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Docket Management System  
U.S. Department of Transportation  
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Regarding:

Docket Number FAA-2002-13923  
14 CFR Parts 125 and 135 Regulatory Review

The Airline Dispatchers Federation strongly believes that all FAR 135 operations must transition to FAR 121 Flag and Domestic rules. FAR 121 operations, utilizing positive operational control, has proven to be the safest form of flight operations. The pilot in command and the certified aircraft dispatcher, both equally trained and qualified, exercise joint positive operational control and share joint responsibility under FAR 121.

This ARC committee has a great opportunity to transition all FAR 135 operators to FAR 121 operations. A high ranking FAA official stated at a recent ARAC meeting that the "goal is developing ever better safety standards." Accepting anything less would trade safety for economics. Many FAR 135 operators operate a flight operations department with employees holding FAA aircraft dispatcher certificates. Transitioning these departments to full FAR 121 flight dispatch departments would allow these employees the ability to exercise positive operational control as certified aircraft dispatchers.

NTSB accident statistics for the period 1999-2001 demonstrate the effectiveness of the single level of safety since the Commuter Rule came into being in 1997. The accident rate per 100,000 hours flown for 1999-2001 for FAR

121 (scheduled) was 0.257 while the accident rate over the same time period for FAR 135 (scheduled) was 3.123.

Presently, the FAR 135 structure often has one employee doing several job tasks. An example would be one employee working as Line, Check and Chief pilot. The NTSB noted in a major 1980 study that:

“... multiple responsibilities centralize authority in one person and reduce the checks and balances that should exist.”

FAR 121 operations maintain these checks and balances so that between the pilot in command and the certified aircraft dispatcher positive operational control can be assured. It should be noted that ICAO is pushing the international safety bar to a higher standard with the proposal to amend ICAO Annex 6. The Interagency Group on International Aviation noted in their U.S Letter to ICAO that:

“This proposal addresses flight operations officers / flight dispatchers and would more explicitly recognize the important safety-related role played by these persons in the safe conduct of flight operations in ICAO Contracting states...”

This ARC must collectively acknowledge that FAR 135 operators be transitioned to FAR 121 Flag and Domestic rules. Not doing so would be regressive at a time when the opportunity exists to progressively increase the level of safety that FAR 121 operations has continually demonstrated with the use of certified flight dispatchers exercising positive operational control. Indeed, the U.S. Letter to ICAO addresses the need for an increase in flight safety levels worldwide utilizing certified flight dispatchers. This ARC needs to follow the lead of the ICAO petition to proactively increase flight safety.

In conclusion, FAR 121 Flag and Domestic operations afford companies and flight crews the support of a certified flight dispatcher in the planning, operational and flight watch phases of flight operations. The public assumes the same rules and level of safety apply to every commercial flight. This ARC has the responsibility to ensure public trust is fulfilled with the highest possible single level of safety.

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