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October 13, 1998

U.S. Department of Transportation Dockets  
Docket No. FAA-98-4390 -40  
400 Seventh Street, SW  
Room Plaza 401  
Washington, DC 20590

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

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

DEPT. OF TRANSPORTATION  
DOCKET SECTION  
98 OCT 14 PM 5:58

Dear Madam Administrator:

Helicopter Association International (HAI) submits this Supplementary Comment in support of the proposed rulemaking entitled "Flight Plan Requirements for Helicopter 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*) (hereinafter the NPRM). HAI is the nonprofit, professional trade association of over 1,400 member civil helicopter organizations. Since 1948, HAI has been dedicated to promoting the helicopter as a safe and efficient method of transportation, and to the advancement of the civil helicopter industry.

In its comment of September 23, 1998, filed in this docket on that date, HAI urges the FAA to substitute the following phrasing for the phrasing of proposed § 91.169(c) currently in the NPRM:

(c) *IFR alternate airport weather minima.* Unless otherwise authorized by the Administrator, no person may include an alternate airport in an IFR flight plan unless current weather forecasts indicate that, at the estimated time of arrival at the alternate airport, the ceiling and visibility at that airport will be at or above the following alternate weather minima:

(1) *For airplanes -*

(i) If an instrument approach procedure has been published in part 97 of this chapter for that airport, the alternate airport minima specified in that procedure, or

(ii) If an instrument approach procedure has been published in part 97 of this chapter for that airport, but that procedure contains no alternate airport weather minima, the following apply:

(A) *A precision approach procedure.* The ceiling will be 600 feet and the visibility will be 2 statute miles.

(B) *A nonprecision approach procedure.* The ceiling will be 800 feet and the visibility will be 2 statute miles.

(2) *For helicopters –*

(i) If an instrument approach procedure has been published in part 97 of this chapter for that airport the following apply:

(A) *A precision approach procedure.* The ceiling will be 400 feet and the visibility will be 1 statute mile, but never lower than the published minima for the approach to be flown.

(B) *A nonprecision approach procedure.* The ceiling will be 600 feet and the visibility will be 1 statute mile, but never lower than the published minima for the approach to be flown.

(3) If no instrument approach procedure has been published in part 97 of this chapter for the alternate airport, the ceiling and visibility minima are those allowing descent from the MEA, approach, and landing under basic VFR.

If the partially tabular format of the proposed NPRM is adopted in the final rule, it is our recommendation that both narrative and tabular elements be revised to reflect this clearer phrasing.

This Supplementary Comment offers additional explanation of this recommendation.

**1. The Phrase “but never lower than the published minima for the approach to be flown.”**

Confusion may have arisen concerning the meaning of the phrase “but never lower than the published minima for the approach to be flown” in HAI’s proposed substitute phrasing. Our intent, and the intent of the Working Group that drafted the proposal upon which this NPRM is based, was to authorize appropriately trained and certificated instrument-rated helicopter pilots to designate as an alternate airport on an instrument flight rules (IFR) flight plan an airport for

which the applicable weather forecasts indicated that ceilings and visibilities would be as follows:

- *For a precision approach procedure:* 400 feet and 1 statute mile, but never lower than the published decision height (DH) for the approach.
- *For a nonprecision approach procedure:* 600 feet and 1 statute mile, but never lower than the published minimum descent altitude (MDA) for the approach.
- If no instrument approach procedure has been published in part 97 of this chapter for the alternate airport, the ceiling and visibility minima that allow descent from the MEA, approach, and landing under basic VFR.

## 2. **Further Justification for this Phrasing.**

Concern over HAI's proposed phrasing appears to revolve around the notion that it may authorize a helicopter to fly an approach at an alternate airport to an altitude below the minimum safe altitude for that approach. This concern is easily laid to rest.

FAA Order 8360.3B, Change 7 (Dec. 6, 1984), ¶ 360 at page 42, notes that the "Minimums authorized when an airport is to be used as an alternate airport appear in Table 12. The ceiling and visibility specified shall NOT be lower than the *circling HAA and visibility*, or as specified in military directives for military operations." (Emphasis in original and added.)

Because helicopters do not require (and should not be forced to use) circling approaches, the "circling HAA" (height above airport) is always higher than required for safe helicopter approach operations. Helicopters do not use circling approaches because helicopters are able to fly any available instrument approach, regardless of wind direction, and to land at the approach threshold, regardless of runway length, by pivoting into the wind just before touchdown. This is a common technique practiced by all helicopter pilots, but entirely outside the capabilities of airplanes.

Because helicopters do not use circling approaches, it is not appropriate to confine helicopter IFR flight plan filing opportunities to those instances when a helicopter can file as an alternate an airport at which weather forecasts are above the circling HAA.

At all airports, the MDA and DH represent operationally safe minimum altitudes. Because appropriately equipped helicopters flown by appropriately trained and certificated, IFR-rated pilots fly all approaches to MDA or DH, it is appropriate to authorize helicopter pilots to file as an alternate any airport for which the applicable weather forecasts indicate that conditions will be as 600 and 1 (for a nonprecision approach), or 400 and 1 (for a precision approach) or the published DH or MDA, whichever is higher.

HA1 believes that this explanation accurately expresses the thinking of the Working Group, and that the alternate phrasing proposed in this Supplementary Comment more accurately expresses the intent of the Working Group.

We thank the Federal Aviation Administration for this opportunity to cooperate in the rulemaking process, and we urge the FAA to promulgate the rule proposed in this NPRM as expeditiously as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Resavage". The signature is stylized with a large, looped initial "R" and a cursive "Resavage".

Roy Resavage  
President