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Docket Management System  
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**Attn: Docket Number FAA-2002-13923**

Bankair, Inc submits the following comments to the docket for the rewrite of FAR 135.

**1. The need for a 135 Operation Division.**

The main problem with 135 today is that it is a collection of various interpretations by each person in the FSDO and their ability to enforce that interpretation without recourse by the certificate holder. The fact that there is no division for 135 issues, leads to a lack of standardization. Each certificate holder operates by a different set of local standards. *To solve the problems of individual interpretation and enforcement of Part 135, there is a tremendous need for a 135 Operational Branch at the national level.*

**2. 135.21 Company Manuals**

135.21 requires that, a copy of the manual, or appropriate portions of the manual (and changes and additions) shall be made available to the maintenance and ground personnel by the certificate holder and “furnished” to its flight crewmembers.

*This should be revised to “made available” to flight crewmembers in keeping with 135.81 where the AIM, Part 135, Part 91, Aircraft Equipment Manuals and AFMs are made available to each pilot.*

**3. 135.63 (c) (d) Load Manifest**

135.63 (c) – For multiengine aircraft, each certificate holder is responsible for the preparation and accuracy of a load manifest in duplicate containing information concerning the loading of the aircraft ... and include the following information ... . This is impossible to comply with as the certificate holder under 135 does not prepare the load manifest but provides a form from which the PIC can accurately determine weight and balance. *Recommend the certificate holder be responsible for providing a suitable load manifest, from which a PIC can determine that an aircraft is loaded safely and within limits.*

*135.63 (d) then should be changed to read that the Pilot in Command of an aircraft for which a load manifest is required, must accurately prepare the manifest in duplicate and shall leave a copy of the completed manifest at each departure point and carry a copy of the completed manifest in the aircraft to its destination.*

**4. Reporting Mechanical Irregularities**

135.65(b) states the pilot in command shall enter or have entered in the aircraft maintenance log each mechanical irregularity that comes to the pilot’s attention during “flight” time and 135.23(f) Manual Requirements, states that the manual must include procedures for reporting and recording mechanical irregularities that come to the attention of the PIC before, “during” and after completion of a flight.

This should be impossible and could impact safety. The pilot should fly the aircraft during flight. The pilot should not attempt to record mechanical irregularities during flight and could open himself up to a possible violation for flying an unairworthy aircraft.

If a mechanical is recorded on an aircraft – the aircraft is grounded until the aircraft is repaired or the item is deferred. How can you ground an aircraft in flight? *This should read that the Pilot in Command shall enter or have entered in the aircraft maintenance log each mechanical that comes to the pilot’s attention before or after a flight (delete during).*

**5. 135.85 Carriage of persons without compliance with passenger carrying provisions of this part.**

There is need to address jumpseating crewmembers from other 135/121 operations. They are not passengers. There is no compensation or holding out for commerce/hire by the company. It could have a positive impact on safety and is in keeping with industry practices. *Solution change 135.85(a) to "A crewmember or other employee of the certificate holder or any other Part 119 Air Carrier."*

**6. Logging Second in Command time under 135 for aircraft not requiring more than one pilot.**

61.51(f) states that SIC time may be logged ONLY in an aircraft certificated for more than 1 pilot. 135 operators should be allowed the safety benefit of using an SIC if desired. Recommend a change to 135.99 Composition of Flightcrew that allows –

*A certificate holder may operate an aircraft certificated for only one pilot with a second in command who is an employee of the certificate holder and properly trained and qualified under 135.293.*

*135.109 Pilot in Command or Second in Command: Designation Required – would have to be revised from designating a Second in Command for each flight requiring two pilots to designating a Second in Command for each flight being operated with two pilots.*

**7. Exception to SIC, Autopilot usage.**

135.105 states that a person may operate a single pilot airplane without a second in command, if it is equipped with an operative approved autopilot system and the use of that system is authorized by appropriate operation specifications.

Does this mean that if an aircraft is certificated as a single pilot airplane, it may not operate without a second in command unless there is operative approved autopilot? Or that it may operate only with an autopilot? Is the autopilot required for VFR, VFR & IFR, or IFR operations? *Shouldn't this be autopilot in lieu of second-in-command for IFR passenger carrying operations?*

There is a need to address aircraft not certificated with 3 axis autopilots and the term "about the three axis". *A possible solution is "an autopilot capable of maintaining heading and altitude" instead of "maneuver ... about the three axis".*

**8. Issue Flight Training/Flight Simulator Devices**

Given the advances in Flight Training Devices, there is a need to consider approving some of the FTDs and STDs for credit to satisfy certain training and checking events and recent flight experience under 135.97.

**9. Fleet MELs**

There needs to be a regulatory statement affecting how fleet MELs are issued and formatted and whether a same aircraft may be added to an existing MEL without FAA intervention. There is no reason to submit an MEL to the FSDO for a 30 day turnaround approval when the same make and model aircraft is added to an existing fleet MEL. The certificate holder should be able to revise (and forward the revised copy to the FSDO) the MEL for a same aircraft without FAA "approval" of an existing approved MEL. This takes some burden off an already overworked FSDO and is in keeping with Operator issued items such as Op Specs and Company Manuals (which are accepted by the FAA).

