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FAA-1998-4521-1486

Paul Heinrich and Associates

OVERSEAS PILOTS

ATTORNEYS AT LAW

724 W. State Street, Geneva, Illinois 60134
630-232-1116

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

Re: Docket FAA-1998-4521 - 1486

Dear Sirs,

I am writing to express my opposition to portions of the Proposed changes to the rules governing "sightseeing" flights for hire conducted within 25 miles of the aircraft's home base. Specifically, I am opposed to the elimination of the exception contained in 14 CRF Part 135.1 for sightseeing rides and am opposed to the proposed mandatory wearing of life preservers for passengers in float equipped fixed wing aircraft.

I currently operate a Part 91 scenic seaplane ride business from my lake home in Northern Wisconsin. I, as the only pilot, use my privately owned seven seat Dehavilland Beaver equipped with EDO 4930 floats. I operate between Fathers Day and Labor Day and, for the past ten years, average approximately 90 flight hours per year for hire. My gross income from seaplane rides is approximately \$35,000 to \$45,000 per year. After expenses, I net approximately \$10,000 to \$20,000. This income is important to me and my family of three. I have never been involved in an aircraft accident or incident and have safely carried thousands of delighted sightseers on their "ride of a lifetime."

I would like to point out that seven of the thirteen accidents cited by the US Federal Aviation Administration involve Helicopters. Fixed wing and rotary wing aircraft are not comparable – any attempt to make one set of rules for these disparate types will be both over broad and unduly restrictive.

None of the cited accidents involve Seaplanes or Float planes. Ditching is not an issue for such aircraft and, even were it so, life preservers for each soul on board are mandatory equipment. I personally supply my passengers inflatable life jackets packed in waist band pouches and instruct them as to there location and use. I concur with the Seaplane Pilots Association's submission that Recommendation No. A-99-57 requiring mandatory wearing of life preservers would be counterproductive; i.e., it would cause undue wear and tear on inflatable type preservers and wearing solid flotation devices would inhibit egress from the aircraft particularly if it is inverted or submerged.

None of the cited accidents involve allegations of inexperienced pilots nor the use of improperly maintained aircraft which would be remedied by more restrictive regulations – indeed, the fact that 83% of the accidents occurred under Part 135 operations indicate that the more restrictive rules do not necessarily result in a greater safety record. While the costs of complying with Part 135 might be minimally intrusive to the operator from the perspective of paperwork, the cost of "commercial" insurance is drastically higher, if available at all.

As it is, the Seaplane Pilots Association sponsored aircraft insurance program currently charges a flat rate add-on premium of \$500.00 per passenger seat for sightseeing liability insurance coverage with a maximum limit of \$100,000.00 per person/1,000,000.00 per occurrence. For a ten week season, that amounts to nearly ten percent of my gross receipts. Commercial insurance is quoted at no less than four times that amount with no guarantee of underwriting. I have attempted to obtain "commercial" aircraft insurance and have found that the increased costs and limited availability would render my operation under Part 135 economically impractical.

Thus, the elimination of the exception contained at 14 CFR 135.1 will likely result in reducing the numbers of businesses like my own and cost the public the loss of desirable entertainment with little, if any, corresponding safety benefit.

I strongly recommend that the NTSB and the US Federal Aviation Administration reconsider the proposals set forth in its Notice of Proposed Rulemaking.

Respectfully Submitted,

Paul Heinrich
Pilot Certificate Number 328504925