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The Regional Air Cargo Carriers Association submits the following comments applicable to the proposed rewrite of 14CFR135 and associated regulations. Specific regulatory references are cited where applicable. In some cases, there is no specific regulation to cite; comments are marked "no SRR."

1. REGULATION BY HANDBOOK BULLETIN [no SRR]

There are numerous areas where FAA directives (Handbook Bulletins, FAA Inspectors' Handbooks, Minimum Equipment Lists, etc.), impose restrictions far more stringent than the regulations themselves. The chief complaints about this increasingly-common practice are:

(a) Specific directives may be treated like regulations by some local FAA offices, and partially or completely ignored by others

(b) They are not subject to the normal rulemaking procedures — including economic impact analysis and publication for public comment before adoption. Examples include MELs that prohibit daytime VFR flights in FAR 135 single engine airplanes with inoperative gyro horizons, requirements for various features to be included in operators' manuals that aren't supported by the regulations, etc.

(c) These practices result in widely variable requirements imposed upon operators in various districts and regions, in many cases having significant discriminatory effects upon operators' ability to compete.

The FAA needs to examine the directives listed above and either incorporate them into proposed rules — so they can either be validated through the normal rulemaking process or rejected by it — or eliminate them as insufficiently important to warrant rulemaking.

2. OPERATIONS SPECIFICATIONS [119.7, 119.49, 135.23(c)]

Frequent succeeding iterations of the FAA's Automated Ops Specs (IOPSS, etc.) have grown increasingly voluminous and redundant, to the point that even the issuing FAA offices often aren't familiar with what is in the OpsSpecs they send to a particular operator and have difficulty using

the system. One example is completely duplicated (often multi-page, for large operators) lists authorizing use of the Approved Aircraft Inspection Program for fleet aircraft (D73), and to authorize use of those aircraft on the certificate (D85). Their format is such that, often, only a few lines of text appear on each page.

> *A regulation should be incorporated, keyed to the Paperwork Reduction Act, simplifying the system, and setting reasonable content guidelines for OpsSpecs, and requiring that "boilerplate" verbiage not applicable to a particular operator be removed. It should further specifically require that OpsSpecs not reiterate material already required by the regulations or required by the regulations to be in operators' manuals, and not incorporate requirements unsupported by the regulations.*

3. JUMPSEAT RIDERS [135.85]

FAR 135.85 is generally interpreted to prohibit transportation of other operators' pilots on jumpseats of "straight freighter" aircraft that do not comply with all passenger-carrying requirements of FAR 135. Presence of another pilot in the cockpit, who can look for traffic and otherwise monitor the operation, is bound to increase safety. There are other clear benefits to both jumpseaters and operators (such as ability to negotiate reciprocal jumpseat agreements).

> *FAR 135.85 should incorporate another "letter" item, "(x) Pilot and Flight Engineer crewmembers of other U.S.-certificated air carriers, provided an approved seat with an approved seat belt is available with access to the flight crew exit." If the FAA deems it necessary, the regulation could require that operators notify jumpseat riders (if applicable) that they will be traveling in aircraft that do not meet the regulatory requirements of FAR 135.*

4. MANIFESTS [135.63(c)]

FAR 135 requires that manifests be made out in duplicate, but does not specify what is to be done with the copy. Furthermore, the rule does not require that passenger names be placed on passenger manifests, nor does it require manifests for single engine airplanes. Aside from a tool for FAA inspectors to use in determining that aircraft were loaded within applicable weight and balance limits, manifests are extremely useful in identifying occupants following an accident — if these data are available.

> *FAR 135.63(c) should be amended to (a) include a requirement that a copy of the manifest should be left in a location at the departure station where it could be recovered with reasonable effort by someone looking for it (even under a rock; extensive, costly requirements for operators to provide specific locations should*

NOT be required), (b) that passenger manifests include the passengers' names, and (c) that these manifests be required for single engine airplanes.

