Public Meeting for the National Air Tour Safety Standards Proposed Rule

The public meeting will be active from 9 am on Monday, February 23 through 4:30 pm on Friday, March 5.

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Date: 02/22/04 06:00 PM
Edited: 02/22/04 08:17 PM
Author: FAA

Subject: Compensation for Charity and Community Event Flights.

If you are paid for a flight that you operate for a charity or community event, what is the difference between the passengers paying you as a charity operator, or paying a part 135 operator who is contracted to also give part of the money to a charity?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=684)

Date: 02/23/04 09:54 AM
Author: Baron Tayler (no profile)
Subject: RE: Compensation for Charity and Community Event Flights.

What's not being addressed is the question of what about pilots who are flying for free for the charity events? Not receiving any compensation. Do they fall under the regulations?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=703)

Date: 03/02/04 07:45 AM
Author: Charles Stump (no profile)
Subject: RE: RE: Compensation for Charity and Community Event Flights.

I have read all of the comments posted to date. I agree with al of them, except the ONE, that supports the new regulations. The only comment that I can add that is new is that as a passenger on a paid commerical or charter flight, I pay to go from one place to another. In the case of a sight-seeing flight, I pay to see certain geographical sites.

In a charity flight, I pay to support the charity and in return receive a flight that goes to NO destination other than the original launch site and do not pay to see predetermined geographical sites.

When I flew with friends, I help share the expense of the operation of their aircraft.

Both charity flights and flights with friends are my choice and I assume the risks.

All that being said, I beleive the regs should be left as they are. There appears to be NO GOOD reason to change them.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1245)

Date: 03/17/04 03:49 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Compensation for Charity and Community Event Flights.

Mr. Stump,

We agree that a part 135 operator is normally in the business of taking you from point to point. We do not limit them to that though. A part 135 operator may and often does do air tours within 25 miles with a return to the same airport. Sightseeing flights don't always have the purpose of viewing geographic sights. There are some air tours of the Las Vegas and Atlantic City skylines and the purpose is not to view geography but to view beautiful lighting. There are also air tours of the Statue of Liberty and possibly hundreds of other physical sites that are man made such as the gateway arch in St. Louis, Mo. All of those flights most likely will return to the same airport they departed from. Regardless of the type of flight, everyone has to look somewhere and what is being seen does not alone identify the type of flight. A commercial air tour conducted along the shoreline of Atlantic City, New Jersey and a charity flight conducted along the same shoreline, and a ride with your friend over the same location may look quite similar.

We agree with you that the choice to fly or not to fly is always an evaluation of risk. The issue is what rules the flight is being operated under and what rules allow for compensation to be rendered. It's nice that you help your friends with the cost of general aviation flights. The regulations don't require that and should not require that. If you paid because the pilot is for hire, that's another story. If the flight is for commpensation the passengers expect a different standard than if the flight is general aviation.

Please read our response to Mr. Tayler (1st commenter in this string). There is not much new reference charity.

Thanks for your comments.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1777)

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Date: 03/17/04 02:53 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Compensation for Charity and Community Event Flights.

Mr. Tayler,

You bring up the situation of pilots flying for free on behalf of charity and community events.

Although most pilots are compensated in one way or another, pilot compensation is not the issue. The charity is compensated as a result of the flight. That is the issue. A charity can provide a helicopter tour of say Mount Rushmore for a passenger fee/donation and use a private pilot. A part 135 operator at the same location has to use at least a commercial pilot with at least 500 hours and meet other requirements. That part 135 operator cannot compete. Giving to charity is a lovely thing. Air carriers, including part 135 carriers, do that also.

We are not familiar with your particular situation but let us discuss this issue more. Please do not think this is directed specifically at you. We realize most participants are reading every FAA response regardless of who it is addressed to or which forum it is in. This chance to respond could go away anytime and we want to get to the issues. Since you are the first commenter in this string, this is a good place to start.

Look at proposed 61.113 (d)(1). This is a charitable airlift. The charity has to be one identified by the U.S Department of Treasury. Raising funds for the elementary school band is likely not that. The flight must be for emergency or medical service. If a person is ill, lives on an island, and needs an airlift to the mainland; that's an emergency or medical service. There may be

many victims at an earthquake or flood who need an airlift. A private pilot may conduct the airlift for compensation or hire even with only 200 hours of flight time. Commercial and ATP pilots may also conduct the airlift. Many pilots and many passengers may be involved. We believe this is what commenters are referring to as Mercy Flights and/or Angel Flights although so many terms are used and undefined we are not sure. These flights are not limited to the 500 hours or the 4-events. Realize that the 4-events came about because of drug/alcohol testing. We know this is confusing. Hang in there. See existing 135.1(c). All those sections refer to drug/alcohol and define the operator as one doing the 25-mile out and back sightseeing flight. That is not you. You may takeoff from point A and fly passengers to point B. You still can't use drugs/alcohol and fly but you don't have to be in a testing program. The pilot doesn't have to be approved by the Department of Treasury as a charity. The sponsor does. Not just anyone may call himself/herself a sponsor and not just any good cause is a charity airlift. This proposal continues to allow charity airlifts. Now look at proposed 61.113 (d)(2): Yes, it is harder to read because of the reference to other rules. Now we are talking about charity AND community events. The part 119 reference is to that familiar 25-mile sightseeing you are used to. What is different is that we have added the conditions and limitations of exemptions so you can all use them without applying for an exemption. The 4-events show up and so does 1-event. Charities are allowed and so are community events and any other community good cause. So if you fly for the American Cancer Society or you fly for the Young Eagles or if you fly as the result of an auction raising money for some good cause at your kid's school, you are in. The 500 hours show up in proposed 91.147. All the items listed for the sponsor to report could be done better in operations specifications and we are willing to look at that. We do need to know what flying is being conducted. (d)(2) allows all forms of charity by air but does not allow the sponsor to be running a business for profit in part 91 with unlimited flight authority. Getting cash from each passenger (even if called a donation); flying all day every day or nearly so, and then giving a little bit of that money to something you think is a good cause is not charity for our purposes. That is a business that carries passengers for hire without meeting the requirements of an air carrier.

This proposed rule does not eliminate charity.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1776)

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Date: 02/23/04 01:14 PM
Author: Gordon Gibby (no profile)
Subject: RE: Compensation for Charity and Community Event Flights.

This may be my lack of education on the rules. I have been asked in the past to donate flights (I fly, my plane, no money goes to me) to local 501(c)3 charities who would auction these gifts off in a silent auction to raise money. The purchaser would give money to the 501(c)3, not to me. I have always refused to participate because, since SOME money was changing hand, I was concerned it violated my private pilot privileges. I have an instrument rating and 700+ hours. Can you explain what is legal or illegal about such operations, and how this rule change would affect them?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=739)

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Date: 02/23/04 07:17 PM
Author: Gordon Gibby (no profile)
Subject: RE: RE: Compensation for Charity and Community Event Flights.

I guess I don't understand the purpose of this "public meeting." I thought the idea was that the FAA representative would REPLY and DISCUSS our comments. I put in a question earlier today, and checked back periodically, but have seen absolutely NO RESPONSE from the FAA representative. So there would be no definitive indication from this electronic system that anyone at the FAA has even taken note of our comments. Is that serving the purpose of a public meeting??

Gordon L. Gibby MD

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=792)

Date: 02/24/04 12:35 PM
Author: Steve Thompson (no profile)
Subject: RE: RE: Compensation for Charity and Community Event Flights

Since the FAA *refused* to hold in person meetings, what made anyone think that these postings would be listened to?

On the other hand, if we didn't do these postings, and attempt to handle things this way from our side [read that customers of the FAA] then our vendor [FAA] would say, see, this isn't such a big deal and the NPRM gets accepted.

Call me cynical, but I've asked too many questions off line about this and don't like the answers I'm getting.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=857)

Date: 03/17/04 04:20 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Compensation for Charity and Community Event Flights

Mr. Thompson,

Please see FAA Response - Public Meetings. You are misinformed.

We don't know who are are talking to "off line" but be careful. The facts are in the many responses we have made during this public meeting.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1780)

Date: 03/17/04 04:10 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Compensation for Charity and Community Event Flights.

Dr. Gibby,

We apologize for our slow responses. You might be amazed at how many employees represent the "we". The interest from the public was overwhelming. Many of our responses were again commented on by the public before we could even get to the next commenter. Therefore, we requested this meeting continue beyond March 5 so that we could get more responses out. Please do read responses to others as well. The docket is still open until April 19th if you have other comments. This meeting will show up in the docket also once we are finished with the responses.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1779)

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Date: 03/17/04 04:01 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Compensation for Charity and Community Event Flights.

Mr. Gibby,

Thank you for your sincere comments. Please read our response to Mr. Tayler (1st commenter in this string). We believe that will answer your questions. As a private pilot with more than 500 hours you could likely fly for a 501(c)(3) charity and be legal with existing rules or with this proposal.

Contrary to rumors, this proposal does not change much for charity.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1778)

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Date: 02/24/04 03:00 AM
Author: John Townsley (no profile)
Subject: RE: Compensation for Charity and Community Event Flights.

I fly in half dozen events each year on a strictly non-compensatory basis. My aircraft is in annual, I am current with medical and BFR. Essentially I am offering to give another person (or persons) the option to ride with me as my guest in my aircraft. It is not clear to me how the new rule would affect my flying. Why can't I, for no compensation to me, fly another person in my personal aircraft? The FAA question of "how does this differ from Part 135" begs the question. First and foremost, under Part 135 persons are being transported for some distance, over possibly hostile terrain, and quite probably under some IMC conditions. I have never even heard of a charitable local flight that was conducted under anything but excellent VFR. So clearly, the environmental conditions under which local flights are conducted differ significantly in very real ways from those under which Part 135 flights are expected to occur. Also, Part 135 operations are "on demand", that is the operations are at the sole behest of the customer. In this case, that of charitable

flights, the flights are a mutual agreement (not at the behest) of participants. There is no great pressure to "get there" or to "perform" as there would be with a Part 135 operation. Unlike Part 135, local flights are of short duration. Unlike Part 135, local flights are GOOD VFR. Unlike Part 135, local sight seeing flights are intended to introduce persons to aviation and to be a pleasureable experience to all. While Part 135 is intended to be a commerical enterprise, with deadlines, with standards of performance that are rigorous and demanding, the expectations for local sight seeing is much less demanding. Pilot hours are less likely to be severely fatiguing because there is ample opportunity for pilots to simply 'bow out' of the activity. Under a commercial operation conducted under Part 135 where the flight is at the behest of the customer, there is less option for the pilot to simply say "enough". Pilots participating in the charitable sight seeing events likewise have greater rest periods, and with necessarily be in better physiological condition.

I believe that the FAA is aiming the regulations at a risk or hazard that is imagined, theoretical, and with little basis in fact.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=831)

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Date: 02/24/04 02:18 PM
Author: Craig Cooper (no profile)
Subject: RE: RE: Compensation for Charity and Community Event Flights.

You have just stated what I came on here to say myself. If such flights are only poerated by part 135 folks, no one cousld afford to pay the asking price. Most of the time pilots donate their time and aircraft for such events. I think the reason for this even being proposed came as a result of accidents by air tour operators in Hawaii, Grand Canyon & Alaska. All are in a hostile environment either due to terrain or extreem winds. There is no comparison to charitable flights or even local air tours from local airshowa and county fair type events which are usually rides of 5 or 10 minutes in duration.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=868)

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Date: 03/17/04 04:46 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Compensation for Charity and Community Event Flights.

Mr. Cooper,

There are many commercial air tours around the country that are just exactly like your local flights. It is true that the scenic area of the Grand Canyon is almost 170 miles long so it is difficult to do 25-mile tours there but there are many other areas where short loop tours are appropriate. We are not against local flights or charity. However, we cannot let pilots participate in them in an unlimited fashion as if they are flying for a business without there being a business.

We think our comments to Mr. Tayler (1st commenter in this string) will convince you that we have not eliminated charity at all.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1782)

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Date: 03/17/04 04:37 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Compensation for Charity and Community Event Flights.

Mr. Townsley,

Your comments seem reasonable. We have no problem with your invitation to take friends for a free ride. The problem is that when you fly for charity (we think you do since you are in this string) that ride is not free. You may not get compensation but some person is (see part 1 definition of person. Part 135 also conducts air tours. They pay their pilots for flying but not based on if the flight was a charter as opposed to an air tour.

Please see our response to Mr. Tayler (1st commenter in this string) and to others.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1781)

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Date: 02/24/04 11:12 AM
Author: Steven Dale (no profile)
Subject: RE: Compensation for Charity and Community Event Flights.

The way this question is even asked is slanted. If it is a Part 91 charity flight I assume that the pilot/operator is not being paid. Under those circumstances the current regulations should not change. However, if the pilot/operator IS being paid then commercial regulations need to apply.

From what I have read the biggest problem has been with sloppy commercial operators. Those operations need to be tightened up without interfering with the operations of true charitable flights.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=848)

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Date: 03/17/04 05:01 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Compensation for Charity and Community Event Flights.

Mr. Dale,

The question was to create discussion and that worked.

It is true that some unfortunate accidents by existing commercial operators have generated lots of interest and more recommendations for improvement. The question of compensation was not raised because of those accidents.

As previously stated (read responses to others in this string) the issue is not just compensation to a pilot. The issue is passengers who paid compensation to some person. The FAA does not have a problem with the charitable operator collecting a donation and the pilots flying for free. By the way compensation can be more than just cash. Many pilots in this meeting have stated that they use the flights to log time or write off expenses and to have the joy of giving. Some pilots currently conducting air tours in part 91 own the aircraft, collect lots of money, and keep it. Some give a bit to a good cause. Nothing wrong with making money in aviation as long as everyone is treated the same and the passengers are gauranteed an appropriate level of safety.

This proposal does not eliminate charity.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1783)

Date: 02/24/04 12:41 PM
Author: Steve Thompson (no profile)
Subject: RE: Compensation for Charity and Community Event Flights.

This question is a straw man.

Flying for part 135 means IFR and possibly bad weather and scheduled trips, right?

