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October 2, 1998

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

OFFICE OF THE  
ATTORNEY GENERAL  
OCT 14 4 28 PM '98

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

Re: *Docket No. FAA-98-4390 - 42*  
*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;

I submit this comment in general support the above entitled NPRM as the intention is to enhance the safety of helicopter flight operations by allowing helicopters to access the IFR system under certain weather conditions that they are currently not able to do. I am the Captain of a corporate Sikorsky S-76 helicopter, based at Westchester County Airport in White Plains, NY, and have operated S-76s extensively throughout the Northeast Corridor under both VFR and IFR for fifteen years. I am also a member of the FAA IFR Fuel Reserves Aviation Rulemaking Advisory Committee (ARM) and have been involved with this issue for some eight years.

The proposed rulechange has the potential to provide a significant and positive impact (with regard to safety of flight) on both mine and numerous other helicopter operations throughout the United States.

I congratulate FAA on its efforts and thank you for both the opportunity to provide a public response to the NPRM and participate in the rulemaking process.

Albeit, there appear to be several discrepancies with respect to the wording of various sections of the NPRM. To wit:

The proposed change to the wording of FAR 91.169(c)(1) appears to have not taken into account the fact that some publishers of instrument approach procedures

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(charts) include alternate airport minimums (even if they are "standard" alternate minimums) on virtually every procedure that is authorized at an alternate airport. With that, the proposed wording for FAR 91.169(c)(1) would require helicopters to continue to utilize the same alternate airport minimums as airplanes, thereby defeating, in its entirety, the intent of the Working Group and FAA. Additionally, the same wording will prevent helicopters from using correspondingly lower alternate minimums at airports with non-standard minimums, which in many cases could degrade flight safety, as many airports serviced by multiple precision approaches and precision approach radar would not be utilized as an alternate.

I would suggest that, to rectify these perceived discrepancies, FAA consider adopting the following wording in place of the current proposed language of FAR 91.169(c)(1):

"(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.

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

The rewording of FAR **91.169(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.

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In general, I also agree with the proposed changes to FAR 91.167(b), with one exception. There appears to be a conflict between the wording of the narrative versions of both (proposed) FAR 91.167(a) and FAR 91.169(b) and the tabular versions. With reference weather reports and forecasts, both tabular versions say "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. I suggest, therefore, that the wording in the narrative versions of proposed FAR 91.167(a) and proposed FAR 91.169(b) be substituted with the working group's intended wording of "The weather reports and/or prevailing weather forecast."

Also, I personally find the narrative formats of the proposed changes to be easier to read and more clear than the tabular format.

In closing, I would also like to applaud the efforts of Mr. Bill Wallace of FAA. Throughout this entire process, Bill has demonstrated exceptionally good judgment, fairness, patience and dogged determination in bringing about this NPRM. He deserves a great deal of credit. Please join me in thanking Bill.

Sincerely,

Richard N. Dutson  
Captain/ATP SK-76  
IFR Fuel Reserves ARAC Member