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OFFICE OF THE
CHIEF COUNSEL
RULES DOCKET

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July 28, 1999

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

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

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:

As chairperson of the FAA ARAC working group on Helicopter IFR Issues I am commenting on behalf of this group. The group would like to thank the FAA for its help and cooperation over the last nine years in drafting this rulechange. As a result of this team effort to change the rules affecting helicopter IFR we feel it will greatly improve the safety of helicopter operations. The industry has long await this rulechange and is happy to see that the FAA acknowledges that "(helicopter) operating characteristics are substantially different." This recognition is important in improving the efficiency of helicopter operations. It has always been the contention of the working group that helicopters due to their unique nature can operate safer if allowed access to the IFR environment. This rule change should only be the beginning of this process and recognition. We thus hope there will be other changes to the FAR's and rules to benefit helicopters and thus continue take full advantage of their operating capabilities.

The working group worked with the FAA on improving the language of the original NPRM, 63 Fed. Reg. 46834 (Sep 4, 1998) to help clarify its meaning and intent and offers suggestions to this SNPRM, 64 Fed. Reg. 35902 (July 1, 1999) in what we hope it will result in a final rule.

The working group supports the FAA recommendations to change the helicopter requirements for an alternate airport and differentiate them from other aircraft. We feel these are prudent and safe recommendations reflective of helicopter operations. These changes will encourage helicopter pilots to more realistic think about filing a IFR flight plan rather than fly in marginal VFR conditions. This change will promote safety and the working group supports the FAA's change in these areas.

FAR 91.167 and FAR 91.169 :

(2) Appropriate weather reports or weather forecasts, or a combination of them indicate the following:

(i) For helicopters. At the estimated time of arrival and for 1 hour after the estimated time of arrival, the ceiling will be at least 1,000 feet above the airport elevation or at least 400 feet above the lowest applicable approach minima, which ever is higher, and the visibility will be at least 2 statute mile.

The original NPRM, 63 Fed. Reg. 46834 (Sep 4, 1998) received comments and suggestions addressing the issue of standard and non-standard alternate minimums. The working group supports the FAA recommendation in this SNPRM, 64 Fed. Reg. 35902 (July 1, 1999) that precision and non-precision alternates be treated the same by utilizing actual approach to be flown at the alternate and add 200 feet to those minimums.

The original NPRM, 63 Fed. Reg. 46834 (Sep 4, 1998) had recommended the visibility section of the rule to be 1 mile (91.169 (c)(1)(I&ii)). The SNPRM, 64 Fed. Reg. 35902 (July 1, 1999) has increased the visibility requirement to over a mile with no explanation and the working group assumes this was an unintentional error on the part of the FAA. The working group suggests that the FAA return to the original intent of the NPRM and recognize the capabilities of the helicopter under 14 CFR 97.3(d-1). The working group recommends the FAA adopt the following language in it's final rule of section 91.1698(c)(1)(ii).

(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...

The working group would like to thank the FAA for all the help it has given this working group to make this ARAC project a success. Although the process has taken longer than predicted, the working group is satisfied that the final result is a superior product as a result of cooperation between industry, operators and the FAA. We firmly believe that as a consequence this rule will have long range benefits for our industry and at the same time promote safety. This is truly a win win situation for all concerned and we look forward to other ways we can work with the FAA to improve our industry.

Respectfully yours,

Jim Church

James A. Church
Chairman ARAC Working Group
Helicopter IFR Issues



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