Flying Part 91 means, I DON'T HAFTA FLY, period. It also means that with the exceptions specifically stated in the FARs, I can only fly for pay if the flying is incidental to what I do (I'm salaried and I'm a consultant who has to get to a client - I'm being "paid" for my flight time but not because I'm a commercial pilot doing commercial pilot operations).

I think someone else put this rather eloquently when they said this is an apples to oranges comparison where the FAA is attempting to make apple sauce out of orange marmalade.

Charity flights are not done to compete with Part 135 Commercial Operations.

Kill the proposed rule change.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=859)

Date: 03/17/04 05:06 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Compensation for Charity and Community Event Flights.

Mr. Thompson,

You seem to understand parts of your very limited aviation world. Please do read our responses to others which explain some other happenings out there.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1784)

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Date: 02/26/04 02:30 PM
Edited: 02/26/04 02:32 PM
Author: randall henderson (no profile)
Subject: RE: Compensation for Charity and Community Event Flights.

I've conducted dozens of such flights and have never been paid for any of them. EAA young eagles program allows for compensation for operating expenses but also for the pilot to defer acceptance of same, most of the YE pilots I know choose this option.

On the other hand if I were to conduct Angel flights I would hope to be compensated for operating expenses since the distances involved are usually great enough that I would not be able to do it otherwise. If the exception for this were removed, would the part 135 operators step up and fill in? I sure as heck don't think so.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=953)

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Date: 03/17/04 05:10 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Compensation for Charity and Community Event Flights.

Mr. Henderson,

Charity flights are not removed. You may legally have limited compensation before and after this proposal. We are familiar with the flights you site and have posted many responses about them.

Please do read our responses to others also. See specifically our response to Mr. Tayler (1st commenter in this string).

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1785)

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Date: 02/27/04 09:34 AM
Edited: 02/27/04 09:36 AM
Author: Kenneth F Connor (no profile)
Subject: RE: Compensation for Charity and Community Event Flights.

I am hoping that this forum will in fact include the FAA and not just pilots....

I am a newer pilot and not at the level where my "personal" minimums would allow me to do charity flights but I certainly plan to do so as I build experience. I can understand that it might be reasonable to have some minimum number of hours required as the person paying the charity for the flight might not consider to check out the experience of the pilot. Also, if there is some established minimum hours, that probably would be beneficial for the charity as it would provide some level of protection if there were an accident (ie. their selection of pilot met the FAA std. of experience). That having been said, seems to me that 500 hours is way too high. And we all know that log hours do not equate directly with safety. I would suggest that the limits be more in line with the following: 1) 200 hours total experience with at least 50 hours in the past year 2) Minimum of 10 hours in the last 90 days 3) No violations in the past 3 years. 4) VFR conditions only 5) Minimum 10 take offs/landings in the prior 90 days at the airport to be used for the flight.

I don't have any scientific basis for these numbers (nor does the FAA have for theirs???) but it seems to me that these would be reasonable and allow most any active pilot to participate in these charitable flights.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=992)

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Date: 03/18/04 10:06 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: Compensation for Charity and Community Event Flights.

Mr. Connor,

Thank you for your good comments. We have posted many responses since your comments and hope you are reading those.

The 500 hours is the minimum hour requirement for a single pilot conducting VFR day flights in a single engine in part 135. The air tours currently conducted in part 91 are also VFR day with one pilot, etc. In other words it is the least experience for a commercial pilot flying for compensation or hire. It is also the minimum time in exemptions although the exemption allows a private pilot under listed conditions and limitations. An exemption has been posted for Young Eagle Flights since many of you said you were specifically flying those. Note that the exemption also requires a break down of flight time. The FAA allows a private pilot to promote charity flights. Normally a commercial pilot would be required.

As explained in our response to Mr. Tayler (1st commenter in this string) it is possible to conduct charity flights with 200 hour private pilots as well. It depends on which section the pilot is flying under; 61.113 (d)(1) or (d)(2). Note that the 200 hours in (d)(1) doesn't even have a breakdown of hours. Only the total time is required.

You don't state your flying time but it is likely that you either do or will qualify to fly charity flights if you want to.

Charity flights have not been eliminated. Not even close.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1786)

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Date: 02/28/04 09:45 AM
Edited: 02/28/04 09:46 AM
Author: Frank Cordrey (no profile)
Subject: RE: Compensation for Charity and Community Event Flights.

I believe that the FAA is attempting to "regulate" everyone out of General Aviation. This proposal is another example of this. Part 135 operators operate on a schedule that the general public rely on. They operate in all weather conditions for longer distances and longer times with extensive time requirements on the crew members. The "local" operators that fly charity, non-profit, and "introduction" flights do NOT meet any of these requirements. For these operators, if the weather is bad.....no thanks, the flight doesn't go, or the pilot is not feeling good so the flight doesn't go. There is also the distance covered issue. Most of these flights stay very close to the originating airport while Part 135 operations are "scheduled" for stops much farther away. The operators that the FAA is attempting to regulate out of business is the basis of what aviation was built on.....introducing the general public to the beauty and fun of flying. If it weren't for these visionaries offering these services then the general public would know nothing more than "go to the big airport and get on a big airplane". Boring and un-educational.

Is the FAA so "undertasked" that they are looking for ways to reduce the number of general aviation operators that ultimately give them jobs?

Too much "attempted regulation" and too little common sense is comming from the FAA. Someone needs to be "regulating" the FAA.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1059)

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Date: 03/18/04 10:41 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: Compensation for Charity and Community Event Flights.

Mr. Cordrey,

Part 135 on-demand has no schedule at all and the general public has no idea when they fly. The part 135 that we refer to is limited DAY VFR ONLY and flown single pilot in the least complex type of aircraft. That pilot has to have a commercial certificate or better and at least 500 hours. If the weather is bad, that pilot doesn't go either. The "local" air tour flight may stay within 25-miles of the departing airport but some part 91 operators go to a different airport every weekend and conduct flights all over the country. In fact part 135 also flys air tours. The FAA has allowed "general aviation" to do the same with private pilots and less experience in the name of charity. That is not regulating everyone out of general aviation.

Please do see our responses to others.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1787)

Date: 03/02/04 01:20 AM
Author: Brian Reynolds (no profile)
Subject: RE: Compensation for Charity and Community Event Flights.

The 135 operator is in the business of flying for hire. The Charity is in the business of raising funds. Big Difference. Quit wasting time on this and move on.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1240)

Date: 03/18/04 10:56 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: Compensation for Charity and Community Event Flights.

Mr. Reynolds,

Charities fly for hire also. Many are a business. We have not eliminated charities. The number of flights allowed for charity is unlimited. The pilots are limited and always were. Unfortunately, many pilots don't know about the limitations currently in existence. We have now put the limitations for all to see and comment on. They are not new.

A private pilot conducting a charity prior to or after this proposal in some cases has more privileges than a part 135 pilot who has to have at least a commercial certificate and at least 500 hours. The part 135 pilot we refer to is also limited to DAY VFR ONLY and may fly air tours.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1788)

Date: 03/04/04 10:48 AM
Author: Paul Belzer (no profile)
Subject: RE: Compensation for Charity and Community Event Flights.

I believe the proposed rule should be killed, and Charity and Community event flights allowed to continue. The FAA should be promoting enjoyable, safe and fun aviation - not burdening it and regulating it completely out of existance.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1422)

Date: 03/18/04 12:22 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Compensation for Charity and Community Event Flights.

Mr. Belzer,

Charity and community event flights are indeed allowed to continue. Some of the conditions and limitations previously issued to sponsors of charity flights are listed in the proposal but they have always been required.

There is a lot of misunderstanding out there. The FAA does not propose to stop charity flights at all.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1789)

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Date: 03/04/04 12:06 PM
Author: chris Ian Lawry (no profile)
Subject: RE: Compensation for Charity and Community Event Flights.

What real world Problem has generated this further intrusion into the Lives of the citizens of the United states by our goverment?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1432)

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Date: 03/18/04 12:27 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Compensation for Charity and Community Event Flights.

Mr. Lawry,

You posted your comments March 4th. We have completed another two weeks of responses since then and trust we have answered at least some of your concern in those. The "intrusion" you refer to is not clear. If you believe that the FAA has eliminated or wants to eliminate charity, you are not correct.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1790)

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Date: 03/04/04 09:44 PM
Author: George Andrew Coats (no profile)
Subject: RE: Compensation for Charity and Community Event Flights.

Our Museum can currently use Part 91 sight seeing flights to offset the expense of operating and maintaining historic aircraft, and allow the public a unique perspective on civil aviation history by paying to actually ride in such aircraft. Most vintage aircraft, such as those operated by our Museum, could not feasibly be operated under Part 135. The proposed rule change would significantly harm our Museum and its efforts to keep historic civil aircraft in airworthy condition. Conversely, the requirements of the insurance industry address many of the safety concerns discussed in the meeting without placing the vintage aircraft operator under the impossibly onerous burden of Part 135. To the extent there is any concern about members of the public mistaking a Part 91 sight seeing flight for a Part 135 flight, pre-flight disclosure language explaining the difference between the two could eliminate any such confusion.

In short, a rule which harms charities, education efforts, and people dedicated to preserving aviation history, absent any compelling justification to do so is a bad idea. We would request that the proposed rule change be abandoned in its entirety. Drew Coats The 1940 Air Terminal Museum Houston, Texas www.1940AirTerminal.org

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1493)

Date: 03/18/04 12:51 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Compensation for Charity and Community Event Flights.

Mr. Coats,

You say, "Our Museum can currently use Part 91 sight seeing flights to offset the expense of operating and maintaining historic aircraft, and allow the public a unique perspective on civil aviation history by paying to actually ride in such aircraft." You don't say which museum you are talking about but if the museum was approved as a charity under the existing rules, which it likely was, than it is still approved under this proposal. The charities are not limited by this proposal. The pilots who fly for them are limited and always have been. This proposal lists the conditions and limitations that exemptions to the sponsors of charities have had all along. Many pilots see that as "new rules" because the sponsors did not make them known to the pilots as required.

We agree that vintage aircraft don't fit into part 135 very well, at least not as currently written. We are willing to write an exception for them and allow them to remain within part 91 (See 3rd FAA Response in this forum).

In summary, this is only a proposal, not a final rule. The final rule is not pre-decided and we do not know what it will say. A purpose of this public meeting on the Internet was to receive public input on options.

Please do read the numerous responses to others and thank you for your comments.

Your museum may still conduct flights and offset the expense of operating and maintaining historic aircraft by allowing the public a unique perspective on

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1791)

Date: 02/23/04 10:48 AM
Author: Wyatt Bell (no profile)
Subject: Differences

The difference is the operation is "not for profit". If one has to comply with Part 135 in addition to the cost of bi-annual flight reviews, annual inspections, etc. then the flights for charity will cease because no one is going to qualify for Part 135 to simply provide charity fund-raising.

Also, these types of flights will be local with good weather as contrasted with Part 135 operations where people are paying to go to a particular destination or to have cargo delivered.

This is a local flight designed to introduce people to the thrill and beauty of flight. The FAA does not provide any statistics or rationale for incorporating these flights under Part 135. Where are the incidents, accidents and fatalities?!?!?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=710)

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Date: 03/18/04 01:33 PM
Author: Alberta Brown (no profile)
Subject: RE: Differences

Mr. Bell,

If the sponsor of a charity had "non-profit" designation previously, it still would under this proposal. The charity is not limited any more than ever.

If you think that "non-profit" means no compensation you are incorrect. There are many charity flights conducted in part 91 today that are not conducted as "non-profit". Many of them conduct air tours as a business and the profits of that are their only income. They operate like the least complex an air carriers in part 135.

The comparison between part 91 and part 135 was to single-pilot, DAY VFR ONLY, in part 135. Those flights are very similar to the part 91 flights but have more requirements including on the pilots.

Reference charity from the pilot's point of view, this proposal requires what the rules previously required with the conditions and limitations issued to sponsors of charities spelled out for all to see. This is not "new".

Flights for charity will not cease.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1792)

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Date: 02/23/04 11:25 AM
Author: Loren C. Davidson (no profile)
Subject: Compensation for charity flights

I donate two or three flights to local auctions every year. I receive no compensation for the flight, I donate it. I, too, am unclear as to just

what the FAA is proposing here. What does my compensation, or lack of same, have to do with this issue? Isn't the issue, ultimately, safety?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=715)

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Date: 03/18/04 01:52 PM
Author: Alberta Brown (no profile)
Subject: RE: Compensation for charity flights

Mr. Davison,

Yes, the ultimate issue is indeed safety and you are the same pilot with or without compensation. The issue is what can be done and be called "charity". The regulations were developed to give a minimum standard for public interest and for safety. We think you'd agree that passengers expect and deserve that from the FAA. Passengers riding with a friend expect a certain level and those paying a fee for a ride expect more. Traditionally, part 91 is for general aviation and other parts, such as part 135, are for businesses.

See our response to Mr. Tayler (1st commenter in this string). It is likely that your two or three flights could continue. You don't tell us enough to actually say that. Someone is getting compensation although that person may not be you. The charities are not limited. The number and kinds of flights you do for them may be depending on what exactly you are doing and what your qualifications are.

The FAA has a history of lowering the pilot requirements to promote charity. Otherwise these flights would be in part 135. There is compensation.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1793)

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Date: 02/23/04 11:34 AM
Author: Ron McKinley (no profile)
Subject: Charity or servival?

I am a member of the local EAA chapter. We periodically give rides to lots of people and as a 501-C3 organization most of these flights are not paid for in anyway. We do also however accept donations from some folks to help differ the costs and expenses of maintaining our airplanes and airports.

We have several times in the past given rides to local city, county and state officials in an effort to increase awareness and appreciation of their local airports.

Again most of these flights are not paid for but could be conceived as being under the "charity" portion of the proposed rules.

The EAA Young Eagles and Wild-Blue Wonders programs also fit this questionable category as do several other types of flights and activities.

I am concerned that the new rules being proposed will either make these activities unlawful or at best bring them into serious question.

