

# Comment/Issue Paper

Date: May 30, 2003

Project: FAR 135/125 Aviation Rulemaking Committee (DMS 13923)

Submitter: W. Scott LaForge

Subject: Applicability: FAR 119/135/121

## General:

Submitter suggests as part of this ARC process, that the applicability of the regulations take first priority. A broad look at the FAR 119/135/121 is necessary with the creation of sweeping new rules that take into consideration appropriate regulation for the size and type operation.

Safety is foremost in the conclusion and must not be compromised during this process. Today, the industry is subject to some inappropriate regulation created years ago when technological advances did not exist. One could argue that in many cases, single regulation was created to cover all size and shape operations in order to meet the objective of a single level of safety and just may be doing the opposite. FAR design should strive for the highest level of safety. Although there is a provision for relief in FAR whereby exemptions may be granted, the fact remains throughout the industry that for over five years, exemptions have not be granted.

The individual workshops in the ARC comprised of experienced individuals should take into consideration new technology and advancements in aircraft, airborne and ground equipment, communications, weather detection and access, computers and medical/health. Regulation should be tailored to accommodate various scope of operations, type/size equipment, size of fleet and stage length. The regulation should not be over burdensome affecting the financial viability of the aviation industry.

## Proposal – 18/60 Concept:

Submitter offers the ARC the 18/60 Concept that applies specifically to FAR Part 135/121 applicability of Passenger and Cargo Operations. The concept permits operating large propeller driven aircraft under Part 135 and small aircraft under 121. Regulation under Part 121 may offer appropriate relief from FAR today for operators with non-jet aircraft that have 18,000 lbs. or less payload and 60 seats or less. Regulation under Part 135 also permits operating aircraft that have 18,000 lbs. or less payload and 60 seats or less. The regulation for these regional type aircraft under 135 and 121 are the same, later referred to FAR Mirror (shown in the tables). Tiers of compliance are designed within the FAR.

In all cases the FAR leans towards the highest level of safety with appropriate FAR applied for the scope of operation to include size/type aircraft, size of fleet and stage length. Please refer to the three attached tables that depict the general concept. The concept would be refined and expanded during the ARC process.

**FAR 135/125 Rulemaking**  
**Proposed Applicability 18/60 Concept Table**  
 (applies to Passenger and Cargo Carrying Operations)

**General Concept affecting Parts 119, 135 and 121 Table**

<b>FAR Part 135 Schedule Passenger</b>	<b>FAR Part 121 Schedule Passenger</b>	<b>FAR Part 135 On-demand Passenger and all Cargo</b>	<b>FAR Part 121 On-demand Passenger and all Cargo</b>
	<p align="center">Propeller Driven aircraft with over 60 Passenger Seats and or over 18,000 lbs. Payload.</p> <p align="center">All Fan/Turbo-Jet Aircraft. Jet Aircraft.</p>		<p align="center">Cargo – All Aircraft with over 18,000 lbs. Payload</p> <p align="center">~</p> <p align="center">Passenger Carrying – All Aircraft with over 60 Passenger Seats and or over 18,000 lbs. Payload.</p>
	<p align="center">CSET Process required (new entrants to 121)</p> <p align="center">↑↑</p>		<p align="center">CSET Process required (new entrants to 121)</p> <p align="center">↑↑</p>
<p align="center">Maximum 60 Passenger Seat Propeller Driven Aircraft (no Fan/Turbo-Jet and Jet Aircraft)</p> <p align="center">↑↑</p> <p><u>Modified from:</u></p> <p>9 or less Passenger Seats and 7,500 lbs. Maximum Payload. No Jet type Aircraft.</p>	<p align="center">Maximum 60 Passenger Seat Propeller Driven Aircraft (no Fan/Turbo-Jet and Jet Aircraft)</p> <p align="center">↑↑</p> <p><u>Modified from:</u></p> <p>10 or more Passenger Seats and more than 7,500 lbs Payload. All Jet type Aircraft. Requires CSET.</p>	<p align="center">Cargo – Aircraft with Maximum 18,000 lbs. Payload</p> <p align="center">~</p> <p align="center">Passenger Carrying – Aircraft with Maximum 60 Passenger Seats and or 18,000 lbs. Payload.</p> <p align="center">↑↑</p> <p><u>Modified from:</u></p> <p>7,500 lbs. Maximum Payload and 30 Passenger Seats. Propeller Driven and Turbo-Jet Aircraft</p>	<p align="center">Cargo – Aircraft with Maximum 18,000 lbs. Payload</p> <p align="center">~</p> <p align="center">Passenger Carrying – Aircraft with Maximum 60 Passenger Seats and or 18,000 lbs. Payload.</p> <p align="center">↑↑</p> <p><u>Modified from:</u></p> <p>More than 7,500 lbs. Maximum Payload and More than 30 Passenger Seats. Propeller Driven and Turbo-Jet Aircraft</p>

## FAR 135/125 Rulemaking

**Proposed Applicability 18/60 Scope/Size/Specific FAR Mirror – General FAR Examples**  
**Below are general examples of appropriate FAR application (not limited to as shown).**

