



DEPT. OF TRANSPORTATION  
DOCKET SECTION  
October 1, 1998  
98OCT -5 PM 4: 38

Department of Transportation Dockets  
Docket N. FAA-98-4390 - 31  
400 Seventh Street SW  
Room Plaza 401  
Washington, D.C. 20590

**By E-Mail: 9 NPRM-CMTS @ faa.dot.gov**

Re: Docket No. FAA-98-4390  
Eastern Region Helicopter Council Comment in Support of  
Proposed Rulemaking: "Flight Plan Requirements for  
Helicopter Operations Under Instrument Flight Rules,"  
Notice No. 98-12; 63 Fed.Reg. 46834 (September 2, 1998).

Dear Madam Administrator;

The Eastern Region Helicopter Council (ERHC) submits this Comment in general support of the proposed rulemaking entitled "Flight Plan Requirements for Helicopters Operations Under Instrument Flight Rules," Notice No. 98- 12, published in the Federal Register on September 2, 1998, at 63 Fed Reg. 46834 (Sept. 2, 1998) (herein after the NPRM).

Formed in 1974, and operating continuously since that time, ERHC is dedicated to fostering the active exchange of ideas and information among the helicopter operators in the Northeastern United States and between those operators, the general public, manufacturers, suppliers, federal, state, and local agencies so as to further the cause of safety, professionalism and efficiency, as deemed appropriate by the Board of Directors. ERHC membership includes some 100 corporate, commercial and individual helicopter operators. Most of our corporate members are Fortune 100 companies.

6796 Rose Hollow Drive, Yardley, PA 19067

Several years ago, on behalf of ERHC, Mr. Jim Church (IFR Committee Chairman for ERHC and member of the Board of Directors Helicopter Association International) of United Technologies Corporate Flight Operations, Hartford, CT, Ms. Diane Dowd of General Electric Flight Operations, White Plains, NY, Mr. Tom Salat of R.O.P. Flight Operations, Teterboro, NJ, and myself became actively involved with the FAA Aviation Rulemaking Advisory Committee (ARAC) IFR Fuel Reserves Committee. Mr. Church became, and remains to this day, the Chairman of that committee. All others are also still members. Of this group, Mr. Church is almost singularly responsible for pursuing industry's interests on the issues which are addressed in this NPRM. Please join me in both applauding and thanking Mr. Church and other members of ERHC who dedicated so much of their time to this endeavor.

The purpose of mentioning the foregoing is to advise you as to both ERHC's active involvement in the rulemaking process and the dedication and determination of the Council and its members to the vertical flight industry.

ERHC also applauds FAA for its efforts in this endeavor and thanks them for the opportunity to participate in the rulemaking process.

The NPRM represents the culmination of several years work by a joint industry and FAA working group chartered in the FAA's Aviation Rulemaking Advisory Committee (ARAC), of which several of the member representatives of ERHC are members. The NPRM suggests modifications to the regulations governing helicopter operations in IFR conditions in three ways. ERHC's Comments on the proposed changes follow each heading.

**1) Weather Minima Necessary To Designate An Airport As An Alternate On An IFR Flight Plan:** ERHC fully agrees with FAA that the proposed rulechange would enhance the safety of flight operations.

Currently, IFR equipped helicopters are often operated in marginal VFR conditions by highly qualified crews due to regulatory restrictions involving weather at both destination and alternate airports. Although these operations are accomplished legally and in a safe manner, both industry and FAA would rather utilize the enhanced benefits of the IFR system. Furthermore, an unofficial survey of our membership indicates that many of the pilots

operating these helicopters prefer to conduct IFR operations in lieu of VFR.

It should also be noted that the chances of a helicopter having to execute a missed approach due to weather conditions at a destination airport (even if the weather at that airport unexpectedly goes below that forecasted), are virtually non-existent as helicopters can conduct instrument approaches at significantly reduced airspeeds compared to that of most airplanes and, in most cases, are only required to have one half the visibility minimums of airplanes for an approach procedure (reference: FAR Part 97).