And this does not even address the issue of owners of vintage aircraft who subsidize their maintainence and expenses by periodically providing rides to people who would otherwise never get a chance to learn about aviation.

While I can appreciate the concerns of the NTSB over commercial air tour operations, I see no reason to effectively stop and eliminate all other forms of giving someone a ride. The proposed limitation of 4-events per year plus excessive certifications seems like more examples of a knee-jerk reaction to a non-existent problem.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=719)

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Date: 02/23/04 05:07 PM
Author: Ripley Quinby III (no profile)
Subject: RE: Charity or servival?

I agree. Either the flight is safe, or it is not safe. If it is not safe, then it should not take place at all. Placing a "4 event limit" is just a poorly envisioned method of risk management. If no money is changing hands (i.e. the pilot is not reimbursed in any way), this sounds like a fix for a non-existant problem.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=780)

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Date: 03/18/04 03:25 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Charity or servival?

Mr. Quinby III,

The 4-events has always been in the exemptions asked for by the sponsors of charity events. There is always compensation of some kind but maybe it is not to you as the pilot. A copy of one of the exemptions that contains the 4-events is posted. However, AOPA is by no means the only exemption holder. We assume they, and about 100 others, wanted an exemption to help their member pilots out. They likely wanted to give you relief from drug/alcohol testing and knew that most of you wouldn't fly more that 4-events anyway (an event is not just one flight). Their intentions were probably good and so were ours. Unfortunately, many of you pilots weren't aware of the exemptions.

See our response to Mr. Tayler (1st commenter in this string) reference the requirements in 61.113 (d)(1) as opposed to (d)(2). The 4-events does not show up in (d)(1). You didn't say what type of charity flights you are involved in or what pilot experience you have.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1795)

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Date: 03/18/04 02:47 PM

Author: Alberta Brown (no profile)
Subject: RE: Charity or servival?

Mr. McKinley,

You wrote your comments on the first morning of this public meeting on the Internet. Since then we have posted dozens of responses and trust you are reading them. We apologize for taking so long to get to you.

This proposal does not change the requirements for Youn Eagles flights or any other EAA sponsored charity flights. The 500 hours comes right out of the EAA exemption and the 4-events comes right out of the AOPA exemption that was also issued to about 100 other charities. Please realize that 4-events does not mean 4 flights. There is nothing new. This proposal if a final rule today (it's only a proposal) would not eliminate charity flights for EAA or for any charity. The FAA did not realize how many pilots are unaware of the exemptions issued to their sponsors.

Charity is not limited to make/model aircraft. Vintage airplanes can be used for charity. This proposal would not change that.

Charity flights will not be eliminated.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1794)

Date: 02/23/04 12:09 PM
Author: Karl Allan Sutterfield (no profile)
Subject: Comparing apples to oranges

In docket comment FAA-1998-4521-348 (dated 2003-12-17) I observed that what I referred to as "historic aircraft tours" should not be lumped in with NPRM 4521, which is otherwise squarely aimed at commercial air tour operations. Nothing has changed my mind.

NPRM 4521 isn't just comparing apples to oranges, it's trying to make apple sauce out of orange marmalade. The degree of regulation appropriate to commercial air tour operations would be overkill for what this forum calls "community and charitable events." And symmetrically: the rules appropriate to community and charitable events would not ensure the safety of commercial air tour operations. They're different animals.

If community and charitable events require further oversight - and it's far from clear that they do - such changes and additions should be propagated in an independent set of regulations, with an independent NPRM.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=729)

Date: 02/23/04 03:27 PM
Author: Wyatt Bell (no profile)
Subject: RE: Comparing apples to oranges

I concur with Mr. Sutterfield!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=755)

Date: 03/18/04 04:26 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Comparing apples to oranges

Mr. Bell,

We have to assume that you and Mr. Sutterfield are conducting air tours during charity and community events and receiving compensation for that. If we developed the commercial air tour proposal, and complied with the NTSB recommendaton to remove the 25-mile exception without addressing the charitable/community flights, neither you nor Mr. Sutterfield would have a legal means to collect compensation at all.

If you have additiona clarifying information please submit it to the docket.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1797)

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Date: 03/18/04 04:16 PM
Author: Alberta Brown (no profile)
Subject: RE: Comparing apples to oranges

Mr. Sutterfield,

If you are conducting a loop tour (25-mile or less out and back) and you are captured by the commercial air tour definition then you are conducting a commercial air tour. You seem to be conducting commercial air tours in vintage or "historic" aircraft. Since this string is about compensation flights for charity and community events we think that must be what you are doing.

You filed your comments on the first day of this public meeting on the Internet. We have posted lots of responses since then. We don't understand what in the proposed rule you are against. The charity flights will still continue and the privileges and limitations have always been there either in the rule or in exemptions issued to the sponsors of charity. If you want to give more information, please do put it in the docket which is open until April 19. We'd like to know the specifics.

A separate NPRM is a possibility but wouldn't solve anything.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1796)

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Date: 02/23/04 12:27 PM
Edited: 02/23/04 12:28 PM
Author: Greg Oliver (no profile)
Subject: This rule will severely affect charities

This is a "solution" in search of a problem, so typical of the FAA. I donate several local sightseeing flights every year to be auctioned off at various charity events (Rotary, Elks, numerous other charities, etc.) and do not solicit or receive a dime for it. I donate it all and I'm happy to do it. And I make darn sure my airplane and myself are VERY current. This sort of new rule would have a chilling effect on the willingness of countless safe pilots to donate local sightseeing flights. The losers are the charities.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=733)

Date: 02/23/04 04:15 PM
Author: Justin Ryan (no profile)
Subject: RE: This rule will severely affect charities

I'm another pilot who has dontated a flight to the local community (scout troop or school fundraiser). I'm flying in my aircraft, with my fuel, and receive no compensation. The community organization receives all the dollars through a silent auction. Once the person wins, I contact them to find out when they would like to fly. I don't see how this would work under the proposed "event" based definition. Do I need to give seven days notice prior to the auction? Prior to the flight? What happens if the weather doesn't cooperate on the planned day? Do I wait another 7 days? I'm also an Aviation Merit Badge counselor for the Boy Scouts. Will I need to register the event where I take scouts for a flight (no compensation, my fuel, my plane)?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=769)

Date: 03/18/04 05:13 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: This rule will severely affect charities

Mr. Ryan,

Good news. You do the same things under this proposal that you did or should have done under the existing rules. If you don't have at least a private pilot certificate - you may not conduct charity or community events with passengers. If you don't have at least 200 hours total time - you may not conduct charity or community events with passengers. If you have at least 200 but less than 500 you may conduct flights described in proposed 61.113(d)(1) without being limited to 4-events. If you have at least 500 hours - you may also conduct flights described in proposed 61.113(d)(2) which is where the 4-events show up. Realize that 4-events is not 4 flights.

About compensation- You may log flight time as compensation. You may share expenses or be reimburbed expenses as stated in the proposal. You also may qualify for a tax break with the IRS. But let's say you don't get anything. Let's say you don't need hours and have lots of money. Then your compensation would be the joy of giving to charity. In addition, a charity has some person getting compensation. If that person is not you personally there is still some person somewhere. There is nothing in this proposal that limits benefits to the charity. The only limits, and they are not new, are on the pilot.

About notification of the flights to FAA - The pilot is not responsible at all and never has been. The sponsor is responsible. A

notification may have a rain date.

Your sponsor should be able to tell their pilots how to comply with existing rules for charity and community events. In fact, they must do so. We have posted many responses concerning these issues including sample exemptions held by sponsors.

Thank you for your comments. Keep on giving to charity.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1799)

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Date: 03/18/04 04:42 PM
Author: Alberta Brown (no profile)
Subject: RE: This rule will severely affect charities

Mr. Oliver,

And ... you likely could keep on doing that the same way.

This is not a new rule. This proposal incorporates the existing rules with the exemptions we issued to sponsors of these flights. When you wrote this maybe you didn't know about the exemptions. They have now been posted.

We don't know all the details of "Rotary, Elks, numerous other charities, etc." or your pilot qualifications. Please read our response to Mr. Tayler (1st in this string). Maybe that will help. The charity is not limited. The pilot is limited and the limitations are generous.

You don't say what it is about this rule that would make you stop doing the flights you are now doing. If you have more information, please put it into the docket.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1798)

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Date: 02/23/04 04:31 PM
Author: W E Everson (no profile)
Subject: Compensation

Several years ago I was hoping to donate a flight to a charity auction but didn't do it because of the limitations. Last year I became aware of the AOPA exemption and ended up flying for three different charities. These flights raised money for the charities and exposed people to general aviation who might not otherwise be able to ride in a small plane. Although the exemption is confusing and a pain in the rear, the AOPA has done a great service in gaining the exemption. As with other pilots, the only compensation involved in my flights went directly to the charity. I see no reason for tightening the requirements.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=773)

Date: 02/24/04 10:14 AM
Author: John Joseph Edwards (no profile)
Subject: RE: Compensation

I agree that this new rule would hurt the efforts of the EAA, Boy Scouts, AOPA, etc... of getting more people involved in Aviation. It is of great concern to me that the FAA would want to limit these type of flights.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=843)

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Date: 03/19/04 10:01 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: Compensation

Mr. Edwards,

The FAA does not limit the charity organizations. Any limit is on the individual pilot and those limitations are in the existing rules and exemptions issued to the sponsors. The exemptions have the 500 hours pilot and the 4-event limits. Please see the actual exemptions posted by FAA.

This proposal does not "hurt the efforts of the EAA, Boy Scouts, AOPA, etc." In fact look at the hour breakdown for EAA's Young Eagle pilots in their exemption. There is much more than just the 500 hours of total time. The AOPA exemption (and about 100 like it) has the 4-events. Surely these sponsors asked for exemptions in support of the charities. We are the ones who granted that request.

Charity flights have not been eliminated or even reduced in this proposal. If you are not a pilot who flies full time or nearly so and gets cash/donation from passengers and keeps most of it, you have nothing to worry about unless you conducted illegal charity flights in the first place.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1801)

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Date: 03/18/04 05:28 PM
Author: Alberta Brown (no profile)
Subject: RE: Compensation

Mr. Everson,

We're convinced that AOPA asked for the exemption to help you out. We granted it for the same reason.

We have answered your issue about where the compensation goes many times and trust you read our responses to ours. This ability

for us to respond may get shut down anytime so we don't want to repeat everything. The flights are for compensation even if you don't receive that compensation. Look at it from the passenger's point of view. The passengers pay it to some person and that person benefits from it. We didn't before and don't now propose to limit compensation to the charity. Compensation may still go to the charity.

The rules are not tightened. They are repeated and the exemption language is right in the rule so all can use it without applying for an exemption. It sounds as if you do comply with the existing rules and exemptions. Just keep on doing it.

Charity flights are not eliminated at all.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1800)

Date: 02/23/04 05:07 PM
Author: Harry Thomas (no profile)
Subject: Charity rides & compensation

I have flown several Young Eagles and many others to support flight. I furnish the time, skill, aircraft, fuel, etc. Once in a while the coordinating organization gives us a coupon or a discount for fuel or other purchases. While not requested or suggested, it is certainly nice to have someone show in a tangible way that they appreciate our time and efforts to support a good cause. As I look at this rule, that small amount of thanks for my help could be considered compensation. Another good idea ruined by governmental meddling and interference, while doing nothing to promote safety.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=779)

Date: 03/19/04 10:12 AM
Author: Alberta Brown (no profile)
Subject: RE: Charity rides & compensation

Mr. Thomas,

The EAA's exemption for Young Eagle flights actually allows limited compensation. It seems your intentions are good and you operate in accordance with the existing rules and EAA exemption as appropriate. If that is the case, just keep on doing it. This proposal doesn't stop you even if it were a final rule today which it isn't. If you have never seen the EAA exemption, we posted it.

We think our many responses during this public meeting on the Internet explain in detail what the problems are. We support charity to include sponors and their pilots. We do not support unlimited flights in the name of charity that are really a business with most of the fees/donations going to those to conduct the flights. Such operations should be in part 135 or part 121 as appropriate. We can handle those who don't "fit".

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1802)

Date: 02/23/04 07:28 PM
Edited: 02/23/04 07:37 PM
Author: Andrew Maroney (no profile)
Subject: Show me some evidence

I have agreed with all the comments posted so far. This rule seems like such waste of government effort. Just another excuse to make life difficult for pilots who are trying to good things in the world.

I want to see factual evidence from the FAA on each one of their suggested changes that shows how the proposed changes will increase safety. I will lay dollars to donuts that they can't come up with any. The safety record of charity flight and local sightseeing flights is excellent. Yes, there have been some unfortunate accidents, but nothing that warrants these kind of drastic rule changes. Pilots don't just find their certifications in a cracker jack box. They have them because they met the standards of skill required by the FAA, and now the FAA is trying to say that they aren't competent to excercise the privileges of their certificates. That is a slap in the face.

I can see no way that this rule will increase safety and benefit anyone. It will do much more harm than good. Depriving these charitable organizations of such flights only hurts the charities, and only aids in the public's lack of education about general aviation.

Requiring Part 91 Air Tour Operators to meet the requirements of Part 121 / 135 is also unreasonable. That will effectively put the vast majority of those businesses out of business. Isn't there enough unemployment in the aviation industry without the FAA creating more by regulation? I want to see documentation that shows where Part 91 Air Tour operators are so much more unsafe. I think if the FAA were to actually research it a little bit, they might find that exactly the opposite is true.

I hope someone in the FAA with a reasonable mind looks at these comments and makes those in charge of this NPRM come to their senses. This kind of unreasonable proposal has got to stop.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=794)

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Date: 03/19/04 10:36 AM
Author: Alberta Brown (no profile)
Subject: RE: Show me some evidence

Mr. Maroney,

We don't know which "drastic changes" you are talking about. You are operating on hype and rumor and not on facts. This proposal does not prevent you from conducting charity flights. See our explantion of proposed 61.113 in our response to Mr. Tayler (1st commenter in this string). In fact, this proposal doesn't eliminate anything you do now unless you have been doing it improperly all along.

