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WESTWIND
SCENIC AIR TOURS

OFFICE OF
REGISTRATION

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Docket Management System
U.S. Department of Transportation
Room Plaza 401
400 Seventh Street, S.W.
Washington, DC 20590-0001

Re: FAA-1998-4521 - 1485
Response to NPRM-National Air Tour Safety Standards

“The FAA believes that SFAR 71 has improved the overall safety of the commercial air tour industry in Hawaii and now seeks to use its experience with this SFAR to improve commercial air tour safety throughout the United States. If this rulemaking is adopted, the rule will replace the requirements of SFAR 71 in Hawaii and apply throughout the country.”

This conclusion completely ignores the success of the other SFAR regulation, SFAR 50-2, designed to not only address air space and noise concerns of the National Park Service but also address air tour safety concerns in and over Grand Canyon National Park. If this rule is adopted, it will affect SFAR 50-2. This is a regulatory action that has an enviable safety record and when compared with SFAR 71, towers in stature for a national model.

In the case of SFAR 50-2, why would this agency want to fix something that's not broken, especially when the fix has a chance of increasing safety and health care concerns? Why would the agency choose SFAR 71 for its national model when the evidence suggests that it hasn't been that successful in reducing accidents in Hawaii?

A further look at the accident history provides little evidence that the SFAR 71 standards, when applied nationally, would offer much in the reduction of accidents. For the one accident that occurred in Alaska, four victims may have benefited from the compulsory wearing of life preservers and the safety briefing on how to use them. This seems to be the only basis in the accident history for applying SFAR 71 standards nationally. If this is the basis, it's simply overreaching.

SFAR 71 standards addressed safety issues generally associated with flights over and around oceans. SFAR 50-2 addressed safety concerns over a large canyon on a high desert plateau. To apply one set of standards to the other totally rejects the logic inherent in the original regulatory actions that localized safety concerns had to be addressed locally, not regionally nor nationally.

NTSB failed to make the case that air tour accidents have a common “theme-cause” across the country for which national standards would be justified. They did link accidents to the lack of regulatory requirement in Part 91 operations and emphasized the elimination of the exception clause. The FAA makes no attempt to justify national standards for air tour operations and simply responds to a vague and unclear interpretation of NTSB’s recommendation for national standards.

With the lack of linkage between cause and effect on a national plane, the justification and explanations accompanying the proposal become meaningless. I believe that if the numbers would be rerun on the basis of the following suggestions that the results would prove more cost –effective, logical and result in more meaningful safety regulations.

- Remove the exemption in Part 135.1
- Operate all air tours under Parts 135 and 121
- Adopt local restrictions, such as minimum altitudes, standoff distances and route structures as well as increased safety equipment and procedures where warranted and based on legitimate past accident history.
- Incorporate the above in the SFAR regulations.

I would strongly discourage the formation of another set of standards for a sub-component of commercial operators without first establishing accident rates and making the case that this subcomponent of commercial operators require an additional set of standards. The financial burden to operators is significant as proposed and will lead to a number of requests for waiver if adopted. The agency will be at odds with most interior operators simply because what is being proposed makes no logical sense. The case simply has not been made for a set of separate national standards for air tour operators.

Sincerely,



S. Chris Glasgow

Pilot

Westwind Aviation, Inc.