOR



**John M. Wensel
Manager**

**September 1, 2016
SW-FSDO-01**

2016 ALBUQUERQUE INTERNATIONAL BALLOON FIESTA

ATTACHMENT A

LIST OF REGULATIONS WAIVED BY SECTION AND TITLE

Title 14 of the Code of Federal Regulations (14 CFR), section 91.119(b): Minimum Safe Altitudes Over A Congested Area

14 CFR, section 91.119(b), is waived to allow balloon flight over any congested area of a city, town, or settlement, or over an open air assembly of persons at an altitude of 500 feet above the highest obstacle within a horizontal radius of 500 feet from the balloon.

NOTE: Launching a balloon anywhere in, into, or over a congested area, or an open air assembly of persons, shall require the pilot to be in a continuous normal rate of climb, until an altitude of 500 feet AGL is attained.

14 CFR, section 91.119 (b), is also waived to allow flight over, but no lower than 200 feet AGL, within the green-striped boundary area on the Official AIBF Map.

In addition, 14 CFR, section 91.119(b), is waived to allow flight over, but no closer than 75 feet to, persons in designated spectator areas that are under the direct control of the Holder of the Certificate of Waiver.

NOTE: The designated spectator area shall be a minimum of 200 feet in radius from any designated/declared goal or target.

14 CFR, section 91.119(c): Minimum Safe Altitudes Over Other Than Congested Areas

14 CFR, section 91.119(c), is waived to allow flight over open water or sparsely populated areas no closer than 200 feet from any non-participating person, vessel, or structure.

14 CFR, section 91.209(a): Aircraft Lights

14 CFR, section 91.209(a), is waived to allow flight operations, without aircraft lights, within the temporary flight restriction (TFR) area of the AIBF, at or below 8,000 feet MSL, for a period not to exceed 30 minutes prior to official sunrise. 14 CFR, section 91.209(a), is waived to allow ground (balloon glow) operations, without aircraft lights, within the temporary flight restriction (TFR) area of the AIBF and while the TFR is in effect. **NOTE: Dawn Patrol is not exempt from this regulation.**

ISSUED TO: Albuquerque International Balloon Fiesta, Inc.
DATE ISSUED: September 1, 2016
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October 1, 2, 6, 7, 8, 2016, from 1600 to 2000 MDT
ISSUED BY: Albuquerque, New Mexico, SW-FSDO-01

DEVIATION FROM THE FOLLOWING CFRs ARE AUTHORIZED BY AN AGREEMENT WITH THE ALBUQUERQUE INTERNATIONAL SUNPORT (ABQ) AIR TRAFFIC CONTROL TOWER (ATCT).

14 CFR, section 91.130(c)(1): Operations In Class C Airspace - Communications

Notwithstanding 14 CFR, section 91.130(c)(1), flight operations are authorized within the Class C Airspace designated for Albuquerque International Airport, ABQ (Sunport), without establishing communications prior to entering that airspace and maintaining communications while in that airspace. **(2016 AIBF Balloon Operations Manual & Rules and Regulations: Section 2 – Rules and Regulations; Section IV – Flight Restrictions; paragraph B. 2.)**

14 CFR, section 91.130(d): Operations In Class C Airspace - Equipment Requirements

Notwithstanding 14 CFR, section 91.130(d), flight operations are authorized within the Class C Airspace designated for ABQ Sunport without complying with the applicable equipment requirements specified in 14 CFR, section 91.215.

14 CFR, section 91.215(b) & (c): ATC Transponder and Altitude Reporting Equipment and Use

In accordance with the agreement with the ABQ ATCT, participants in AIBF events are authorized to operate within Class C Airspace without being equipped with an ATC transponder or without operating its ATC transponder.

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ATTACHMENT B SPECIAL PROVISIONS

NOTE: Failure to comply with any standard or special provision is a violation of the Terms of this Certificate of Waiver (CoW) and justification for cancellation of this Certificate and constitutes a violation of Title 49 of the United States Code (49 USC) sections 44711(a)(2)(B) and /or 44711(a)(5).