The charity may have a million flights conducted on its behalf. The exemptions from which the 500 hour total time and 4-events came from have been issued to sponsors of charity flights for years. They are not new and the sponsors asked for the exemptions. No pilot or sponor ever told us the pilot limits were too restrictive until we put the words from those exemptions into this proposal. That tells us the pilots either weren't aware of the exemptions in the first place or they only listen to rumors.

The docket will remain open until April 19 if you have specific comments to submit on how this proposal stops your charity flights.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1803)

Date: 02/23/04 08:49 PM
Author: Jonathan Barber (no profile)
Subject: Charity operator/part 135 contract

There's a great deal of difference from the charity operator and the part 135 operator on contract. The part 135 is going to cover ALL his costs, including wages, before any money goes to charity. I know this from first hand experience. Most of us who give flights for charity donate not only our time but also our fuel and maintenance costs. There's a big difference in the bottom line. If most of the charity events around the country are like they are here, the per flight amount adds up. Two years ago an event was contracted out and not one dollar ended up going to charity because of the costs that came out first. Last year when we were able to do it again, $1440.00 went to charity. Dollar-wise that's the difference between a charity operator and contracting a part 135.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=797)

Date: 03/19/04 11:20 AM
Author: Alberta Brown (no profile)
Subject: RE: Charity operator/part 135 contract

Mr. Barber,

You make some excellent comments. We agree with you. There is no intent to move charity flights into part 135. This proposal protects the charity flights.

The posting we did that said "you look like an airline" was to generate discussion (which it certainly did) and to let those who do indeed operate that way know that we intent to limit them. Although our efforts with this public meeting on the Internet were for two weeks of 24 hour-a-day and 7-day a week comments, we couldn't get the commenters past their hatred of the rule, the government, the terrorists, etc. We were well into the second week before we could get into much substance at all. With that said, there are those in the business of giving air tours for hire, not for charity, in part 91. Some give a portion of their profits to a good cause of their choice. They are their own sponsor and not a charity organization. There is nothing wrong with making a living in aviation. In fact, we approve of it. There is also nothing wrong with giving to a good cause. But the business operates like the least complex part of 135. Part 135 may also be limited to VFR DAY ONLY and single pilot and single engine airplanes for example. We never made a comparision to United Airlines.

We are willing to keep even these flights in part 91 in some cases. We are not willing to let them conduct a business with unlimited and unrestricted flights in part 91. Some operators have made good suggestions on how this may be accomplished. We also posted discussion on how vintage airplanes could be handled. We are not limited to vintage and will accept all suggestions. The final rule is not written for vintage or for anything else.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1804)

Date: 02/24/04 01:03 AM
Author: David Bradley (no profile)
Subject: charity with a twist

I am the commercial 135 version of a hot air balloon company based in California. I donate over 25 balloon rides each year. I am the second largest cash donor to a 501-c3 based on flying kids with special or terminal conditions. In my whacky state we have the California Public Utilities Commission, the CPUC in 1972 passed an insurance code requiring commercial air operations to carry $100,000 per passenger liability coverage, while at the same time allowing for charities to have less than $100,000. per person coverage. In researching this code the law seams to have been put in place to protect the public, "in 1972", however the lesser requirement seamed to have 2 groups pushing for less insurance per person , one the young eagle type CAP pilots the other pilots who flew for charity and "extended the tax write-off on the new airplane of the time" . When the code was proposed hot air balloons were not seen as commercial aircraft. Today the CPUC does see hot air balloons as commercial aircraft and requires us to follow the code. The problem is my 1,000,000, - 100,000 insurance carrier is not an admitted insuance company in the state of California and the State as no time or trained persons to aid any of the 25 commercial companies with the same insurance, so I fly for "charity" and carry less than 100,000 per passenger based on code rules from 1972. "A charity based 135 operation". I pose this problem because poor, outdated, and underfunded regulatation is killing my businessand not doing one thing to protect the public. I have to resort to charity to stay in the air in California. Bad rules and over regulation will only further cloud the issue of why pilots and operations kill passengers. Why does this happen? - mostly because the current rules are not being enforced via proper funding and managment. Most parts of industry are driven by competition and profit with poor regulation. This rule could be a good thing if properly managed and funded. But based on my own personal FAA and CPUC interaction over the last 27 years the persons, money and brain trust is not there. So we want to add more rules??? Great. Any group like the Young Eagles, Wild Blue Wonder and local EAA chapters that are promoting and advancing flying should be protected and removed from fare based regulation. While my little story may not seam important I feel if the current rules were updated and enforced under part 91 we could all find a better path than adding more rules to this system. The CPUC is still in 1972 with no money to enforce the rules it made then. PS I also operate a 1928 Travel Air 4000 so this directly effects me and my company.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=829)

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Date: 03/19/04 02:26 PM
Author: Alberta Brown (no profile)
Subject: RE: charity with a twist

Mr. Bradley,

First, your little story is important. However, we don't completely understand your issues and wish we did. Perhaps you could say more in the docket which remains open until April 19th.

We have prepared a proposal that protects the rights of charity organizations to continue to conduct the same flights they have been conducting since the rules in Part 61 were originally promulgated. We have not prevented Young Eagles or any other charity organization from being treated exactly as they have always been treated. The only thing we did reference charity flights is to repeat the rules and add language from exemptions issued to sponsors of charity flights. The charitable flights would still show up in 61.113(d). The operating rules would continue to be Part 91 as always.

This proposal did not address insurance. Part 135 does require proof of insurance. We posted how much insurance that involves per request of some commenters. We also pointed out that Part 91 and Part 135 do have significant insurance differences since part 91 doesn't have any requirments. We realize that some sponsors have requirements and some operators have insurance but most don't have what part 135 requires. At least one other commenter told us about the Public Utility rules in California reference insurance. Sometimes rules cause unintended problems. That may be the case with the California rules you refer to. If we proposed unintended problems, we need to know about it too.

We did not have a hot air balloon in mind when writing this NPRM. Air tours may not be conducted in part 135 in hot air balloons (see 199.1(e)(5)) as presently written. Some commenters have asked to be included and they use balloons. It was our opinion that you don't takeoff and land at the same airport or even use an airport most of the time so you cannot conduct a commercial air tour within 25-miles. It did not occur to us that someone would conduct point to point air tours in a balloon using the charity airlift rule as their authority to collect compensation. We were of the opinion that charitable sponsors such as the EAA and others flew loop tours (takeoff/land same place, 25-miles). A medical airlift, which is not what you seem to be doing, may be point to point. You are correct in being concerned because your business would be shut down under the current wording of the proposal and that would be an unintended consequence.

On the other hand your 1928 Travel Air 4000 can be operated under the charitable organization provisions described in proposed 61.113(d)(2).

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1810)

Date: 02/24/04 08:41 AM
Edited: 02/24/04 08:42 AM
Author: michael muetzel (no profile)
Subject: charity flights

This question illustrates how far out of touch the FAA and NTSB are with reality and the needs of the citizens. First, the very basis of the NPRM is flawed, because PT 91 sightseeing operations and charity events are NOT documented to be less safe than PT 135 sightseeing. Quite the reverse, from the evidence cited. Second, there is no expectation of a comparable level of safety between commercial operations and charity operations, never has been, and there should be no attempt to establish such an expectation. Charity flights take place under completely different circumstances than commercial operations. But to answer the question as asked, I (underline I) am not paid for a flight that I operate for a charity or community event, NO ONE (underline no one) is paid for it. The charity or community accepts contributions, which some bureaucrat may interpret as payment, but the person parting with the money does not think of it as paying for the flight. It's like buying Girl Scout cookies instead of Keebler, you know that you're paying a non-competitive price, but know why, and don't care. Paying a part 135 operator who is contracted to also give part of the money to a charity is not a valid comparison in the real world, because the 135 operator is going to cover all costs before donating the residue. And any 135 operator who contracts to provide services for a charity or community event already meets the supposed higher level of safety this NPRM purports to seek. This is a solution in search of a problem, and the facts conflict with the basic premise of the question.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=834)

Date: 03/19/04 11:45 AM
Author: Alberta Brown (no profile)
Subject: RE: charity flights

Mr. Muetzel,

Your comment is well meaning but not helpful. The charity rules are not changed. They are repeated and the language from existing exemptions is added. It was not the intent of FAA to move true charity flights into part 135.

To say no one is compensated from your charity flights can't be correct. Some person is compensated even if that person is not you

personally. If you give a passenger a ride for free that the passenger would have to pay for otherwise, that's compensation. If a passenger does pay/donate to the charity, that is also compensation although not to you directly. The FAA did not before and does not in this proposal limit the charity. We do limit the pilot and always have. If you conducted true charity flights before and did it properly, there is nothing in this proposal that would stop you from doing the same in the future.

We asked the question in this string to point out that Part 135 operators flying the same routing with passengers don't get to write off their expenses and use private pilots. They are in a business. Some in part 91 are in a business too but call themselves a charity. In fact some don't bother calling themselves a charity and simply conduct a business just like part 135 does.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1805)

Date: 02/24/04 11:15 PM
Edited: 02/24/04 11:20 PM
Author: Joseph Lyon (no profile)
Subject: Charity flights

While this rule would affect charities its contribution to public safety will completely out way any negative effects on charity. What effect on charity will there be when an accidident occurs. Who is liable?? Who at the charity is capable of determining the pilot is current and qualified to fly the aircraft being used? I work with several charities and provide them with a named insured clause on the policy. Can the FAR's be ammended to include a insurance clause?? I think not. The FAA is charged with promoting safe aviation and protecting the public. Stay the course!!! Provide what ever levels of protection you can.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=887)

Date: 02/27/04 09:46 AM
Author: Kenneth F Connor (no profile)
Subject: RE: Charity flights-FAA staying the course

I can appreciate your point about providing clarification/protection for the charity and in fact if you read my other post you will see that I brought up this same point prior to reading yours. However, that DOES NOT mean that I support the FAA position. I don't know whether or not you are a pilot and that might have some bearing on your perspective. But my concern is that it is very easy to make changes such as what the FAA is proposing which might make you feel good but don't really fix the problem (if there is a problem in the first case). Like so many on this forum, I would like to understand the nature of the problem (specifically regarding charity flight operated by non-commercial volunteers) and facts and statistics that would indicate that the proposed solution will fix the problem and also what impact this would have on the charities themselves. I don't see any evidence of this.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=993)

Date: 03/19/04 12:13 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Charity flights-FAA staying the course

Mr. Connor,

We trust our numerous responses on this subject since your February 27th comments has cleared up some of the confusion for you. The docket is open until April 19th if you have specifics.

The charity organizations are not impacted. The pilots are impacted in the same ways as before this proposal.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1807)

Date: 03/19/04 12:08 PM
Author: Alberta Brown (no profile)
Subject: RE: Charity flights

Mr. Lyon,

Thank you for your comments.

Although we did not propose any revision to the insurance requirements in the NPRM, the FAA does have the authority to do so. Our part 135 and 121 air carriers do provide proof of insurance to the FAA based on DOT rules. Without insurance the passengers have no protection. We posted how much insurance is required for the air carriers. It points out that the minimum standards between part 91 and part 135 are very different concerning passenger carrying for compensation.

Your comment concerning the benefits of this proposal is correct. This proposal places no new burdens on the charity. The pilot limits have always been there. Many of the pilots just didn't know about them. Therefore, they see a burden.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1806)

Date: 02/27/04 10:50 PM
Edited: 02/27/04 10:51 PM
Author: TJ Weston (no profile)
Subject: Comp rides for charity purposes

As a retired part 121 scheduled air carrier pilot, I enjoy flying. If I wish to take someone with me from point A to point B and I receive no remuneration, then I have not been compensated for this flight. If someone desires to get a first flight or second flight in my airplane and I receive no compensation, I have not flown a commercial flight. What people do with their money and who it goes to is their own business. How can the FAA propose such an unintelligent rule? To put these type of flights into part 135 is rediculous. I would also not be granted the rights of a part 135 carrier so stay away from the charity stuff. I presently fly for a charity group to transport medical patients. They are on

my aircraft at my invitation. I receive no remuneration therefore this was not a commercial flight. This organization has not had an accident in 20 years. Leave the issue in the garbage can where it belongs.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1051)

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Date: 03/19/04 01:08 PM
Author: Alberta Brown (no profile)
Subject: RE: Comp rides for charity purposes

Mr. Weston,

As a retired part 121 airline pilot we would expect you could read and understand regulations.

What people do with their money and who it goes to is their business unless that money came from passengers. Then it is our business. If you accepted no salary from your airline for being a pilot but the passenger still paid for the ride, your airline would still receive compensation. Some person is getting compensation for a charity flight also. The person may not be you personally. An organization is a "person" as defned in Part 1, definitions.

You likely don't do these flights to log time. If you did, that could be compensation. If you write off expenses, which you likely do, that could be compensation. We're not sure of your situation.

If it is medical airlift of patients that you are doing, keep doing it. The proposed 61.113(d)(1) allows medical airlifts. There are no limits on how many. We assume you have more than a private pilot certificate and more than 200 hours total time. We do not propose to put legitimate charity flights into part 135.

Please do read our responses to others also.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1808)

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Date: 02/28/04 02:14 AM
Edited: 02/28/04 02:15 AM
Author: Roger N. Hoffeditz (no profile)
Subject: 'Way too much Government here!

If I may: "Not of the letter, but of the spirit; for the letter killeth, but the spirit giveth life." This will kill the spirit of "first flight" for many people that may never have the chance to take any other type of air trip. Some inane government official must be really proud of herself for her Homeland Security efforts. I'll close with my hope: "Thank goodness we don't get all the government we pay for." - Will Rogers

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1056)

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Date: 03/19/04 01:20 PM
Author: Alberta Brown (no profile)
Subject: RE: 'Way too much Government here!

Mr. Hoffeditz,

Charity flights are not stopped. No one needs to miss their first flight. If you conducted legal charity flights in the past, there is nothing in this proposal that would change that. Read our many responses to others on this subject.

You offer no details in your comment for us to respond to. This proposal has nothing to do with Homeland Security.

