

WAYNE A. FORSHEY
227 South Main Street
Woodsfield, Ohio 43793

April 17, 2004

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

RE: NPRM Docket No. 4521
Docket No. FAA-1998-4521

Gentlemen:

This letter is intended to express my concerns over the N.P.R.M. concerning National Air Tour Safety Standards, NPRM Docket No. FAA-1998-5421. I do not believe that this NPRM is in the best interest of the public. I wish to go on record with the Experimental Aircraft Association, Aircraft Owners and Pilots Association in opposing this proposed rule.

It would seem that this rule was conceived and written with a "shot gun" type of mentality. Apparently the real purpose of the proposed regulation was to address perceptions of unsafe conditions that are perceived to exist. These perceived unsafe conditions seem to relate to the continuous use of helicopters in sight seeing flights over the Grand Canyon. This "shot gun" method of regulating will have an adverse affect on other types of sight seeing flights that do not have a glaring history of accidents or fatalities.

If all sightseeing flights were forced to operate as certified air carriers, there is no guarantee of an increase in the safety of these operations. To the contrary, statistically it appears that the flights operated under Part 135 rules have a much higher fatality rate than those operated under Part 91. The evidence shows that sightseeing flights operated under Part 91 are much safer. One only needs to look at the one million plus children that have been given flights under the EAA Young Eagles program.

Additionally, a great number of the flights that would be negatively impacted by this rule are operated by small business operators who are using antique airplanes. This rule would effectively put them out of business. The cost and excessive regulation required to place these antique airplanes under Part 135 regulations would cause many of these operators to shut down their businesses rather than attempt to comply. The financial burden of compliance would be too great. This would result in the denial of a vast majority of Americans to partake in their heritage. By this I mean the right to purchase and enjoy a pleasure flight in a historically significant aircraft. This right is an important link in the family history of many people as their fathers, brothers, uncles, and aunts and mothers created history by flying these aircraft.

This rule as it is written does a disservice to each and every American. No one is against safe operation of all aircraft, but as it is so often spoken

of in the aviation industry, we must use common sense when creating or modifying regulations. Please do not permit this unnecessarily oppressive regulation survive. If change is needed please use moderation and common sense in creating new regulatory guidance for the industry.

Sincerely,

Wayne A. Forshey
Airframe & Powerplant Mechanic
with Inspection Authorization

Caretaker of:

1941 Interstate Cadet S-1A NC37303

1946 Commonwealth Skyranger 185 NC92940

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