1. The FAA has the authority to cancel or delay any or all acts or events if the safety of persons or property on the ground or in the air, are in jeopardy or there is a violation of the terms of the CoW. (Ref. Vol. 6, Ch. 11, Sec. 10, 6-2374 B)
2. Mr. Paul J. Petrehn, Event Director, of the ALBUQUERQUE INTERNATIONAL BALLOON FIESTA, INC. (AIBF), has been determined to be competent and knowledgeable concerning the terms and provisions of this Certificate of Waiver and the aviation event governed by it. Mr. Paul J. Petrehn shall be responsible to the Federal Aviation Administration (FAA) for the safe conduct of the event.
3. Mr. Paul J. Petrehn, Event Director, of the AIBF must ensure that participants are thoroughly briefed on special field rules, the established demonstration area, flying display area, and aerobatic box (other defined areas within the waived/authorized airspace), manner and order of events, and special provisions of the CoW, before beginning the activities each day.
 - a) No person may participate in any event listed on the CoW unless that person has signed a statement stating that they have received a briefing on the provisions of the CoW.
4. All civil aircraft and pilots participating in the aviation event shall provide the requested data to establish qualifications and airworthiness to the event organizer and if required, be available for FAA inspection at the time and place agreed upon by Mr. Paul J. Petrehn and the FAA Inspector-In-Charge (IIC). (Ref. 3-145)

NOTE: FAA Checklists, Status Forms, and Job Aids can be used to gather data in advance to establish performer qualifications and aircraft airworthiness.

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5. The following facilities shall be provided and readily available in accordance with the submitted emergency response plan at the demonstration site. A physician, fire truck, ambulance, and crash wagon will be on site in accordance with the emergency response plan.
6. Persons or aircraft not appearing on the CoW application and subsequently added to the CoW, may not participate without specific approval by Mr. Paul J. Petrehn and the IIC. Proof of appropriate qualifications for crewmember(s), and an airworthy aircraft is required before the performance can be conducted at that event site. If applicable, the appropriate category show line must be established for that aircraft before the performance can be conducted at that event site. (Ref. 3-144 C 14)
7. Mr. Paul J. Petrehn can delegate authority, but shall retain sole responsibility for safeguarding persons and property on the surface of the AIBF launch sites and designated off field targets. Mr. Sam Parks is the person named to ensure the safety of the event.
8. Mr. Paul J. Petrehn , Event Director, shall retain sole responsibility for safeguarding persons and property on the surface of the AIBF launch site and designated off field targets.
9. Mr. Paul J. Petrehn shall ensure that each participating pilot has read and understands the FAA accepted procedures in the 2016 Albuquerque International Balloon Fiesta® Balloon Operations Manual & Rules and Regulations (2016 AIBF Ops Manual & R and R), and the Special Provisions of this Certificate of Waiver.
10. The 2016 AIBF Ops Manual & R and R is incorporated into this CoW and becomes a special provision, thereof. Actions contrary to the terms, controls, procedures, and conditions pertaining to safety set forth in the FAA approved procedures are grounds for cancellation of this CoW.
11. Mr. Paul J. Petrehn shall distribute crewmember affidavits to all registered pilots with instructions for all crewmembers to sign the affidavit. Before having each crewmember sign the affidavit, each pilot shall provide a briefing on the provisions of the event waiver to his or her crewmembers and on the day that a crewmember flies, confirm that that crewmember has been trained in his or her duties and responsibilities during that flight.
12. All civil aircraft and pilots participating in the event shall be available for FAA inspection at the **AIBF Registration Tent on September 29th or 30th between 0900 and 1600 MDT, or at other times by appointment.**
13. The AIBF shall ensure, prior to registration of special shape or foreign balloons, the Albuquerque FAA Flight Standards District Office (FSDO) validate the certification and airworthiness of all such balloons. The AIBF shall also ensure the foreign certificated pilots have been notified of the requirement to have their certificates validated by Albuquerque FSDO Inspectors.