The docket is open until April 19th if you have anything to add to it.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1809)

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Date: 02/28/04 04:08 PM
Edited: 02/28/04 04:09 PM
Author: NED F. LOOMIS JR. (no profile)
Subject: fly for fun

EVERYONE!!!

WHERE WOULD WE BE IF IT WAS'NT FOR THAT FIRST AIRPLANE RIDE FREE OR FOR A SMALL FEE FOR CHARITY

STILL WAITING FOR THAT FIRST OPEN COCKPIT BIPLANE RIDE AT AGE 60! ANY AIRLINE OUTTHERE
WITH A BIPLANE???

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1084)

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Date: 03/19/04 02:29 PM
Author: Alberta Brown (no profile)
Subject: RE: fly for fun

Mr. Loomis Jr.,

The docket is open until April 19th if you have something to add.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1811)

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Date: 02/28/04 11:02 PM
Author: DAVID MORGAN (no profile)
Subject: Part 91

No change in charitable flights should be made. It would prevent our LOS MEDICOS VOLADORES "The Flying Doctors" from monthly flights to Thermal,CA., Mexico and other places to care for uninsured, underinsured, undocumented poor people in California and those without any medical care in Mexico. I have personally made 70 flights in the past 29 years. It would be sad indead to stop these flights thereby preventing the free medical care to these people. Thanks, DAVID MORGAN, M.D.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1106)

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Date: 03/19/04 02:38 PM
Author: Alberta Brown (no profile)
Subject: RE: Part 91

Dr. Morgan,

There is nothing in this proposal that would stop charity flights. The proposed 61.113(d)(1) allows medical flights without limit on the number of flights. The pilot needs to be at least a private pilot with at least 200 hours. Section 61.113 currently allows/requires the same.

If the flights you have been conducting for 29 years have been done properly, and we trust they have been, just keep on doing them.

Sorry for the misinformation out there and thanks for your comments.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1812)

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Date: 02/29/04 11:44 AM
Author: Richard A. Miller Sr. (no profile)
Subject: Is our present system broke?

I have had the privilege to actually fly in a Ford Tri Motor at an air show in El Monte, CA. My father, my son and I had an experience of a lifetime. I met the owner of the plane and listened while he told me how he maintained and cherished the plane. I don't think it was unsafe to fly with the present regs. Why fix something that isn't broke?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1120)

Date: 03/19/04 02:42 PM
Author: Alberta Brown (no profile)
Subject: RE: Is our present system broke?

Mr. Miller,

We don't know what makes you think your flight as a passenger would be stopped. Sorry, we don't have enough information to answer you in more detail. It is not our intent to stop charity flights.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1813)

Date: 03/01/04 06:02 PM
Author: Len Fox (no profile)
Subject: Proposed rule

Gentlemen, Ladies,

The difference between a true commercial venture and one done for charity or similar purposes is the "why". Some have said that the why doesn't matter if the monetary transactions are the same. The argument, though undeniably logical to the accountant and lawyer, is totally divorced from the realities of those who will be subject to this propoed rule. In real life, the "why" does matter. In real life, a hop around the patch is not the same as a flight to O'Hare. In real life, there is little confusion on the part of the willing passenger. I have auctioned my services to take the highest bidder for a flight in support of the local high school football team and the town swimming pool fund. The why mattered to me. It mattered to the bidders. It mattered to the football team and the swimming pool. I should matter to you as well.

Len Fox

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1216)

Date: 03/19/04 02:49 PM
Author: Alberta Brown (no profile)
Subject: RE: Proposed rule

Mr. Fox,

It does matter to us too. Proposed 61.113(d)(2) allows you to keep on doing the same. The charities and community events are not limited. The pilot is limited but always has been and the limits are liberal. Section 61.113(d)(2) does not stop these flights; it protects them and keeps them out of part 135.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1814)

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Date: 03/02/04 04:32 AM
Author: Kay M. Roam (no profile)
Subject: Charity events and sightseeing flights

I am opposed to operating charity and sightseeing flights under Part 135 rules. Part 91 pilots are licensed and regularly evaluated by FAA designees and/or CFI's. It stands to reason that no evaluator is going to sign a pilot's logbook that he/she has passed unless that pilot gives good evidence of safe operations and knowledge. In addition, the event sponsor, ever aware of liability, is going to assure that its pilots do have all the requirements for currency and legality met. The current safety record for these events proves these contentions.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1243)

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Date: 03/19/04 02:54 PM
Author: Alberta Brown (no profile)
Subject: RE: Charity events and sightseeing flights

Ms. Roam,

We did not propose the operation of charity and community events under Part 135. They are in the proposed 61.113(d). The operating rule would remain part 91.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1815)

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Date: 03/02/04 07:48 AM
Edited: 03/02/04 07:58 AM
Author: Ronald Thisted (no profile)
Subject: Compensation for charity flights

When I donate a flight to my church's annual fund-raising auction, the only compensation I receive is the satisfaction I receive from introducing someone to the joy of safe flight in a general aviation aircraft while knowing that my favorite charity derives a benefit as well. I pay for the trip to the airport, the rental of the aircraft, and even the sectional chart I give the passenger as a memento of the flight. I have to say that, while this might "look like an airline" to the FAA, this flight around the airport in a Cessna 172 looks no more like an airline trip to the auction bidder than the auctioned vacation home looks like a hotel or the auctioned home-made pie looks like what a commercial bakery produces.

There are two reasons why commercial (for-profit) operations should be held to different standards.

First, when the purpose of the operation is the financial gain of the operator, then there is is an incentive to increase net revenues by reducing costs, and doing so can be detrimental to safety. Thus, standards are a protection for the consumer against this potential conflict of interest. In

the case of the donated charity flight, my operational costs *bear no relation to the revenue received by the charity*. Consequently, there is no conflict.

Second, commercial operators must be prepared to undertake flights to meet the specific needs of the customers, including flights to specific destinations at specific times of the customer's choosing. These needs may (and often do) require operation in legal, but less-than-ideal circumstances, such as reduced visibility, instrument meteorologic conditions, turbulence, night, over-mountain, or over-water operations. The purchaser of flight services from a commercial operator should be confident that whatever the conditions in which theoperation is conducted, the equipment and pilots will be up to the task. By contrast, all of these challenging environments are either prohibited by the 25-mile nonstop day operating limitations (IFR, night, cross-country, including over mountains or water) or are practically out of the question (low-visibility makes for poor sightseeing) for the charity flight.

As long as the pilot receives no compensation (aside from an income-tax deduction for out-of-pocket costs only), the interests of the pilot, the passenger, and the recipient are aligned, and the current rules adequately provide for safe operation.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1246)

Date: 03/19/04 03:06 PM
Author: Alberta Brown (no profile)
Subject: RE: Compensation for charity flights

Mr. Thisted,

There is compensation in all charity flights. It may not be to you but it is to someone. What you describe sounds like a legitimate community event and it is protected by the proposed 61.113(d)(2). The receiver of the compensation is your church. It's of great concern to us that so many pilots think such flights would stop under this proposal. It is not true.

We did not propose to put charity/community events into part 135. But please do realize that the least complex operators in 135 are also limited to DAY VFR ONLY single-pilot and single-engine. That's not so different from the conditions you fly under.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1816)

Date: 03/02/04 11:25 AM
Edited: 03/02/04 11:28 AM
Author: David A. Carlson (no profile)
Subject: Charity Flights-FAA is stealing our future

As a Commercial/IFR 1200 hr pilot who operates two single engine aircraft for business and pleasure, I am deeply concerned about this FAA process to limit the donation of flights to charity. I donate on a regular basis, and receive no compensation, no reimbursement for costs. However, my passengers receive a local flight for their gift to a charity. I cannot agree that this is in any way similar to a compensation arragement for a flight. The person who donates money understands that this is a volunteer effort, and has a substantially different level of expectations versus the payment of money to a Part 135 operator who regularly represents to the public that they are a professional flight operation.

I strongly recommend the FAA require certain levels of insurance for those offering these flights, and possibly some sort of notification

process to passengers of the nature of the operation being conducted. That is it. The person making the gift to charity is informed and insured. The FAA has presumably already done its job under Part 91 of making sure the aircraft and pilots are minimally qualified. The donor can at that point make an informed decision of whether or not to actually take the flight they have earned by their gift.

The Young Eagles program may be the best way to show that donated flights may in and of itself be the only way to save a huge proportion of powered flight industry in the US. The FAA would be a much smaller agency if all they had to regulate were the airlines and Part 135 operators. Shut off donated flights, shut off taking up friends, shut off rides in former military aircraft, shut off raffles for rides at the local airport, shut off opportunities for the non-flying public to participate in personal powered flight, and you guarantee the day personal powered flight will cease to exist.

I personally believe that a major focus of the FAA is the elimination of the "bother" of personal powered flight. This rule is the first step to steal its future. Then all the FAA has to do is wait for the current crop of private pilots to pass away. It is the coward's way to accomplish this goal. As taxpayers we pay for the FAA. Americans deserve better focus of our tax dollars for flight safety than the effort put behind creation of this rule.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1263)

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Date: 03/19/04 03:22 PM
Author: Alberta Brown (no profile)
Subject: RE: Charity Flights-FAA is stealing our future

Mr. Carlson,

Your comments are well written but very misinformed. This proposal does not do any of the things you list. This proposal protects charity and community events and allows compensation. The charities are not restricted and will not stop. The pilots are limited in the same ways they always have been. See the Young Eagles exemption and the AOPA exemption as examples.

Please see the many responses we have given. If you don't want to believe us, there is nothing we can do. You may believe the hype also created with your money. You may want to read the rule for yourself and make your own decisions.

General aviation is not a "bother" for the FAA. We also fly and own aircraft. Many of us have flown charity flights. Many of us are active flight instructors. Some have owned vintage aircraft for 20 years.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1817)

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Date: 03/03/04 01:34 PM
Edited: 03/03/04 01:40 PM
Author: Edward A. Rosiak (no profile)
Subject: What IS the Problem You're Trying To Solve Here?

What exactly is the problem the FAA is trying solve here? I haven't seen the reasoning behind this proposed change. Perhaps it is there and I didn't see it.

Or, perhaps this is yet another FAA "Ready, Fire, Aim"... typical government proposal.

Can some FAA Official state what the problem is? Why is the FAA proposing this change? What has happened, or is happening to support this change?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1370)

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Date: 03/19/04 03:32 PM
Author: Alberta Brown (no profile)
Subject: RE: What IS the Problem You're Trying To Solve Here?

Mr. Rosiak,

The basic problem is that years ago aviation was a different community and the FAA authorized a 25-mile exception in the rule to help the community out. The FAA also allowed additional "blanket" authority in exemptions to sponsors with no way to know who really used them and if they were used properly. Someone always takes advantage of generosity. It is the FAA's job to know what flying is being conducted, how it is being conducted, and by whom.

If your point was charity flights, they have not been eliminated.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1818)

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Date: 03/03/04 04:27 PM
Edited: 03/03/04 04:31 PM
Author: Miles Benton Drawhorn (no profile)
Subject: Free Flights

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1378)

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Date: 03/19/04 03:33 PM
Author: Alberta Brown (no profile)
Subject: RE: Free Flights

Mr. Drawhorn,

Oops. Your comment didn't come through. The docket is open until April 19th if you still want to make it.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1819)

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Date: 03/04/04 01:26 PM
Author: Lester Woda (no profile)
Subject: Compensation for charity and community events

The current rule work fine, only the abuse of the current rule needs to be watched to keep the safety level at its current, high standard.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1443)

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Date: 03/19/04 03:36 PM
Author: Alberta Brown (no profile)
Subject: RE: Compensation for charity and community events

Mr. Woda,

Good comment.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1820)

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Date: 03/04/04 05:59 PM
Edited: 03/04/04 06:00 PM
Author: Jim Pratt (no profile)
Subject: Why only 9:00 to 4:30 eastern time?

When the internet operates 24 hours a day, why are people only allowed to post comments from 9:00 a.m. until 4:30 pm. eastern time?

By the way, it's not like anyone is expecting a reply immediately.

Thousands of pilots who work during the day are being excluded from being able to comment, because the comment period is only daytime (workhours) eastern time.

I would suggest the FAA reopen the comment period for the virtual meeting for another month long period after April, and allow comments to be entered 24 hours a day.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1468)

Date: 03/04/04 06:23 PM
Author: Thomas Harnish (no profile)
Subject: RE: Why only 9:00 to 4:30 eastern time?

I'm going to defend the FAA on this one.

The forum *is* available 24 hours a day.

You misread the statement on the opeiong page. It just means that it started at 9:00 am EST, February 23rd and goes through 4:30 pm EST, March 5th.

Still...if you misunderstood other may have too, come to think of it.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1474)

Date: 03/19/04 03:41 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Why only 9:00 to 4:30 eastern time?

Mr. Harnish,

Thanks

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1822)

Date: 03/19/04 03:46 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Why only 9:00 to 4:30 eastern time?

Mr. Harnish,

Thanks. Speaking for myself, which I have not done during this 4 weeks, I could use a little defending in even the smallest way.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1823)

Date: 03/19/04 03:40 PM
Author: Alberta Brown (no profile)
Subject: RE: Why only 9:00 to 4:30 eastern time?

Mr. Pratt,

We have logged in from home after 4:30 pm and didn't have any problem. In fact your comments were posted at 6:00 pm. This should go to the help desk.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1821)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

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Date: 02/22/04 06:06 PM
Edited: 02/23/04 02:52 PM
Author: FAA
Subject: The four-event limitation for charitable and community events.

Many of you have expressed concerns in your comments about proposed restrictions on sightseeing tours for charitable or community events. We understand the value of these flights to worthy causes and local communities. The four event proposal is an exception to the proposal to eliminate these flights altogether. The proposal in the NPRM would allow some of these flights to continue. We will consider alternatives to this proposal. We encourage your input.

Also, please remember that the proposed changes to part 136 would apply to all air tour operations, including those currently operating under the 25-mile exception and those flying for charitable and community events. Some of the proposed changes to

part 136, including altitude and stand-off, cloud clearance, flotation, and helicopter performance requirements are discussed in the forum for part 121 and part 135 operations. We encourage you to participate in all of the forums that may affect you.