5. SIMULATORS [no SRR].

The FAA continues to emphasize its commitment to, and belief in, the benefits of simulators — but current initial and continuing requalification requirements are so burdensome that it is impracticable for operators to use simple generic simulators (that the FAA calls "training devices") such as the ATC-810, AST-310, Frasca 242, etc., although they are very effective for initial and recurrent FAR 135 training (and for certain items on checkrides).

Include a provision in FAR 135 that would provide for use of simple non-motion non-visual simulators for specified increments of initial and recurrent training and checking; more specific language would need to be developed by the committee, but could include area departures, enroute navigation, area arrivals, straight-in precision and nonprecision approaches to missed approaches, etc. These simulators would be ***checked and approved by local-office inspectors****.*

6. PILOT EXPERIENCE [135.243(c)]

With significant decreases in numbers of pilots entering the civilian workforce from flight schools and the military, combined with periodic surges in hiring by major airlines and regionals, the U.S. faces a shortage of experienced pilots. In particular, single-pilot FAR 135 cargo operators have increasing difficulty recruiting entry-level pilots that meet current §135.243 requirements.

For FAR 135 cargo-only operations, allow the following levels experience for IFR pilots in command, rather than those in §135.243(c):

- *Single engine airplane not approved for flight in known icing — 600 hours pilot flight time, 300 hours cross country; otherwise as per current rule*
- *Single engine airplane approved for flight in known icing or piston-powered multiengine airplane — 800 hours pilot flight time, 400 hours cross country, otherwise as per current rule*
- *Turbine-powered multiengine airplane — 1000 hours pilot flight time; otherwise as per current rule*
- *Turbojet-powered multiengine airplane — as per current rule.*
- *At least half of required pilot flight time must be in same category of aircraft.*

7. FERRY PERMITS [21.197(c)(2), 135.419]

Many FAR 135 cargo operators use "nine-or-less" §135.411(a)(1)/135.419 AAIP programs — which [per §21.197(c)(2)] do not allow self-issued ferry permits. Need frequently exists to

reposition "ferryable" aircraft for maintenance after FAA office hours; inability to do so places a heavy and unjustifiable economic burden on those operators due to unavailability of aircraft for succeeding days' flights. Current FAA union work rules do not allow Regional Ops Centers to phone inspectors for the purpose — so ferry permits are not reasonably available from the FAA after office hours.

> *FAR 135 should incorporate a specific provision, or FAR 21 should be appropriately amended, so FAR 135 cargo operators using a AAIP would be authorized to issue their own ferry permits, and to FAX or otherwise electronically transmit them to the location of the aircraft to be ferried. Suitable, reasonable safety and control procedures would be required in their manuals.*

8. MAXIMUM PAYLOAD WEIGHT FOR FAR 135 FREIGHTERS [119.3]

The "old" FAR 135.2 (which specified a maximum payload of 7500 lb. for "large aircraft" operated under FAR 135) was based on the DC-3 airplane. Since those days, aircraft with considerably enhanced safety features and somewhat larger size have become available to FAR 135 cargo operators. In this context, the current 7500 lb. payload limitation is obsolete. Several FAR 135 operators can currently operate these types of airplanes at their originally-certificated maximum weights carrying extra fuel, but cannot legally carry that same weight as payload due to the 7500 lb. restriction. They routinely demonstrate an "equivalent level of safety" to FAR 121 operators, and should be allowed to carry the airplanes' full available payload without the significant initial investment in FAR 121 certification that is costly both industry and the FAA, and subsequent ongoing costs and complexity.

> *Rewrite the current rule to either (a) harmonize it with the "large airplane" definition in 49CFR298 — 18,000 lb. cargo payload [proposed by FAA in a meeting last year], or (b) incorporate some other mutually agreeable increased value such as 12,500 or 14,000 lb., for established operators.*

9. TRANSPONDER CHECKS [91.413(c)(1)]

Operators that use "nine-or-less" §135.411(a)(1)/135.419 programs are required by FAR 91.413(c)(1) to have a properly certificated repair station that is equipped to do the work, accomplish the transponder test.