### Schedule Passenger Operations Table

	<b>FAR Part 135 Schedule Passenger</b>	<b>FAR Part 121 Schedule Passenger</b>	<b>Suggested FAR Examples</b>
		<b>Over 60 Passenger Seat Propeller Driven and all Fan/Turbo-Jet aircraft. Jet Aircraft.</b>	<ul style="list-style-type: none"> <li>- Age 60 Rule as presently written.</li> <li>- Specific Duty/Flight Time Regulation as presently written.</li> <li>- Full Time advanced Dispatch Regulation specific for Jet Aircraft.</li> <li>- Specific Training Regulation for the type aircraft and scope operation (remove set hour criteria).</li> <li>- Specific Maintenance FAR appropriate for Jet Aircraft and Scope of Operation.</li> </ul>
	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b><i>Mirror Regulations FAR's 135 and 121</i></b> </div> <div style="display: inline-block; vertical-align: middle; margin-left: 10px;">             →→→→→           </div>		<p><b><u>Mirror Concept:</u></b> The specific regulation in FAR 135 and 121 mirror each other with the same text and simply have different reference numbers. However the regulations are to be more specific than present FAR, appropriate to size aircraft, size fleet, scope of operation and stage length.</p> <ul style="list-style-type: none"> <li>- No Age 60 Rule</li> <li>- Dispatch/Flight Following regulation appropriate to Aircraft Type, Fleet Size and Scope of Operation.</li> <li>- Specific Training Regulation for the type aircraft and scope operation (no set hour criteria).</li> <li>- Acceptance of Procedural Training Devices in training curriculum to offset certain aircraft flight requirement.</li> <li>- Specific Maintenance FAR appropriate for Aircraft Type, Fleet Size and Scope of Operation.</li> <li>- Safety Program required for specific fleet size and scope of operation.</li> <li>- Proving Test Regulation that only applies to aircraft certified under Part 25 with a 50 hour requirement that can be reduced up to 50% for every additional landing.</li> </ul>
	<b>Maximum 60 Passenger Seat Propeller Driven aircraft (no Fan/Turbo- Jet aircraft)</b>	<b>Maximum 60 Passenger Seat Propeller Driven aircraft (no Fan/Turbo- Jet aircraft) (no CSET)</b>	

## FAR 135/125 Rulemaking

**Proposed Applicability 18/60 Scope/Size/Specific FAR Mirror – General FAR Examples**  
 Below are general examples of appropriate FAR application (not limited to as shown).

### On-demand Passenger and all Cargo Operations Table

	<b>FAR Part 135 On-demand Passenger and all Cargo</b>	<b>FAR Part 121 On-demand Passenger and all Cargo</b>	<b>Suggested FAR Examples</b>
		<b>Cargo – All Aircraft with over 18,000 lbs. Payload</b> ~ <b>Passenger Carrying – All Aircraft with over 60 Passenger Seats and or over 18,000 lbs. Payload.</b>	<ul style="list-style-type: none"> <li>- Age 60 Rule as presently written.</li> <li>- Specific Duty/Flight Time Regulation as presently written.</li> <li>- Full Time advanced Dispatch Regulation specific for Jet Aircraft.</li> <li>- Specific Training Regulation for the type aircraft and scope operation (remove set hour criteria).</li> <li>- Specific Maintenance FAR appropriate for Jet Aircraft and Scope of Operation.</li> </ul>
	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <b><i>Mirror Regulations FAR's 135 and 121</i></b> </div>		<p><b><u>Mirror Concept:</u></b> The specific regulation in FAR 135 and 121 mirror each other with the same text and simply have different reference numbers. However the regulations are to be more specific than present FAR, appropriate to size aircraft, size fleet, scope of operation and stage length.</p>
	<b>Cargo – All Aircraft with Maximum 18,000 lbs. Payload</b> ~ <b>Passenger Carrying – Aircraft with Maximum 60 Passenger Seats and or 18,000 lbs. Payload.</b>	<b>Cargo – All Aircraft with Maximum 18,000 lbs. Payload</b> ~ <b>Passenger Carrying – Aircraft with Maximum 60 Passenger Seats and or 18,000 lbs. Payload.</b>	<ul style="list-style-type: none"> <li>- No Age 60 Rule</li> <li>- Dispatch/Flight Following regulation appropriate to Aircraft Type, Fleet Size and Scope of Operation.</li> <li>- Specific Training Regulation for the type aircraft and scope operation (no set hour criteria).</li> <li>- Acceptance of Procedural Training Devices in training curriculum to offset certain aircraft flight requirement.</li> <li>- Specific Maintenance FAR appropriate for Aircraft Type, Fleet Size and Scope of Operation.</li> <li>- Safety Program required for specific fleet size and scope of operation.</li> <li>- Proving Test Regulation that only applies to aircraft certified under Part 25 with a 50 hour requirement that can be reduced up to 50% for every additional landing.</li> </ul>