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DEPT. OF TRANSPORTATION  
ROCKETS

OFFICE OF THE  
CHIEF COUNCIL  
USED SCOPES

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1999 JUN 30 A 10:50

Date: 6/24/99 2:43 PM  
Sender: "jackie" <jackie@reich.com>  
To: 9-NPRM-CMTS  
cc: "Ed Scott" <govrelations@uspa.com>  
Priority: Normal  
Subject: NRPM FAR part 105

To whom it may concern,

I am writing to express my overall support for the proposed revisions of FAR Part 105, and to address a few issues which I believe need further review.

I am in strong support for the proposed changes to 105.45 revising tandem skydiving to remove the experimental designation and providing regulations within part 105 to regulate all aspects of conducting tandem skydives.

I am in strong support of the proposed changes to 105.43, 105.45, 65.111 and 65.125 which allow main parachutes to be packed by "packers" under the supervision of a rigger.

I am in strong support of changing 105.49 to allow foreign parachutists to use their own non-TSO'd equipment where it is certified by a foreign civil aviation authority while jumping in the U.S.A.

I strongly DISAPPROVE of the proposed changes to 105.27 requiring 48 hour notification of any serious injury or death, particularly if responsibility for incidents which occur after the parachutists leave the airplane are assigned to the Pilot in command. It is also not in the public interest to know if a non-student skydiver is injured or dies when an aircraft accident is not involved. There is no effect on public safety. USPA's actions and reporting are sufficient to alert and educate the skydiving community.

I also wish to see the following additional changes to Part 105.

FAR 105.43 should be changed to allow a 180 day repack cycle on synthetic fabric parachutes. Numerous studies support the reliability of parachutes packed in excess of 180 days and other countries have adopted the 180 day repack cycle without ill effect. I have confidence in my equipment to withstand the reduced scrutiny of my rigger and believe that modern parachute equipment as a whole has increased in quality and standardization sufficiently to withstand the reduced scrutiny. The present 120 day cycle places an undue burden on both the commercial operator and the sport parachutist.

FAR 105.29 should be changed to relieve the Pilot in Command from cloud clearance responsibility for the jumpers after the jumpers leave the aircraft. The Pilot in Command should continue to be responsible to ensure that each pass over the drop zone should be made in compliance with VFR cloud clearance minimums, and to plan that pass so the jumpers have the ability to comply with their responsibilities for clearance minimums. Since the pilot can not control the exact moment and location that the jumpers leave the aircraft, his responsibility should end when the jumpers leave the aircraft.

In addition, FAR 105.43 should be altered to relieve the Pilot in command at a commercial parachute operation of responsibility to know the type and reserve packing cycle status of the equipment used by sport parachutists. In the past, it was generally true that the operator and the PIC were one and the same and the PIC had a great deal of control who boarded their airplane. A revised FAR 105 should recognize that today's pilot in a commercial skydiving operation is an employee with little control of

operations not directly pertaining to the conduct of flight. From the single Cessna to the multiple turbine operation, the PIC is simply not afforded the opportunity to inspect the equipment of each member of the constant parade of skydivers who board the airplane. The PIC has the right to assume that all passengers will either be students outfitted with the operators equipment (which the PIC has time and opportunity to confirm is legally maintained), or a non-student who's qualifications were confirmed by the operator before allowing them to be manifested for a jump. A non-student parachutist should then be solely responsible for the legality and currency of the equipment they jump if they own or borrow the equipment from a private source. The owner/operator should share responsibility with the non-student customer for the legality and currency of the equipment which he/she rents to a customer who pays for the use of that equipment, and the operator should have full responsibility for the maintenance of student equipment.

In conclusion, more responsibility for what happens to a skydiver and what havoc a skydiver causes after they leave the airplane must rest with the skydiver and less with the pilot in command who no longer has any control over the actions of the skydiver. The Pilot in command should continue to be responsible for ensuring a safe skydive can be made, but his/her responsibility should end when the skydivers leave the airplane. In addition, the FAA should only require reporting of serious injury and death (not involving AIRCRAFT accidents and incidents), of students under the direct supervision and training of the operator or a jumpmaster. Non-student parachutists recognize the risk and responsibility of throwing themselves out of an airplane. If negligence of technique, or equipment maintenance results in injury or death, the public is not affected directly by this action. Therefore, it is once again undue burden on the Pilot in command and the operator to be required to submit reports to the FAA, and for the FAA to be responsible to respond to each injury or death to a non-student skydiver. The public is, however, not sufficiently educated to evaluate the safety of an operation which offers student instruction. Serious accidents and deaths involving students should be reported to FAA who can then be free to investigate and act on the operator's compliance with FAR part 105 and related regulations. The pilot in command should not in any way be liable for the legality of parachuting equipment used by a skydiver, unless he/she is also the operator offering that equipment as part of a commercial operation.

Sincerely,  
Jackie Robertson  
USPA #103665, C25302  
174486994 ATP, SD3, B737, B767-757

28500 Sutherlin Lane  
Eugene, OR 97405

jackie@reich.com

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