



1635 Prince Street, Alexandria, Virginia 22314-2818 Telephone: (703) 683-4646 Fax: (703) 683-4745

July 20, 1999

59819

US DOT Dockets
Docket No. FAA-98-4390
400 Seventh Street SW
Room Plaza 401
Washington DC 20590

49

DEPT. OF TRANSPORTATION
DOCKETS
99 JUL 20 PM 1:00

Re: *Comment in Support of Supplemental Notice of Proposed Rulemaking:
"Flight Plan Requirements for Helicopter Operations Under
Instrument Flight Rules," Docket No. FAA-98-4390, Notice No. 99-10,
64 Fed. Reg. 35902 (July 1, 1999)*

Dear Madam Administrator:

Helicopter Association International (HAI) welcomes the supplemental notice of proposed rulemaking (SNPRM), "Flight Plan Requirements for Helicopter Operations Under Instrument Flight Rules," Docket No. FAA-98-4390, Notice No. 99-10, published on July 1, 1999, at 64 Fed. Reg. 35902. HAI is a non-profit, professional trade association of over 1,400 member 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.

HAI concurs in FAA's observation that,

flight planning requirements (including alternate airport weather minima) for helicopters and other aircraft are virtually identical even though their operating characteristics are substantially different.

* * *

Helicopters . . . fly shorter distances at slower airspeeds than most other aircraft, and they generally remain in the air for shorter periods between landings; therefore, a helicopter is less likely to fly into unanticipated, unknown, or unforecast weather. The relatively short duration of the typical helicopter flight means that the departure weather and the destination weather are likely to be within the same weather system.

64 Fed. Reg. at 35902. In particular, the instrument flight plan criteria currently applicable to helicopters "are generally imposed to facilitate the conduct of circle-to-land operations. Due to the ability of helicopters 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, if necessary, just before

touchdown. . . helicopter operators should not be restricted by these . . . minimums." 64 *Fed. Reg.* at 35903.

HA1 salutes FAA's diligent efforts to develop helicopter-specific criteria appropriate to the helicopters' unique operating characteristics. We are fully in agreement with FAA's conclusion that operation in the IFR system offers the instrument-rated pilot of an IFR-certificated helicopter an extra margin of safety compared to VFR flight in marginal weather conditions. 64 *Fed. Reg.* at 35905-06. Appropriate flight planning criteria will permit instrument-rated helicopter pilots flying IFR-certificated helicopters to take full advantage of the enhanced safety margin offered by the IFR system.

In addition to the obvious safety benefits, promulgation of regulations based on the SNPRM will yield environmental benefits as well. As the FAA correctly notes:

by providing helicopter operators with the opportunity to increase the altitude of a helicopter flight through increased access to the IFR system, the proposed rule will help to reduce the sound energy on the ground generated by that helicopter. For example, if a helicopter flying VFR at 250 ft above ground level (AGL) in marginal weather conditions [a common operational altitude for helicopters under such conditions] is able to fly IFR at 4,000 ft AGL in the same marginal weather conditions, the sound energy is reduced by 24 dB, which represents a decrease to less than one-hundredth the level of sound intensity experienced by third parties on the ground.

64 *Fed. Reg.* at 35905.

In response to the original NPRM on this subject, 63 *Fed. Reg.* 46834 (Sept. 2, 1998) (Notice No. 98-12), HA1 was among the commenters who stated that "FAA should retain the provisions of [SFAR 29-4] for a period of time . . . after the other provisions of the NPRM are implemented as a final rule . . . [to] enable the FAA and industry to determine whether the SFAR is needed or has outlined its usefulness. . . ." 64 *Fed. Reg.* 35903. In the SNPRM, FAA makes clear the historical roots of SFAR 29-4 and argues that this SFAR has, in fact, outlived both its usefulness and its intended purpose. HA1 is persuaded by the FAA's analysis; HA1 no longer opposes removal of SFAR 29-4 upon adoption of a final rule based on the SNPRM.

In the SNPRM, the effort to state ceiling and visibility minima in one clear and concise phrase corrected a technical error in the statement of the ceiling minimum that appeared in the NPRM, but appears to have inadvertently changed the meaning of the visibility minimum. We understand that it was not FAA's intention to change the visibility minimum proposed in the NPRM, and we respectfully ask FAA to return to language more closely modeled on the NPRM to clarify this point.

Specifically, in the SNPRM, proposed section 91.169(c)(1)(ii) is phrased, in relevant part, as follows: "Ceiling 200 feet above and visibility 1 statute mile above the approach minima for the approach to be flown. . . ." 64 *Fed. Reg.* at 35908. In the NPRM, the equivalent visibility minimum was phrased, "the visibility will be 1 statute mile, but never lower than the published minima for the approach to be flown."

63 *Fed. Reg.* at 46842. (In the NPRM, the visibility minimum applied to both precision and nonprecision approaches, a distinction that FAA appropriately did not carry forward into the SNPRM.)

Applying the phrase found in the SNPRM involves adding 1 statute mile to the visibility required for a standard ILS – ¼ statute mile for helicopters, pursuant to 14 *CFR* § 97.3(d-1) – yielding a calculated visibility requirement of 1¼ statute miles. In marginal (helicopter) VFR situations, the National Weather Service frequently states forecast visibility as "1 statute mile" or some fraction less than 1 statute mile. As a result, a subject airfield could not be designated as an alternate on a helicopter IFR flightplan under the language of the SNPRM, but could be designated for this purpose under the language of the NPRM. However, the intent of the NPRM clearly was to permit the designation of an airport that is forecast to have a visibility of 1 mile as an alternate airport on a helicopter instrument flight plan.

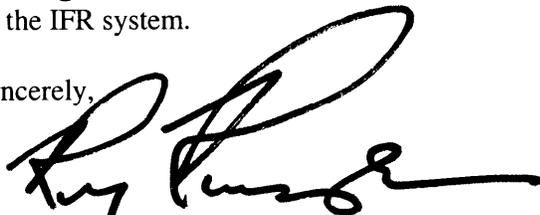
Although the difference between "1 mile visibility" and "1/4 mile visibility" may seem small, the impact on helicopter IFR operations in marginal weather is very large: the language of the NPRM would permit such operations to be conducted under IFR, but the language of the SNPRM almost always would not.

To correct this inadvertent change from the effect of the language proposed in the NPRM, HAI recommends that the following phrase be used in the final rule version of section 91.169(c)(1)(ii) to return to the intent of the NPRM:

- (ii) For helicopters: Ceiling 200 feet above the approach minimum for the approach to be flown, and visibility at least 1 statute mile but never less than the helicopter visibility for the approach to be flown, and . . .

HAI salutes the many dedicated FAA personnel who have worked hard during the past several months to address the difficult technical issues raised in the NPRM. We and our members realize that the SNPRM represents many hours of diligent effort to craft a clear, concise rule to permit helicopters to access the IFR system in a manner commensurate with their unique operating characteristics. FAA's efforts to enhance the safety and environmental friendliness of helicopter operations in marginal weather are in the agency's best tradition of working with industry to increase aviation safety. HAI looks forward to promulgation of the final rule and to the benefits that will be derived through enhanced helicopter access to the IFR system.

Sincerely,



Roy Resavage
President