If charitable operators are allowed to continue conducting air tours in the manner they currently conduct them without the four-event limitation, what rule changes would you suggest to assure adequate aircraft maintenance, insurance, aircrew qualification and drug and alcohol testing?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=686)

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Date: 02/23/04 01:23 PM
Author: Keith (no profile)
Subject: RE: The four-event limitation for charitable and community event

How can you "understand the value of these flights" when your real intent is to eliminate them altogether?

What is the justification for this? There is NOTHING in your literature to indicate it is necessary, will increase safety, or do anything but increase the burden on charity operations.

Is there anyone at the FAA with a heart?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=741)

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Date: 03/11/04 03:44 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: The four-event limitation for charitable and community e

Mr. Keith,

We do not intend to eliminate charitable and/or community events. We proposed this 4-event exception to ensure they continue. Realize that an event may be several flights and may last for 3 days. Also realize that any number of pilots may conduct the flights. The charity is not limited; the individual pilot is. You haven't said what your situation is or offered any alternatives.

See existing 135.1(a)(5). Part 135 covers sightseeing for compensation or hire that begins and ends at the same airport, and are conducted within a 25 mile radius, etc. SFAR 50-2 is the Grand Canyon, not you. All those sections referred to involve drugs and alcohol. We have issued approximately 100 exemptions to individuals and organizations which allow them not to comply with the drug and alcohol items. Those exemptions include the 4-event limitation. We propose to put into the rules what the exemption already says.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1688)

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Date: 02/23/04 08:38 PM
Author: Keith (no profile)
Subject: RE: The four-event limitation for charitable and community event

WHY is there any proposal to "eliminate" them AT ALL>>??

There is NO justification for any such proposal and no reason it should not be completely discarded.

The references to Hitler, Mussolini and Hussein may even be less of a stretch than I had thought.

WHY WHY WHY WHY WHY?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=796)

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Date: 03/11/04 03:45 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: The four-event limitation for charitable and community e

Mr. Keith,

Your 2nd comment offers no more information than the first.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1689)

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Date: 02/24/04 11:28 AM
Author: Steven Dale (no profile)
Subject: RE: The four-event limitation for charitable and community event

Only one answer to this..REDICULOUS. There should be no limit. By limiting the events it will actually increase the chance that a pilot would be less current, therefore decreasing the level of safety. Any idea that decreases safety is rediculous and this is one of them.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=852)

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Date: 03/11/04 03:53 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: The four-event limitation for charitable and community e

Mr. Dale,

You seem to be saying that you can't afford to fly except during charity and community events. It is true that if you only fly during charity and community events your flying is limited. The charity is not limited, you are.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1690)

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Date: 02/24/04 01:19 PM
Author: Steve Thompson (no profile)
Subject: RE: The four-event limitation for charitable and community event

Let us put the question in the reverse, if we can. How many charitable flights in a year will not cause another 121/125 operator to go out of business?

Since the 121/125 operators can't afford to operate in this area, the question doesn't make sense.

So, how many part 135 operators are losing money to the part 91 charitable/community event operators?

When deconstructed like this, one starts to question this whole NPRM.

Yes, I am rather prolific in responding on this whole NPRM question. However, it is my sincere belief that if enough people make enough noise that there is a chance that someone with a logical bent at the FAA, high enough in the organization, will say, "Enough Already!"

Steve Thompson

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=864)

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Date: 03/11/04 04:08 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: The four-event limitation for charitable and community e

Mr. Thompson,

You offer no information as to any area that will eliminate charity or community events. There is no intent to stop these events. We have proposed what about 100 exemptions already say.

Most air carriers do charity and always have.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1691)

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Date: 02/24/04 08:55 PM
Edited: 02/24/04 09:05 PM
Author: Jim Campbell (no profile)
Subject: RE: The four-event limitation for charitable and community event

First of all, I must protest the manner in which the FAA is limiting comments to this proposal by not conducting conventional public meeting(s). This mode of commentary could be an excellent ADDITION to the proper fact-finding RESPONSIBILITY the FAA has in discussing proposed regs... but is not a proper sole solution--unless you're actually trying to limit public comment.

Second; there is no valid point to the FAA's apparent attempt to conduct some manner of prior restraint over the aviation community using these kinds of bizarre limitations. At a time when the very existence of aviation is being threatened by all manner of hazards... including poorly thought-out, excessive regulation (like the one now proposed), limiting the aviation world's ability to make a valued public contribution to our nation through voluntary charitable works seems both short-sighted as well as legally indefensible. If you're trying to hurt/curtail aviation and keep it from being seen as a valued public resource, then this is a good way to do so. What does the FAA have against aviators doing a good turn for the citizenry of America?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=879)

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Date: 03/11/04 04:13 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: The four-event limitation for charitable and community e

Mr. Campbell,

See FAA Response on public meetings. We are not trying to limit public comment. This Internet publc meeting is

beyond the normal process.

You have offered no information about how you operate. The 4-event limit may not even apply to you.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1692)

Date: 02/26/04 05:22 PM
Edited: 02/26/04 05:29 PM
Author: randall henderson (no profile)
Subject: RE: The four-event limitation for charitable and community event

--> If charitable operators are allowed to continue conducting air tours in the manner they currently conduct them without the four-event limitation, what rule changes would you suggest to assure adequate aircraft maintenance, insurance, aircrew qualification and drug and alcohol testing?

First of all, I haven't seen discussion of how the four-event limitation would enhance safety. Maybe I missed it? What in the heck difference would that make?

As for what changes to suggest to assure adequate aircraft maintenance, insurance, aircrew qualification and drug and alcohol testing, I suggest the following:

Maintenance: an annual or 100 hour inspection, and pilot training in preflight procedures.

Insurance: At the pilot's discretion (Few pilots will voluntarily risk their assets by flying charity flights uninsured)

Aircrew qualification: Per the FARs for part 91, 3 takeoffs/landings within 90 days.

Drug/Alcohol testing: Per part 91 (i.e. none).

Hey wait second, these are the EXISTING FARs. Well how about that! The regulations are already in place!

Sorry for being sarcastic but really -- we're ADULTS here, and FAA is wanting to treat us like children. Part 91 pilots undergo sufficient training to be qualified by the FAA to take passengers. We take this seriously, and are not inclined to risk our lives or the lives of our passengers or our assets by flying when out of proficiency or with poor maintenance, or no insurance, especially when it's a charity flight, and ESPECIALLY not while on drugs or alcohol.

WE ARE ALREADY REGULATED. There's no evidence to support the notion that more regulation is needed.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=973)

Date: 03/11/04 05:16 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: The four-event limitation for charitable and community e

Mr. Henderson,

You seem poorly informed. Part 91 does include drug/alcohol testing. See previous response in this string. We propose to protect these flights by using the same limitations that have been used in exemptions. You don't say how you operate. If you do not want to do drug/alcohol testing you may personally conduct 4 events in our proposal. See previous response on what 4 events means. We believe the conduct of these flights is acceptable without additional training and checking as required by Part 135 if we limit the number of events. Unlimited flying of air tours or flying as a business should require more since the point is charity and support of good causes.

We did not propose insurance. We used it as an example to create discussion. If an operator were to move to part 135, insurance is required and the amounts are not up to the pilot. See previous posting this forum on insurance.

The FAA is not adverse to substituting requirements that are easier to meet in place of the 4 events but the organizers must be willing to develop procedures for how they will operate. The FAA could list these procedures in an automated legal document signed by the sponor and the FAA.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1693)

Date: 02/27/04 02:09 PM
Author: Jody Wittmeyer (no profile)
Subject: RE: The four-event limitation for charitable and community event

Amazing! What basis has the NTSB given for wanting the rules changed for charitable flights in the continental U.S.?

Over a Million young eagles were flown, without an accident. Several thousand charitable flights are flown a year, without accident. It seems, to me, that the safety issue is fine.

I think a pilot with over 100 hours is just as capable as a 500 hour pilot, for making the decisions governing a flight limited to a 25nm. radius. It seems there are regulations that already govern the weather, manner of flight, aircraft inspection and payment! O.K., so make insurance mandantory for such flights. The Aopa and EAA require it for their charitable flights.

I guess, since I fly a cheap to keep Aeronca, the payment method is different. I fly 10-20 charitable flights a year, not including young eagle flights. The Charity auctions the ride. They get all the money and I donate my time and aircraft expenses. With the Aeronca, I can do this. If I had to rent a plane, or flew one that was expensive to operate, I may have to get paid something for operating cost.

Our community has gone from 90% of the population not even knowing we had an airport, to 90% being able to tell you how to get to the airport. 50% of them can

tell you what an Aeronca, or Stearman is, and give you a brief history. Charitable flights bring aviation and the community together, safely. You want to destroy this relationship?

In closing, I feel the rules governing these flights are plenty and very adequate. Add mandantory insurance, if not already required.

I would sure like to see where the problem is, regarding fixed wing charitable flights in the continental united states, if there is one. I think we deserve that much. If there is not a problem, leave it alone. More and more things are really looking like this is not the free country so many have died for. Don't "Over regulate!"

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1013)

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Date: 03/11/04 05:32 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: The four-event limitation for charitable and community e

Ms. Wittmeyer,

The NTSB recommendations are listed in the NPRM. They did not say to regulate charity airlifts. They said to put all air tour operations with powered airplanes and rototcraft into 135 or equivalent. This is not an exact quote.

See our posting on insurance in this forum. See also our posting on Young Eagle flights.

We do not agree that 100 hour private pilots should be conducting these flights.

Both the rule and current exemptions limit you and others to 4 events not 4 flights. If the 10 to 20 flights you conduct were completed over say 4 three day events (12 days) there should be no issue. You may still do that under the proposal. The community may still enjoy your flights and the charities may too.

Tell us more in the docket if you are interested.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1694)

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Date: 02/28/04 06:40 PM
Author: James W. Nice (no profile)
Subject: RE: The four-event limitation for charitable and community event

The four-event limitation is to me a joke. There should be "no limitation" for these

charitable events. As far as "insurance, maintenance, etc." go, these issues have already been handled. The matter of "insurance" is handled by the charity usually as a "requirement" to the pilot/owner. The maintenance is covered by and annual conditional inspection. You folks in the FAA will hopefully in the future adopt a common sense approach to future regulations. If you cannot "on your own" see that charitable flights are "not" the same as the Air Tour business, there isn't much that this forum will do for you.
You have the power to do a lot of damage. I would like to suggest that you keep "charity" out of this NPRM. If you persist, there will be no more charitable flights and no more aviation good will to the general public. I fly Young Eagles. I know some folks that fly Mercy Flights. We all use our own equiptment, time, and money. The most we get is some dollars for fuel. If we had to hold to Air Carrier rules, we would have to stop doing this entirely. My advice is that charitable and community event flights should not be part of this NPRM. It is a travesty that this NPRM has even been put into print in it's current form.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1090)

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Date: 03/11/04 05:41 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: The four-event limitation for charitable and community e

Mr. Nice,

The FAA believed that the organizations that asked for exemptions were having pilots comply with them. See previous responses.

To our knowledge "mercy flights" are emergency or medical airlifts with point to point transportation. They are not impacted by this proposal. See proposed 61.113 (d) (1) as opposed to (d)(2).

Regardless, charities are not limited, the pilot is.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1695)

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Date: 03/01/04 12:51 PM
Author: Christopher L Fahey (no profile)
Subject: RE: The four-event limitation for charitable and community event

The four event rule would not help safety, and have the same effect as to curtail the activity all together. I do not understand

the rational of the proposed rule making at all, and in my opinion is an un needed rule that neither increases safety or protects the public. As a pilot for a charitable organization, what I see is a degradation of public interest in general aviation, and our aviation past.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1189)

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Date: 03/11/04 05:50 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: The four-event limitation for charitable and community e

Mr. Fahey,

We do not believe that the 4-event limitation on any one pilot will curtail charity/community event activity. Please see other responses.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1696)

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Date: 03/02/04 10:26 PM
Author: Carl Prather (no profile)
Subject: RE: The four-event limitation for charitable and community event

I want to thank the FAA for allowing the public to commnet on NPRM. The four event rule appears to have no basis in providing a higher level of safety. Please provide a logical, statistical reason on why there should be any limitation on the number of events a charity may provide. I fail to see how safety in enhanced.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1314)

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Date: 03/03/04 07:34 PM
Author: John McNerney (no profile)
Subject: RE: RE: The four-event limitation for charitable and community e

Carl -

I think the 4 event limitation is on the PILOT, not the Charity.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1390)

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Date: 03/12/04 09:29 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: The four-event limitation for charitable and community e

Mr. McNerney,

You are correct.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1699)

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Date: 03/11/04 05:55 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: The four-event limitation for charitable and community e

Mr. Prather,

You are welcome and thank you for your participation. The 4-event limitation proposed does not limit the charitable events a charity may provide. It limits the number of events a pilot can participate in. An event is not one flight. It incorporates what existing exemptions say.

We will list a sample exemption that contains the 4-events. See also responses to others.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1697)

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Date: 03/05/04 01:48 PM
Author: Craig Peterson (no profile)

Subject: RE: The four-event limitation for charitable and community event

I find it shocking that the FAA would make such a draconian proposal with so little data!

One example which should totally shut down this proposed rule:

You are much (at least 10 times) more likely to have a FATAL accident in one hour of driving than you are if you fly one hour on an Air Tour.

How many kids have future dreams that are ignited by a one hour ride in a car?

How many kids have future dreams that are ignited by a one hour ride in a plane?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1552)

Date: 03/12/04 09:33 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: The four-event limitation for charitable and community e

Mr. Peterson,

We are codifying existing exemptions issued to charitable event organizers. Many of you don't seem to be familiar with them. Please read responses posted in this forum.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1700)

Date: 02/23/04 09:46 AM
Author: Baron Tayler (no profile)
Subject: General comment

I'm a Director of a 501(c)(3) that has been planning a cross-country educational/charity raising flight for over a year, using a powered parachute. Under the new Sport Pilot regulations, the PPC used will be registed as a SPA, and the pilot will be an SP. The pilot we're planning on using will have between 300 and 400 hours by the time the event is planned to occur. I must admit I don't fully understand the implications of the new regulations concerning the event, and am concerned that we may have problems doing it under the new regulations.