Further, the proposed change should have no significant effect on ATC workloads, as most helicopter pilots currently utilize ATC flight following services when operating in marginal VFR weather conditions.

Changing FAR 91.169(b) to allow helicopter pilots to conduct IFR operations to destination airports (without having to designate an alternate airport) when weather conditions are marginal VFR will go a long way in elevating the overall level of flight safety in helicopter operations,

**2) Alternate Airport Weather Planning Requirements:** It was always the intent of the working group to allow helicopters to utilize lower than "standard" (600-2 / 800-2) alternate weather minimums.

As written, we understand the proposed change to FAR 91.1679C)(1) to still require helicopters to utilize airplane alternate minima criteria at many alternate airports. The reason for this is that, as proposed, FAR 91.169(c)(1) states, in part, "(1) If an instrument approach procedure has been published under Part 97 of this chapter for that airport, the alternate airport minima specified in the procedure, . . ." We understand this wording to mean that if any alternate minima (be it standard or non standard) is published on an approach plate, all pilots must utilize that minima, regardless of aircraft category. Apparently, this would be the case, as certain publishers of approach charts include alternate airport minimums (be they standard or non standard) on the approach plates of virtually every authorized alternate airport. With that, helicopters would still be obliged to use airplane alternate airport minimums because of an alternate minima being published on the approach plate for that alternate airport. Consequently, we understand the present wording of the proposed change to FAR 91.169(c)(1) to

effectively negate any gains that might have been realized in the reduction of alternate airport weather minimums for helicopters under proposed FAR 91.169 (c)(2).

We site as an example the greater New York City area where both standard and non standard alternate airport minimums are specified on the back of Jeppessen approach plates for every authorized alternate airport in the area.

Further, we believe it to have not been the intention of the working group to require chart publishers to amend approach plates of authorized alternate airports to include helicopter alternate minima. If the proposed rule is adopted as worded, authorized alternate airport approach plates that prescribe standard alternate airport minimums would have to be modified to either 1) include helicopter alternate airport minima or, 2) delete all standard alternate airport minima, in order to allow helicopters to use the proposed reduced alternate minima.

Also, the current wording of proposed FAR 91.169(c)(1) provides no provision for any reduction in alternate minimums for airports with non standard alternate minimums. It is the understanding of the members of the working group that some provision would be made of correspondingly reducing alternate minimums at such airports.

We feel it would be contradictory to allow helicopters the use of lower than standard alternate minimums at airports serviced by a singular instrument approach and no radar coverage, yet disallow them to apply some correspondingly appropriate alternate minima at major airports served by multiple Cat II or Cat III precision approaches and radar, all of which provide for significantly reduced approach minimums.

We site the New York metro area as an example, wherein two of the three major \*metropolitan airports (each serviced by multiple Cat II, CAT III and "Helicopter Only" ILS approaches) have non standard alternate minimums. To provide international flights a "buffer," the alternate airport minimums for these airports have been raised 100', and, under the proposed wording of FAR 91.169(c)(1), exclude helicopters from applying any lower alternate minima to them.

It is the opinion of ERHC and the working group members that the foregoing is contrary to the intent of the working group. It is recommended that FAA provide helicopters with some reasonable

alternative to non standard alternate minimums under FAR 91.169(c)(1).

In consideration of the foregoing, it is respectfully requested that FAA resolve all three of the above noted discrepancies by rewording proposed FAR 91.169(c)(1) to read as follows:

"( 1) If an instrument approach procedure has been published in Part'97 of this chapter for that airport, and alternate airport minima are specified in that procedure, the following apply:

(i) For airplanes-

The ceiling and visibility will be that specified in the procedure.

(ii) For helicopters-

(A) The ceiling will be 200' above the highest published minima for the approach to be flown.

(B) The visibility will be 1 statute mile above the highest published minima for the approach to be flown, or"...