**10. Continuing Authorizations for Special Ferry Permits**

Cargo and 9 or less should be able to utilize and benefit from the procedures already established in 35.179(c) and 21.197 by changing the reference in 21.197(c) of "as prescribed in 135.411(a)(2)" to read "as prescribed by 135.411(a) and issuing Op Spec based on the certificate holder having a Flight Following or Dispatch department, which can monitor the progress of the flight, and when the flight is approved by the Director of Maintenance.

21.197(c) provides that guidance for special flight permits with a continuing authorization is prescribed in 135.17. However, 135.17 does not exist.

A great deal of hardship is endured by 135 when an aircraft item becomes inoperative between 1630 on any Friday and 0730 on the following Monday. This is particularly burdensome if a holiday is involved.

When the FAA issues a ferry flight permit, they don't look at the airplane now. Given that this is a paperwork function, *Certificate holders should be able to issue their own ferry permits.*

**11. 135.223 IFR ALTERNATE AIRPORT REQUIREMENTS** needs clarification.

Alternate airport requirements are given in 135 Operation Specifications or in Part 91. There is confusion as 135.223 is titled alternate airport requirements when it is, in fact, a requirement for fuel for IFR operations. *Solution is to rename 135.223 to "IFR: Fuel Supply", in keeping with 135.209 VFR: Fuel Supply.*

**12. 135.225(d) IFR Takeoff, Approach and Landing Minimums for High Minimums Pilots.**

There is confusion in the wording of the regulation that says the MDA or DH and visibility prescribed in Part 97 ... or in the operator's operations specifications are increased by 100 feet and ½ mile respectively for each PIC of a turbine airplane who does not have 100 hours in that type airplane."

This reads that the visibility in the Op Spec is increased by ½ mile. However, the Op Spec (C054) gives the increased RVR visibility and you can't add ½ mile to it. The Op spec does not reference MDA or DH. *Recommend the portion of the regulation referencing visibility read that the visibility be increased by ½ mile or by the RVR listed in the certificate holder's Op Spec and the MDA or DH by 100 feet.*

**13. 135.243 Pilot in Command Qualifications**

Request a decrease in the hours required for a PIC under IFR to 800 hours total time, 300 hours cross country, 100 hours night, 50 hours of actual IFR flight for cargo pilots operating single engine or non transport category aircraft.

**14. Contract Training Facilities and 135.293(a) PILOT TESTING REQUIREMENTS**

On the .293 (a), Request regulatory clarification regarding what portions a Contracted Training Facility should perform and under what conditions. Currently many training facilities will only sign off (2) and (3), direct aircraft items. Certainly, crewmembers are demonstrating competency on items, (4), (5) and (7)(ii) and (iii). Certainly, the training facility should sign off windshear escape.

**15. Ground Checkairman**

Currently, there is no provision in the regulations or guidance in the Handbook to have a Checkairman – Ground. All Checkairman have to be flight checkairmen and meet all the qualifications to fly as PIC in the operation and maintain line currency, except for simulator checkairman who do not have to hold a medical.

At the certificate holder level and the training facility level, there is a need to have Ground Checkairmen who can sign off the testing for .293. This is not intended to replace the oral flight briefing given by the Flight Checkairman.

At the end of training, the Ground Checkairman, using the authority of an Advanced Ground Instructor's license, should be able to sign off the testing for the .293.

In keeping with industry practice for a simulator Checkairman, the Ground Checkairman should have to complete the same requirements of the simulator flight checkairman in 337, if 337(e) is amended to read that a ground checkairman also does not have to hold a medical certificate.

**16. Checkairman**

There needs to be regulatory guidance in Training and Testing subparts concerning the phrase "qualified to serve as Pilot in Command" when referencing checkairman and flight instructors. If a pilot does not have a medical, how can he serve as a pilot in command? How can a pilot without a medical obtain a 299 check when it requires flying an airplane?

It reads as if 337(f) and 338(f) was an attempt to solve the simulator PIC requirement by having the Checkairmen and Flight Instructors be employed by a 135 certificate holder and fly two 135 segments as a required crewmembers (in which case a pilot could certainly be qualified to serve as PIC), or observe two 135 flight segments. It is unclear if observation can be used in lieu of qualified to serve as pilot in command.

**17. Hands-On Actual 24 Month Emergency Drills**

As stated in the 8400.10 Handbook, the 24 month actual hands-on drill requires the operation of each type of hand-held fire extinguisher must be revised. It is now against the law to discharge a Halon fire extinguisher. Discharge of the fire extinguisher should be removed from the drill. The handbook guidance to actually inflate the life preserver and other flotation devices in the hands-on drill is of an economic concern when a training vest can be used.

Respectfully Submitted,

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