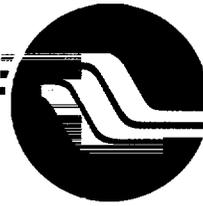


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Aviation



**Charter
Services**

May 28, 2002

Docket Management System
U.S. Department of Transportation
Room Plaza 401
400 Seventh Street, SW
Washington, DC 20590-0001

DEPT OF TRANSPORTATION
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RE: FAA-2002-12261; Notice No. 02-09 - 3

Gentlemen:

Since our company is a small business operating with a small administrative staff, I will do my best in expressing my opinion in regards to the proposed reduction of vertical separation minimum in the domestic United States airspace (DRVSM). However, my opinion will not be supported with as much detail as I would like as our resources are limited.

The idea of DRVSM is agreed to by most within the general aviation community as well as the commercial aviation industry. Therefore, as an idea, the aviation community is in agreement with our government that additional airspace will be necessary in future years as aviation grows. Airspace capacity is a threat to our industry, and an even greater threat is airport capacity. The only problem with this proposal is who is to paid the cost of equipping all the aircraft with the needed avionics upgrade, the fact that some aircraft won't be able to upgrade, and the government estimates of this cost.

As a small air charter operator, we will have four of our managed aircraft effected by this rule. One aircraft is a Learjet 25D (1979), which has no RVSM package being developed, and from what the industry is telling me, there will not be one developed. Another aircraft is a Learjet 35A, which does have a RVSM packaged available at the cost of \$175,000, and a down time of 5 weeks. In addition to the Learjets, we have two older (1984 and 1985) Hawker 800A's, neither of which have RVSM packages developed at this time, and once a package is developed the estimated cost may be as high as \$250,000 per aircraft, and a down time of 5 weeks. All four of the owners of these managed aircraft operate their aircraft as a business tool, and the aircraft have to continue to make sense as a business tool or they will sell them. Each time the government makes a ruling that adds to the cost of the aircraft, the greater the chance that the ruling will eliminate our source of aircraft for continuing in business.

As of this date, the Learjet 25D resale market has dried up, and values severely reduced because there is no one that has developed or is interested in developing (because of the cost related to the aircraft's value) an RVSM package for the Lear 20 series aircraft. My Learjet 25D owner paid \$1.3 million for this aircraft that now may be worth nothing. My Learjet 35A owner, has indicated that prior to the rule becoming effective, he wants to sell his aircraft because he can not afford to put another \$175,000 into the aircraft. One of my Hawker 800A's owner has already given me the order to sell it as they feel the cost of ownership is to great, and with this NPRM likely becoming a rule, it gives them more reason to sell now.

Once again, I am one small operator out of some 3,000 air charter operators, and I don't how many additional aircraft management companies, and yet 3 of my 4 jet aircraft do not have a RVSM packaged developed as of this date. In addition, my Learjet25D owner is looking as the possibility of loosing most if not all of his investment, and my company is looking as loosing three fourths of our jet fleet because of this proposed rule.

When the cost estimate of \$634 million was made did they consider the lost of revenue while the aircraft is down for 5 weeks for the installation of the new equipment? Did they have in their calculation the loss of aircraft value to all those aircraft that no RVSM package is available? Was there any estimate made on the number of aircraft owners who would get out of the business rather than pay the cost to comply with the RVSM rule? Did anyone figure into this cost estimate the lost in business to air charter operators when managed aircraft are sold (and therefore, not available to use as charter aircraft) because the owner can not afford to pay the cost for this upgrade? It is my opinion that the \$636 million is inaccurate, and the true 15 year cost will be in the billions.

How can the government arbitrary tell our industry that you are going to have to pay on the average of \$175,000 per aircraft to comply to this rule, or sell your aircraft at a substantial loss because no RVSM package is available, and assume all will accept it. If the Department of Transportation (or some other agency) told all the U. S. car owners that they were going to have to spend \$2,000 on each of their cars no matter what the age or value, do you think they would accept it easily. No they wouldn't and the government would come up with some other solution to resolve the problem. Our industry is no different and we need a different way than suggested to resolve our airspace problem.

It is my opinion that one of the following options should be selected as the method of reaching our DRVSM goal.

1. Go back to "Alternative Two", and reevaluate its ability to work. I know of no aircraft flying above flight level 290 that has an altimeter that would be off more than 200 feet. If there are aircraft with a 700 foot deviation, then it is a rare instrument problem, and instrument problems are going to happen even with newer RVSM approved instruments. This would be for aircraft manufactured before a given date. For aircraft manufactured after this date, then the RVSM package can be required. Additionally, if over the past 40 years the 1,000' separation has worked well below flight level 290, it should work better above 290. It is my opinion that aircraft flying above flight level 290 have more sophisticated equipment normally than aircraft flying below 290. If this assumption could be proven, then why would there be a need to upgrade equipment on aircraft flying above 290?
2. Upgrade ATC's equipment and training to handle more aircraft, and to be more sensitive to aircraft altitude deviations. Otherwise, upgrade ATC's equipment so existing aircraft equipment would not have to be upgraded. ATC's computers could be updated or reprogrammed to notify controllers of any deviation greater than 200 feet above flight level 290.
3. Since most of the estimated savings of \$5.8 billion will be the airlines, then let the airlines subsidize the cost of the \$634 million to US operators, and they will still save \$5.7 billion.
4. Use the airport and airways trust fund to subsidize the cost of these updates. These subsidies could be given to the equipment manufacturer or the avionics shops

Consideration should also be given to the potential effect this proposed rule would have on unbalancing the playing field in our industry. As an example, the more cost you place on an individual owner the greater that owner will depart aviation as a single owner. It is possible that this rule may cause single owners to favor the fractional programs which can spread their cost amongst its owners. Also, it may favor the airlines, as current owners opt to use the airlines and sell their aircraft because owning their own aircraft has become too costly. As a small businessman, I remain concerned that government regulations continue to favor the large companies and disfavor the smaller ones.

I understand the amount of work and planning that has gone into the development of this NPRM. However, I believe some of the simple solutions have been unfairly discarded, and not all the potential harm has been considered. Again, no one is suggesting that DRVSM is not needed, it is just the unnecessary cost that I object to. Alternative two should be revisited with the thought of how to make it work, and the planned implementation date of the DRVSM should be extended to December 2007.

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Someway, somewhere we have to find a way to achieve the goal of DRVSM without ignoring the severity of the economic impact on the individual owner, and the small businessman. Reducing or eliminating the economic impact of this proposed rule on the general aviation industry is critical to the survival of the smaller operators, and to maintaining a balanced playing field.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Pittard", written in a cursive style.

Michael J. Pittard
President

MJP:gg