



November 7, 2001

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U.S. department of Transportation  
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400 Seventh Street, SW.,  
Washington, DC 20590-0001

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RE: Docket Number FAA-2001-10047; Notice No. 01-08 - 228

Gentlemen:

As a member of the Fractional Ownership Aviation Rulemaking Committee, I had not commented on this NPRM as I felt it might be inappropriate having served on the committee. However, after the extension was granted for the comment period, I felt it may be worth while to make a few minor comments. Particularly in light of the recent discovery of subleasing shares by an Executive Jet (Netjets Program) share owner.

1. As a member of the Fractional Ownership Aviation Rulemaking Committee (FOARC) representing the Part 135 community, when the discussion turned to the minimum fractional ownership interest, we support that the minimum ownership to be a 1/8<sup>th</sup> share. After further discussion, we agreed with the fractional program operators to make the minimum ownership interest for fixed wing aircraft, 1/16<sup>th</sup>. Therefore, any reduction of this minimum share as agreed to by the committee, and included in the definitions of a fractional program is in violation of Part 91K, if adopted as written.

The newly proposed subleasing by a share owner (Marquis Jet Partners, Inc.) of their share(s) of the Netjets Program, violates Part 91K's minimum definition and at the very minimum the spirit of the committees (FOARC) understanding of and consensus on the definition of a minimum ownership interest.

In addition, should the FAA disagree with my argument above, based on Part 91.1005 Marquis Jet Partners would have to be a Part 135 operator. I understand EJA is a part 135 operator, but it is my opinion that should Part 91K be adopted, Marquis Jet Partners, would have to be a certified air carrier.

2. Should Part 91K be adopted, it should be made clear that the changes to Part 135 would become effective at the same date Part 91K becomes effective.
3. It should also be made clear, that once Part 91K is adopted all current fractional ownership program pilots would have to be drug and alcohol tested. Not just the new program pilots.

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Other than that mentioned above, I am in favor of adopting Part 91K as written in this NPRM. The unanimous consensus of the committee as to the final product was worked out with a lot of time, blood, sweat, and tears by many courageous individuals. Any material change from the written regulation as submitted by the FOARC and mirrored by this NPRM should not be accepted. Any attack on this regulation after adopted should be aggressively reacted to by the FAA. The Part 135 caucus of this committee always feared that once adopted, the fractional programs attorneys would start finding loopholes to benefit the program managers, and defeat the effect of Part 91K. We are trusting in the FAA to not let this happen.

Respectfully submitted,

AVIATION CHARTER SERVICES

A handwritten signature in black ink, appearing to read "Michael J. Pittard", written over a circular stamp or seal.

Michael J. Pittard  
President

MJP:gg