The rewording of FAR 9 1.169(c)( 1) as proposed would:

- Allow helicopters to utilize the intended lower than "standard" alternate airport minima set forth in FAR 91.169(c)(2), whenever "standard" alternate airport minimums are prescribed on approach plates for an authorized alternate airport.
- Eliminate the need to alter approach plates in any way.
- Allow helicopters to utilize realistic lower than "standard" alternate airport minimums at airports that prescribe higher than "standard" alternate airport minima.

### **3) Fuel Requirements For Helicopter Flight Into IFR**

**Conditions:** In general, ERHC agrees with the proposed changes to FAR 91.167(b), with the following exception.

It is noted that a conflict exists between wording in the narrative versions of both proposed FAR 9 1.167(a) and FAR 91.169(b), and the tabular versions. Referring to weather reports

and forecasts, both tabular versions use "The weather reports and/or prevailing weather forecast," whereas the narrative versions use "... (considering weather reports and forecasts and weather conditions)..." and "...the weather reports or forecasts, or any combination of them..." respectively. It is therefore recommended that the wording in the narrative versions of proposed FAR 91.167(a) and proposed FAR 91.169(b) be replaced with the working group's intended wording of "The weather reports and/or prevailing weather forecast."

Additionally, ERHC finds the narrative formats of the proposed changes to be easier to read and more clear than the tabular format. We therefore recommend the narrative format be incorporated into the final rule.

ERHC also agrees with FAA that significant noise related benefits will be realized by helicopters being afforded the opportunity to operate at much higher altitudes, in the IFR environment. If modified slightly and adopted, these rule changes will have a significant beneficial impact on reducing noise complaints caused by helicopters operating at relatively low altitudes during times of lower cloud ceilings.

FAA also requested comments on any other issues related to the proposed changes in the NPRM. ERHC wishes to Comment on one particular issue that many of its members feel quite strongly about. That issue is the training of Air Traffic Controllers in helicopter specific operations, capabilities and limitations.

On a variety of occasions, member representatives have reported being vectored out of the way of overtaking aircraft while operating IFR. Unlike most airplanes, helicopters are, by nature, limited in fuel reserves. Vectoring a helicopter out of the way of a faster aircraft serves only to deplete the helicopters fuel reserves even more so. When questioned as to their actions, ERHC members state that controllers have told them that it is "easier" to vector the helicopter than the airplane. Controllers have also informed ERHC members (and, on occasion, quite tersely) that the ATC system is primarily an airplane environment and they (the controllers) "plug" helicopters in where and whenever they can.

On other occasions, ERHC members, while operating IFR at thousands of feet above the ground, have been seriously asked by

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Air Traffic Controllers to bring their helicopter to a hover in order to avoid other traffic or being placed in a holding pattern.

ERHC finds ATC's response to the first issue ("easier" to vector the helicopter) to be completely unfounded. Certainly, there is no more inconvenience to the crew of an airplane to accept a vector than there is to the crew of a helicopter. Members consider such responses to be exceptionally degrading.

As to the second comment' ERHC wishes to express its deep regret that such attitudes still exist within an agency of the Federal government and sincerely hopes that controllers will one day understand the significant negative impact such discriminatory attitudes and practices have on others.

Considering the probable implementation of the proposed rulechanges herein (that more helicopters may soon have access to the IFR system), and in light of the foregoing examples of current controller attitudes and practices with regards to helicopter operating in the IFR system, ERHC respectfully requests FAA to formulate and implement a determined and ongoing educational program which will adequately educate controllers as to the operational capabilities and limitations of both helicopters and helicopter pilots operating in the IFR environment. Additionally, ERHC requests FAA to decidedly inform controllers of the serious impact of discriminatory practices and attitudes towards helicopters operating in the IFR system.

ERHC thanks the Federal Aviation Administration for the opportunity to Comment on the proposed rulechanges and participate in the regulatory process Further, we encourage FAA to modify the NPRM as suggested and formulate a final ruling as soon as possible As always, ERHC and its members stand full ready to assist FAA in any way possible in the mutually agreed upon finalization of these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard N. Dutson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Richard N. Dutson  
President/Chairman of the Board