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14. Notwithstanding an airworthiness Operating Limitation prohibiting flight over densely populated areas, balloons certificated in the Experimental Category are authorized to operate under the terms of this Certificate of Waiver.
15. Persons or aircraft not officially registered with the AIBF for this event, in accordance with the 2016 AIBF Ops Manual & R and R, shall not participate without specific approval by the FAA.
16. Title 14 of the Code of Federal Regulations (14 CFR), section 91.119(b) and (c), are waived to the extent necessary to allow participating balloons to operate in the event, under the terms and conditions set forth in the 2016 AIBF Ops Manual & R and R, as accepted by the FAA.
17. 14 CFR, section 91.155: Basic VFR Weather Minimums **are not waived**.
18. 14 CFR, section 91.209(a), is waived to allow flight operations, without aircraft lights, within the temporary flight restriction (TFR) area of the AIBF, at or below 8,000 feet MSL, for a period not to exceed 30 minutes prior to official sunrise. 14 CFR, section 91.209(a), is waived to allow ground (balloon glow) operations, without aircraft lights, within the Temporary Flight Restriction (TFR) area of the AIBF, while the TFR is in effect. **14 CFR, section 91.209(a), is NOT WAIVED for Dawn Patrol balloons.**
19. A control point, designated as the **“Officials Tower,”** shall be established where Mr. Paul J. Petrehn or representative shall direct the demonstration. Mr. Paul J. Petrehn shall be continuously available to the FAA IIC or designated representative and is the person designated as responsible for the overall safety of the event. (Ref. 3-143 A 14)
20. Adequate communication capability (electronic or visual) must be provided to maintain safe operation, to control spectators, and to advise participants the competition/event has been halted or cancelled. (Ref. 3-143 A 14)
21. A target area boundary, constructed of plastic flagging that is clearly visible to the pilots, shall be provided to assist the pilots in maintaining compliance with the approved distances from the spectator areas.
22. A crowd line consisting of a physical barrier and/or adequate policing shall be provided to confine the spectators to a designated area. The spectator areas shall have well defined lateral boundaries. (Ref. 3-143 A 17)
23. Only the pilot and event flight crewmembers, as described in the 2016 AIBF Ops Manual & R and R (Section 2, Sub-Section VI, paragraph C.), may be carried onboard any balloon participating in competition events operating under this Certificate of Waiver.
24. Pilots launching from rows A, B, and C must hold a Commercial Pilot Certificate or its equivalent. The equivalency requirement will be satisfied if the Pilot-in-Command has at least thirty five (35) hours of flight time in a balloon and has launched from Balloon Fiesta Park, within the previous five years.

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25. Before being cleared for take-off, pilots will receive current wind speed and direction at Balloon Fiesta Park from AIBF Officials and/or on the AIBF weather radio frequency. Launches may be suspended by the FAA, if sustained wind velocities exceed 10 knots.
26. Before beginning cold inflation, each pilot shall attach an inflation harness (tie-off) to a vehicle. **Tying-off to a trailer is prohibited.**
27. Pilots of all participating balloons will have on-board the aircraft an operable VHF radio capable of receiving and transmitting on common aviation VHF communication frequencies.
28. A target area (man-made or natural) clearly visible to the pilots shall be provided to assist them in compliance with the approved distances from the spectator areas.
29. Unmanned Aerial Systems (UAS) Demonstrations are not authorized under this CoW.
30. Rocket Demonstrations are not authorized under this CoW.
31. Parachute Demonstrations are not authorized under this CoW.