> *Provide in FAR 135 that nine-or-less operators be authorized to write a §91.413 test procedure and inspection guide, with suitable controls, into their AAIP. Persons performing the work would need to have the proper equipment and be properly* ***trained*** *(possibly on a recurrent basis) by a certificated repair station to perform the 91.413 test, but the requirement for a repair station to* ***perform the work*** *would be eliminated.*

10. CARGO FERRY FLIGHTS [no SRR]

Currently, the term "ferry flight" automatically excludes carriage of revenue passengers or cargo. If reasonable controls were applied, certain flights carrying revenue cargo (but no passengers) could be conducted (for the purpose of completing a trip sequence) with no adverse safety consequences.

> *Ferry flights in single engine retractable gear airplanes with retraction problems, but the gear safely down and locked, restricted against flight in icing or speeds in excess of V_{LE}, or with flaps inoperative in the "up" position operated from runways of sufficient length — and similar circumstances as recommended by the committee — should be allowed in cargo-only operations under FAR 135. This could be addressed by specific regulatory relief in FAR 135, or alternatively through additional MEL relief applicable to cargo-only operations.*

11. ADDITIONAL MEL RELIEF FOR CARGO-ONLY FLIGHTS [no SRR]

Minimum Equipment Lists have become increasingly strict in recent years, growing much more restrictive than applicable regulations. Considerable additional relief could reasonably be granted, particularly in view of reduced public safety risks, on cargo flights.

> *Make provision in FAR 135 for "cargo-only flights" relief items in MMELs. Potential subjects include one (of two) cylinder head, oil, or exhaust gas temp gage on piston twins, prop tachometers when it is feasible to match engine RPM by ear with the other engine on piston or turboprop twins, gyro horizons and DGs for daytime VFR flights, etc. An additional "alphabet category" could also be considered: Passenger carrying prohibited, and only sufficient flight allowed to reach a maintenance base, possibly limited to a maximum of three flight legs and 24 clock hours. A committee working group should explore these and other areas of potential relief. It could implemented either via MELs, or by specific FAR 135 provisions.*

12. FAR 135 CARGO-ONLY TSA-FAA INTERFACE ISSUES [no SRR]

Many security requirements currently imposed on scheduled operators, and other proposed security requirements, are impractical, would be ineffective, or are frankly impossible in FAR 135 cargo-only operations in smaller aircraft and at smaller airports. Beyond a certain level, increasing security requirements will simply price smaller communities out of the market and deny their residents access to services provided by these aircraft — much like what occurred when the "single level of safety" and FAR 121 mandates for passenger commuter operators doomed the economic viability unsubsidized operations in 19-passenger and smaller airplanes.

While this may be outside the immediate scope of the FAR 135 rewrite project, it is an issue that certainly needs to be addressed. This will probably require a joint working group, mentored by the FAA, involving TSA and industry personnel — to acquaint TSA with realities and practicalities of small aircraft, small airport, often single-pilot cargo operations — for example, at airports so rustic that lack of a fence to keep wildlife off the runway is part of the security problem — but risks are commensurately small.

13. SEPARATE FAR 135 SUBPART ADDRESSING CARGO OPERATIONS [no SRR]
Presuming various concerns above are addressed, it appears appropriate to consolidate regulatory issues specifically pertinent to cargo operations under FAR 135 into a separate subpart — rather than having them scattered throughout FAR 135 and other regulations, as is currently the case.

Include another subpart in the revised FAR 135 addressing issues exclusively applicable to cargo-only operations.

14. HEADQUARTERS FAR 135 BRANCH [no SRR]
Lack of a "central FAA voice" on FAR 135 issues, poor standardization, different requirements from different districts, and nonuniform interpretation of regulations and other guidance are complaints heard repeatedly from FAR 135 operators at Regional Air Cargo Carriers Association meetings.

A separate Branch at FAA Headquarters dedicated specifically to FAR 135 matters appears to be the most appropriate means of addressing this issue.

Respectfully submitted,

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