Any explanations would be appreciatted.

Thank you.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=701)

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Date: 03/12/04 09:36 AM
Author: Alberta Brown (no profile)
Subject: RE: General comment

Mr. Taylor,

We have responded to you previously. The sport pilot regulations have not been issued yet and we cannot comment on them until they have been. The public is not supposed to know what they say.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1701)

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Date: 02/23/04 12:34 PM
Author: Karl Allan Sutterfield (no profile)
Subject: Pounding square pegs into round holes

I challenge the notion that NPRM 4521 should even attempt to cover "community and charitable events." (Please see my post to the forum entitled 'Compensation for charity and community event flights'.)

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=735)

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Date: 03/12/04 09:37 AM
Author: Alberta Brown (no profile)
Subject: RE: Pounding square pegs into round holes

Mr. Sutterfield,

We previously responded.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1702)

Date: 02/23/04 01:42 PM
Author: Ronald B. Levy (no profile)
Subject: 4-event limit - justification?

Why is this 4-event limit even being considered? Or, for that matter, elimination of charitable airlifts? The complete absence from the NPRM of any accident data associated with these events suggests that there is no reason for the FAA to modify the existing rule in 14 CFR 61.113(d). At the same time, there is, a priori, considerable public benefit derived by the conduct of these airlifts, given the benefactors are federally-recognized charitable organizations, and any restrictions should balance the benefit of the restriction with the loss of benefit to those organizations. Unless such data are presented, this proposed rule should be rejected.

Ronald B. Levy

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=745)

Date: 03/01/04 01:37 AM
Author: Ghery S. Pettit (no profile)
Subject: RE: 4-event limit - justification?

What Ron said. There has been absolutely no justification given for this proposed change. Without said justification, the proposed change should be dropped.

Ghery S. Pettit PP-ASEL

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1165)

Date: 03/12/04 09:45 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: 4-event limit - justification?

Mr. Petit,

Please read previous responses in this forum.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1704)

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Date: 03/12/04 09:40 AM
Author: Alberta Brown (no profile)
Subject: RE: 4-event limit - justification?

Mr. Levy,

We have also responded to you previously. There will be no elimination of charity flights. The proposed limit is on you the pilot, not the charity. The limit has existed in exemptions for years. Please see other postings in this forum.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1703)

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Date: 02/23/04 04:02 PM
Author: Hugh Tebault (no profile)
Subject: red herring

Well, I guess if the government wants to allow me to fly four times - its better than the government only allowing me to fly only once. After all, the sky belongs to the government - right ? (oops, isn't the federal government limited in its scope by some founding documents we learn about in history...);-> So - one flight, or one hundred flights its our freedom to do that - unless we find there are real safety issues that require limitations.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=762)

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Date: 03/12/04 09:50 AM
Author: Alberta Brown (no profile)
Subject: RE: red herring

Mr. Tebault,

The FAA proposal does not limit your flights in general. We do propose to limit the number of charitable events you participate if you do not want to comply with existing regulations. Many of you have operated under exemptions that you are not even familiar with. Please see FAA responses in this forum.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1705)

Date: 02/23/04 04:14 PM
Author: W E Everson (no profile)
Subject: Event limitation

Several years ago I was hoping to donate a flight to a charity auction but didn't do it because of the limitations. Last year I became aware of the AOPA exemption and ended up flying for three different charities. These flights raised money for the charities and exposed people to general aviation who might not otherwise be able to ride in a small plane. I don't see the value of the four event limit. If a private pilot has the money to fly one, four or ten events in a year, why not allow it?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=768)

Date: 03/12/04 10:10 AM
Author: Alberta Brown (no profile)
Subject: RE: Event limitation

Mr. Everson,

We have also responded to you previously and responded to others in this forum. Please do read those responses. The FAA may not be against allowing more participation than the 4-events. The sponsors who asked for exemptions thought 4-events would be enough. What we are against is unlimited flights without meeting even existing rules.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1706)

Date: 02/23/04 04:17 PM
Author: jon croghan (no profile)
Subject: Charity flights

I believe that the whole proposal is rediculous. I, as a brand new private pilot can take my friends and fly anywhere in the country. But I, as a private pilot cannot take part in a charity event where I fly people around town? Were I to change the rule, I would say that anyone who, with say 150-200 hours and is current is fully qualified to fly passengers in VFR conditions for charity events and no limits on the number of flights or occurances. The 25 mile rule is also limiting. Where I live all the good scenic country is within a 75-100 mile radius. What is the point of a scenic flight if you cannot take someone out of the valley.

As far as I am concerned this is just another attempt by the FAA to CIA so that no one can point the finger at them (the FAA or the NTSB) and say that it is your fault something happened.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=770)

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Date: 03/12/04 10:20 AM
Author: Alberta Brown (no profile)
Subject: RE: Charity flights

Mr. Croghan,

You have an interesting philosophy on flying. As a "brand new" private pilot you may carry passengers with limits. No pilot would ever need to work towards a commercial pilot or airline transport pilot certificate if brand new private pilots had the same privileges. Passengers deserve more. The FAA has allowed private pilots to conduct flights for charity in order to facilitate good causes. That allowance has limits. We do congratulate you on receiving your private pilot certificate.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1707)

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Date: 02/23/04 05:16 PM
Author: Harry Thomas (no profile)
Subject: Four event rule

Please explain to me how a four event rule, or 6 or 8 or 10 event rule is going to do one single thing to promite safety? If you can't, then all you are doing is being inflexible and dictatorial. Hitler and Saddam Hussein were dictators. The FAA should not be. The FAA should have had REAL face to face meetings with REAL pilots regarding this entire issue. All this forum is doing is isolating you from your jobs and making it easier for you to enact rigid and harmful rules without really doing your job and listening to pilots and those affected.

If safety is the issue, then you are not doing one single thing with this rule to promote safety, and you know it. That's why you won't really meet the pilots and organizations which will adversely affected by your passage of these dictates. I said "dictates" on purpose.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=781)

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Date: 03/12/04 10:44 AM
Author: Alberta Brown (no profile)
Subject: RE: Four event rule

Mr. Thomas,

Dictators don't bother asking for comments from those impacted by their decisions.

The 4-event limit, the subject of this string, has been accepted by your sponsors. The pilots doing the flying need to know what the sponsors have asked for and been approved for. See previous responses.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1708)

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Date: 02/23/04 06:26 PM
Author: Donald Hansen (no profile)
Subject: 4 event rule

Is a pilot or aircraft that is unsafe to fly 5 charitable events safe to fly 4? Where did this number come from and what is its intent. I cannot think of one thing that would make a limitation of 4 charitable events increase the safety of these events. Many of the pilots in my EAA Chapter now fly 6 to 10 Young Eagle events in a year plus an annual fund raising event for Special Olympics. These are Private Pilots who are current with both medical requirements and BFR requirements who enjoy the look on the face of someone who is experiencing their first flight in a small aircraft. The people who participate in those flights are our future SP, Recreational Pilots, Private, Commercial, ATP, CFI, CFII and perhaps military pilots. Some would not ever participate in aviation or contribute to the aviation economy if it were not for those pilots who gave them their first ride. Is it really in the best interest of the aviation community or for that matter the general public to create regulations that will eliminate many of these volunteers or limit the number of aviation experiences that they may provide in a year?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=786)

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Date: 03/12/04 10:53 AM
Author: Alberta Brown (no profile)
Subject: RE: 4 event rule

Mr. Hansen,

Your comments have been responded to throughout this string. Please read previous responses and specifically look at the exemptions posted in this forum. The 4-event limitation was allowed in exemptions in order to get complete relief in other areas. Your sponsors asked for the exemptions. The exemptions also require that the sponsors brief the pilots. Unfortunately, most of you pilots don't seem to know about the exemptions. There is no limit on the charities, only on the number of events (four events is lots more than 4 flights) allowed to be conducted by each pilot.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1709)

Date: 02/23/04 07:03 PM
Edited: 02/23/04 07:20 PM
Author: Eric Shanfelt (no profile)
Subject: A limit on how much good we can do?

What is the real difference between one event and four events? Seems a very arbitrary number to me. Either the event is for commercial gain or it is for charitable purposes.

I'm an instrument rated private pilot with 250 hours. I have the opportunity to donate personal time away from my day job (publishing) to various organizations like Angel Flight, Young Eagles, and several local missions groups. I easily fly more than 4 charitable missions per year where I even pay for the cost of the airplane. Will I now be limited in the number of "good deeds" I will be able to do?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=791)

Date: 03/12/04 11:12 AM
Author: Alberta Brown (no profile)
Subject: RE: A limit on how much good we can do?

Mr. Shanfelt,

As previously shown, the numbers are not arbitrary. They come directly from existing exemptions as requested by the sponsors of charity flights. The FAA is certainly not against developing a set of standards that the organizations will be legally required to comply with. That's what the existing exemptions are. If sponsors want other standards we could consider that also. We do have to be convinced that the sponsors will comply as they have agreed to. So far the pilots participating here don't seem to know about the standards their sponsors asked for.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1710)

Date: 02/23/04 09:57 PM
Author: Jonathan Barber (no profile)
Subject: Assuring adequate maintenance etc.

Most of the statistics on hours flown in a year put the number between 50 - 100. All aircraft in part 135 have to have 100 hour inspections. Since by far the majority of private single engine aircraft are flown less than 100 hours per year, as long as they are properly anualled every year, they meet the requirements of part 135 maintenance. Our airport requires proof of insurance ($1,000,000.00 liability) to participate in a charity airlift. Since most charitable airlifts are sponsored by pilot groups or organizations they know the pilots well and can judge who is capable and qualified to participate, whether it be competency, health or clean from influences. In agreement with others, there are NO statistics to justify raising the time to 500 hours, eliminate the waivers or eliminate

the charitable events alltogether. Show us the justification.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=804)

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Date: 03/12/04 11:21 AM
Author: Alberta Brown (no profile)
Subject: RE: Assuring adequate maintenance etc.

Mr. Barber,

You make some good comments. You made your comments about 10 P.M. on the first day of this meeting. Since then you have likely read our many responses. We trust you now understand the FAA issues better. If you have other comments, the docket is open until April 19th.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1711)

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Date: 02/23/04 10:31 PM
Edited: 02/23/04 10:31 PM
Author: Alan Watt (no profile)
Subject: Justification (please provide)

Please understand that pilots, in general, are a very "safety" orriented group.

Give us some "facts" proving a problem exists and we'll be the first to want it fixed.

Give us some "scary possibilities" and we'll try to understand them and do our best to avoid them. We understand that "ultimate flying safety" is only available if we don't fly. The same holds true for driving, boating, and many other activities.

Give us some "trumped up", "what if's", and we'll scream bloody murder when you try to take our freedoms away.

Why do we need to address a problem that doesn't exist? I haven't seen ANY data that suggests there are "charitable flights" falling out of the sky with regularity. Why did the NTSB start this witch hunt and why should the FAA seek input that would provide "comparable safety" to the proposed rules.

THERE HAS BEEN NO SAFETY PROBLEM!

I guess my proposal would be to leave the rules as they stand now, because that, WILL, provide a "comparable level of safety" to the proposed rules.

Al

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=811)

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Date: 03/12/04 11:25 AM
Author: Alberta Brown (no profile)
Subject: RE: Justification (please provide)

Mr. Watt,

We have now responded numerous times. Please read them and file any additional comments you may want to add directly to the docket.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1712)

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Date: 02/24/04 01:29 PM
Author: Robert L. McHugh (no profile)
Subject: WHAT STATISTICS SHOW THE NEED FOR THE RULE?

I am a commercial, instrument rated pilot with 40 years and 3,000 hours experience. I fly charitable flights for EAA (Young Eagles), the local hospital foundation, etc. I am not aware of any accident statistics that suggest the need for such a rule.

Is this an example of the FAA saying, Hi, we're here to help you? I don't think we need help in this area.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=865)

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Date: 03/12/04 11:29 AM
Author: Alberta Brown (no profile)
Subject: RE: WHAT STATISTICS SHOW THE NEED FOR THE RULE?

Mr. McHugh,

You may be very qualified. Consider our responses to previous comments. EAA's Young Eagle exemption applies to private pilots. Also see the 4-event exemption.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1713)

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Date: 02/24/04 08:39 PM
Author: John McNerney (no profile)
Subject: What constitutes an "event"?

If I volunteer to fly at an "event", I may fly half a dozen or more flights in a single day. I assume this counts as a single event.

How does this compare do my volunteering to fly members of a charitable organization to raise funds, but not all of these flights are on the same day? Is each of these flights an "event"? If so, then I can only fly four flights a year, as compared to a couple dozen flights, if each is done at an organized "mass event".

If this is meant to promote safety, it seems counter-intuitive. I would think a couple dozen individual flights would be more safe than a couple dozen flights flown at several busy events, with significantly more traffic than many volunteer pilots might typically see at a small airport.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=878)

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Date: 03/12/04 12:05 PM
Author: Alberta Brown (no profile)
Subject: RE: What constitutes an "event"?

Mr. McNerney,

The proposal discusses what an "event" is. The NPRM is posted as document #1 in the docket. See both the preamble and the rule language. If you open the document electronically you are able to do a word search. We have also previously explained this issue. Wish we had more time but we need to end this meeting at some point.

In addition to what has been previously said, please realize that some operators (more than you might think) are flying every weekend, or nearly so, and travel from airport to airport across the country. They receive payment in cash and give a bit of it to a good cause at the end. There is nothing wrong with giving to a good cause or making money in aviation but some are using the charity allowances incorrectly. They are really operating like an airline without being one. They are their own sponsors.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1714)

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Date: 02/25/04 12:13 PM
Edited: 02/25/04 12:13 PM

Author: James T. Cheatham (no profile)
Subject: Bureaucy Bureau

After reading this proposal and the comments, I just wonder if perhaps the government may see a need to establish a Bureau of Bureaucracy to regulate rampant, out of control regulation. Perhaps they could establish a stupidity department Which would be responsible for regulating unnecessary regulations. Particular attention would be paid to helping justify rules made to control nonexistent problems.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=902)

Date: 03/12/04 12:07 PM
Author: Alberta Brown (no profile)
Subject: RE: Bureaucy Bureau

Mr. Cheatham,

Hopefully you have read our responses since you posted your comments.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1715)

Date: 02/25/04 01:08 PM
Author: Myles Lilley (no profile)
Subject: Why bother?