***Note:** This Certificate of Waiver constitutes a waiver of only those regulations stated, to the degree and for the period of time specified in the Certificate of Waiver. The Certificate of Waiver does not constitute a waiver of any state law or local ordinance. Should the proposed operation conflict with any state law, local ordinance, or required permission of local authorities or property owners, it shall be the applicant's responsibility to resolve the difficulty. The provisions of the waiver shall apply, regardless of the statements contained in the application for Certificate of Waiver. The waiver shall be considered void upon completion of the authorized schedule of events or at the latest time shown on the face of the Certificate of Waiver, whichever occurs earlier. The air show will consist of only those maneuvers or events specified in Item 14 of the application or in an attachment to the Application for Certificate of Waiver.*

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ATTACHMENT C

EFFECTIVE DATES AND TIMES

The waiver area is defined as the area within twenty-five (25) nautical miles (NM) of the Albuquerque, New Mexico, (ABQ) VORTAC, bounded by the 320° radial clockwise to the 190° radial under the general flight altitude requirements and restrictions for flights within the ABQ Class "C" Airspace (as depicted on the current edition of the Albuquerque Sectional Aeronautical Chart) from the surface to 9,400 feet MSL. The Temporary Flight Restriction (TFR) is the area within four (4) NM of the Balloon Fiesta Park (ABQ 038R @ 14 NM DME) from the surface to 8,000 feet MSL. By prior agreement with the Albuquerque Flight Standards District Office (ABQ FSDO), the Albuquerque Aerostat Ascension Association (AAAA) and Top Gun, Incorporated (TOP GUN), waivers are suspended for the time period from September 30 - October 9, 2016.

The Certificate of Waiver or Authorization and the attached Special Provisions shall be in effect during the dates and times (All Times are Mountain Daylight Time) listed below:

September 30, 2016	0530 – 1200
October 1, 2016	0530 – 1200 & 1600 – 2000
October 2, 2016	0530 – 1200 & 1600 – 2000
October 3, 2016	0530 – 1200
October 4, 2016	0530 – 1200
October 5, 2016	0530 – 1200
October 6, 2016	0530 – 1200 & 1600 – 2000
October 7, 2016	0530 – 1200 & 1600 – 2000
October 8, 2016	0530 – 1200 & 1600 – 2000
October 9, 2016	0530 – 1200

During those times when the airspace is not being utilized by the AIBF, the AIBF Event Director shall contact the FTW AFSS and ABQ ATCT and release the airspace.

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ATTACHMENT D

NON-PARTICIPATING AUTHORIZED AIRCRAFT

The following aircraft and persons, although not participating in the AIBF, are authorized by the AIBF to operate in the Temporary Flight Restriction (TFR) area during the dates and times of the AIBF event.

<u>AIRCRAFT:</u>	<u>N #:</u>	<u>OPERATOR:</u>	<u>PILOT(s):</u>
AW119	N306LG	LIFEGUARD	Various
RHC-R442	N74500	News 4	Doug Christian
BHT-206	N7QN	SKY 7	N. Lawson
BHT-206	N213TV	NEWS 13	B. Martin
UH1H	N911SZ	BCSO/Metro 1	J. Fishburn L. Koren
AS-350	N911ZZ	BCSO/Metro 2	C. Tuberville
CE-182	N3023Y	EAGLE EYE PHOTO	L. Morgan
EC-120B	N120PD	APD/PD 1	Various
CE-182-R	N9958H	APD/PD 5	Various
CE-210	N65093	U.S. Customs	Various
CE-210	N7681U	U.S. Customs	Various
CE-208	N9738B	U.S. EPA/Aspect	Beorn Leger Alex Gardiner
AW109	N606SP	NMSP	Various
AS-350B3	N350HM	Helimotion	Michael Franck

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APD/PD 1 & 5 Pilots for N120PD & N9958H

Pilots (sworn):

Sgt. William H. Taylor II
Ofc. Donald Correia
Ofc. Nicholas Pearson
Ofc. Timothy Rainey
Ofc. John Skinner

Pilots (civilian)

Larry Buynak
Rick Greenblatt

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