

The following regulations are now in place:

§ 135.159 Equipment requirements: Carrying passengers under VFR at night or under VFR over the top conditions.

(f) For night flights -

(3) A flashlight having at least two size "D" cells or equivalent.

AND

§ 135.167 Emergency equipment: Extended overwater operations.

(b) Each life raft required by paragraph (a) of this section must be equipped with or contain at least the following:

(3) Either -

(xv) One flashlight having at least two size "D" cells or equivalent;

The regulations are vague, fail to account for substantial advances in flashlight technology and thereby limit utilization of such technology without imposing undue requirements to determine what may or may not be "or equivalent".

An FAA letter of opinion dated April 10, 1992 had the following to say:

The technical equivalent of 2 size "D" cell batteries must be left to Flight Standards or the Engineering Division to determine. A historical review of FAR Sec. 91.503(a)(1) indicates that the proposed language used in the Notice of Proposed Rulemaking (NPRM) 71-32, originally read "A flashlight in good working order." After receiving comments to NPRM 71-32, Sec. 91.183(a)(1), the predecessor to Sec. 91.503(a)(1), was changed to its present language to preclude the use of a penlight or other inadequate light as a substitute for the type of flashlight normally carried on an airplane for emergency use.

Presumably, the drafters and some commenters of the regulation were concerned that the word "flashlight" alone was inadequate and that a flashlight used in an emergency situation should have equal light producing capability and should, as a minimum, meet certain intensity and endurance standards which should result in a light output similar to that provided by a flashlight having 2 size "D" cell batteries. The regulatory history, however, is silent as to a specific standard provided for flashlights having 2 size "D" cell batteries. The engineers therefore, should examine the requirement and determine the standard of performance necessary to meet what the drafters had in mind when they added the additional language to the final rule.

The regulation should be changed to make it less confusing without imposing undue limitation yet still meet the objective of having a suitable flashlight aboard.