I wonder why any pilot would even bother spending $50,000(because a lot of us are paying directly for our flight time) so that the FAA can satisfy its need to create more regulation? We might as well just give up trying to help people all together. The FAA should try to HELP people who are HELPING those less fortunate.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=903)

Date: 03/12/04 12:12 PM
Author: Alberta Brown (no profile)
Subject: RE: Why bother?

Mr. Lilley,

We don't know what your $50,000 refers to. We have tried in this meeting to shed some light on the issues. The docket is still open if you have additional comments after you read our posted responses to this meeting.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1716)

Date: 02/28/04 10:58 AM
Edited: 02/28/04 11:34 AM
Author: David Lee McMillin (no profile)
Subject: Rides

From barnstorming to introductory air flights in America the access to the skies has been a privilege and fascination by the general public and unabated by the government. Many pilots, if not most, have been trained by our military and have served their country. Now all of a sudden the FAA feels that the public needs protection from getting on a private plane? We are not forced into the the aircraft and have enough sense not to take a ride, whether free or paid for, if we choose not to. If we allow what the FAA is proposing here then the next thing attacked will be the carpools our children take to school. As a member of the general public your premise that I would deserve or expect the same safety requirements as getting onto a commercial plane are flawed. This would be a ride, one time deal, maybe a once in a lifetime oppertunity for some. I am confident that a well seasoned experienced pilot that has met FAA standards to operate a plane, plus the fact that his own safety is included, allows me to take that step to board and feel safe. The common man of our great free nation just doesn't need a bureaucrat making policy that is obviously just another form of government intrusion. By the way are the people proposing these changes pilots themselves? I'll wager not.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1067)

Date: 03/12/04 12:18 PM
Author: Alberta Brown (no profile)
Subject: RE: Rides

Mr. McMillin,

Please do read our responses throughout this meeting. There is no lack of pilots on this end; military trained veterans and otherwise.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1717)

Date: 02/28/04 06:22 PM
Author: Adelle Bedrossian (no profile)
Subject: Charity Airlifts

For years our local 99 chapter has held a charity airlift. Any profits we make help to fund our aviation education programs and our flight scholarships. However, we feel the greatest good we do is introducing the public to the joy of flight. I can't tell you how many people of all ages I have flown at these events that were so thrilled for the experience at such a small price. I thought one purpose of the FAA was to advance aviation. Since we have been given no safety reasons for advancing these new regulations I would suggest that all these proposals be scrapped, and that we continue under the present regs.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1089)

Date: 03/12/04 12:22 PM
Author: Alberta Brown (no profile)
Subject: RE: Charity Airlifts

Ms. Bedrossian,

We have responded elsewhere to flights by the 99's and some of us have conducted them. There is no effort to stop them. Please see previous responses. If you still have comments after that, please submit them to the docket which will remain open until April 19th.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1718)

Date: 02/28/04 06:56 PM
Edited: 02/28/04 07:19 PM
Author: James E. Van Laak (no profile)
Subject: Bass ackward rationale

This entire NPRM has been constructed without any reasonable justification. Worse yet, it is apparently being predicated on the notion that the citizens are only allowed to operate within the boundaries of a very narrowly constructed set of limits, with any other activity strictly forbidden.

New regulations that restrict the freedoms and economic opportunities of the citizens must be based on concrete, testable, arguments that show the public good will clearly outweigh the negative consequences to personal and public freedoms. This entire NPRM is in direct contradiction to this approach.

For example, I note that the FAA response to questions regarding the 4 event limit is to say that we should be happy that this is an exception to the proposal to eliminate them all together. This reasoning is completely backwards and demonstrates an amazing ignorance of the regulatory system already in place.

The existing flight operations are being conducted in accordance with multiple layers of rules regarding pilot certification, aircraft certification, maintenance, operating limitations, and numerous other regulations. Rather than looking for possible cracks in the effectiveness of this regulatory environment with the legitimate goal of improving it, the proposed approach is to effectively ban the activies all together.

Most distressing is the recognition that proposed decision-making that begins with the notion that these operations should be eliminated by governmental fiat is in direct contradiction to the language and intent of the Constitution of the United States.

I do not own an antique aircraft, regularly participate in charity flights or otherwise expect to be personally affected by this regulation. However, I am a veteran who served my country in defense of our personal and public freedoms, and I know that we will all be diminished by the close-minded ignorance so clearly demonstrated here. And as a taxpayer, I expect the bureaucrats who work for me to respect those freedoms as foremost in their work.

This entire NPRM represents an incompetent approach to the issues, wastes critical national resources, corrupts the mission of the FAA to serve the public, and is an afront to our national values. It should be stricken from the record.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1093)

Date: 03/12/04 12:48 PM
Author: Alberta Brown (no profile)
Subject: RE: Bass ackward rationale

Mr. Van Laak,

Please do read our responses throughout this forum. There is a lot of misunderstanding out there. We apologize if we didn't explain the issues well. We trusted you all knew about the exemptions your sponsors wanted and agreed to. We should not have done that.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1719)

Date: 03/02/04 12:13 PM
Author: Gary Reeves (no profile)
Subject: Charity Flight Restrictions

I would encourage the FAA to perhaps study the impact to not only safety, but to the charitable organizations. I think a 100hr inspection is completely reasonable addition, but to eliminate these flights without a history of problems is unusual. Was there an issue that prompted this proposed change or was it lobbied for by the commercial operators?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1269)

Date: 03/02/04 07:47 PM
Author: Thomas Harnish (no profile)
Subject: RE: Charity Flight Restrictions

You *are* being sarcastic aren't you?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1305)

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Date: 03/12/04 01:03 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Charity Flight Restrictions

Mr. Harnish,

We don't know if you are referring to the previous commenter or us or what comment you are referring to. We try not to be sarcastic and apologize if we were.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1721)

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Date: 03/12/04 01:00 PM
Author: Alberta Brown (no profile)
Subject: RE: Charity Flight Restrictions

Mr. Reeves,

We have responded to your issues already although not directly to you. In the interest of time please do read the responses.

About your comment concerning lobbying by comercial operators: We think you suspect that the existing air carriers complained about unfair treatment which caused us to propose a rule. That is not true. Since the NPRM was published in October and during this public meeting some have commented that like treatment is appropriate for like operations. Those comments are available for you to read in the docket and this meeting. You can make your own judgement.

Charity flight will not be eliminated.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1720)

Date: 03/02/04 03:04 PM
Author: michael muetzel (no profile)
Subject: The four-event limitation for charitable and community events

You have presented no credible proof this is needed. So it's not.

Don't do it.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1282)

Date: 03/12/04 01:05 PM
Author: Alberta Brown (no profile)
Subject: RE: The four-event limitation for charitable and community event

Mr. Muetzel,

It has taken lots of time to post so many responses but we feel we have now done so.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1722)

Date: 03/03/04 11:01 PM
Edited: 03/03/04 11:03 PM
Author: Guy Faucher (no profile)
Subject: Limitation to 4 events

Was there a scientific method for choosing 4 flights? I can't see the logic with the number let alone any number. Why add more regulation to a system that is already over regulated? There are rules that cover everything that is being attacked by this proposal. The system works as it is and it works significantly well, albeit with extreme complexity. Let it be.....

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1395)

Date: 03/12/04 01:07 PM
Author: Alberta Brown (no profile)
Subject: RE: Limitation to 4 events

Mr. Faucher,

We trust you have read our previous responses and now understand where the 4-events came from. Your sponsors asked for it.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1723)

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Date: 03/04/04 05:59 AM
Author: laura (no profile)
Subject: 4 event limit

What safety issue would be solved by a limit on charity events. What statistics support this limit. For that matter what statistics caused someone to think we needed this rule in the 1st place. Our organization, the 99's, gives rides every year for the purpose of raising money for aviation scholarships AND acquainting the public with their local airport and airplanes and air saftey. Our saftey record stands for itself. This rule will only hurt aviation, not help it.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1401)

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Date: 03/12/04 01:10 PM
Author: Alberta Brown (no profile)
Subject: RE: 4 event limit

Laura,

We have responded on this including specifically to you. The overwhelming participation to this meeting has taken time to respond to. Sorry. Please do read responses to others.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1724)

Date: 03/04/04 11:44 AM
Author: David Ramsdale (no profile)
Subject: Four event rule

Our organization has been giving rides for many years all over the eastern United States and now some events in the west. All of our pilots are unpaid professionals, nearly all with thousands of hours. Our aircraft are maintained by our own repair station by professional staff. While giving rides is only part of what we do (most of our work is flying into some of the most inhospitable places on earth) we consider it a privilege to introduce people to flying and to our charitable work. The four event rule would only diminish the good we believe we are doing. Safety will not be enhanced. We already highly regulate ourselves internally with duty time limitations, etc. This proposed rule is unwise.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1427)

Date: 03/12/04 01:13 PM
Author: Alberta Brown (no profile)
Subject: RE: Four event rule

Mr. Ramsdale,

We don't know what flying you are involved in exactly but we have responded many times about the 4-event issue and where it came from. It may not apply to you.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1725)

Date: 03/05/04 11:50 AM
Edited: 03/05/04 11:54 AM
Author: William Kelley (no profile)
Subject: 4 flight limit infringment of free speech

First I agree with almost all the previous posts. This entire NPRM makes no sense, is not needed and should be withdrawn. The FAA by their owen admission does not have the data to justify it.

In this post I would like to specifically address the 4 event limit for charity flights.

If I a considered legal, safe and competent to fly 4 charity flights what makes me unsafe on the 5th or for that matter the 500th. It makes no sense!

The 4 charity events limit is a violation of the right of free speech. In this NPRM the FAA is limiting how much, how often and to which charities I can give. I have been looking forward to the day when I would have the experience, time and resources to conduct frequent Angel Flights, Young Eagle and other charity flights. I am almost there and now based on no real data the FAA wants to impose arbitrary limits on those activities with no real justification. Well I suppose those finacial resources that would have gone to help people will now go to funding my lawyers as they persue a supreme court challenge to this infringment of my right to donate to the charities of my choice.

Further question, how would this NPRM effect the Civil Air Patrol? When I was a member I provided Cadet Familarization Flights and flew training and actual Search and Rescue flights. As all CAP pilots are volunteers and the CAP is a registered charity. I would assume that these would be considered charity flights. The annual training flights (done at the pilots expense) required to qualify as a mission pilot alone would use up the 4 flight limit, thus leaving the pilot trained for missions he could no longer fly. Lets see so CAP pilots would no longer be able to fly Search and Rescue, Disaster Relief, Blood and Organ Transport, Cadet Flight Training or Orientation flights. I guess that would preety much end the CAP and all the good it does.

This is just one example of how little thought has been given to the unintended consequences of this NPRM.

A final message to the FAA, if you proceed with this NPRM, you can fully expect to have your boss dragged in front of several congressional committees to try an answer the same questions presented on this fourm. I for one would not want to try and justify this NPRM to a hostile congressional committee, because there is no justification for much of this NPRM!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1535)

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Date: 03/12/04 01:29 PM
Author: Alberta Brown (no profile)
Subject: RE: 4 flight limit infringment of free speech

Mr. Kelly,

It is difficult to understand how a flight limitation relates to free speech. Please do read the many responses already given. Additionally, training flights to qualify you for charity flights are not part of the proposed 4-event limit. Also realize that charity flights are not limited. The limit is proposed for any specific pilot and that limit is generous. You may also fly without limit if you comply with all the rules. Some comments to this meeting show that even existing rules are not complied with.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1726)

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Date: 03/05/04 01:44 PM
Author: Vincent J. Huth (no profile)
Subject: Flight limitations

Abandon NPRM and never limit charity flights. Such flights enhance all aspects of gereral aviation. Seems like FAA has a "solution"

looking for a problem that does not exist. vjh

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1549)

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Date: 03/12/04 01:32 PM
Author: Alberta Brown (no profile)
Subject: RE: Flight limitations

Mr. Huth,

Thanks for your comments. Charity flights are not limited. The proposal is to limit individual pilots who have been flying without limit and without complying with existing rules/exemptions.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1727)

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Date: 03/05/04 03:34 PM
Author: William Kelley (no profile)
Subject: Recomended changes to NPRM

You asked for specific recomendations relative to this NPRM. Here are my recommendations.

Drop the number of events limitation, it is arbitrary and makes no sense.

Drop the 500 hour requirement back to 200 hours.

Drop the current drug testing requirements for charity flights. One of the doctors who does this drug testing has stated the the number of positves among flight crews was so small as to be insignificant.

Develope a simple and inexpensive way to collect data on these flights. For example; additional question on the medical form. A simple form the event operator could fill out, a form on the internet that pilots could fill out after conducting charity flights. As a developer of web applications I could have a nice web site for collecting this data up and running in less then a week.

Expand the 25 mile limitation to 50 miles. Add a provision to have under which the event operator could apply for an exception to the mile limitation on an event by event basis.

Keep the limitation on landing only at the airport of departure.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1578)

Date: 03/12/04 01:57 PM
Author: Alberta Brown (no profile)
Subject: RE: Recomended changes to NPRM

Mr. Kelly,

Your comments are appreciated. Many have been answered in previous responses.

The event limitation is not arbitrary as explained previously. Sponsors of charity flights asked for it. Also, any number could be called arbitrary. We will consider other options from commenters.

The 500 hour requirement appears in some cases and the 200 hour requirement is still in place for other cases. Many of you have not looked at the proposed rule and trust others to speak for you. See the difference between 61.113(d)(1) which allows 200 hours and (d)(2) which is 500 hours. The 500 hours matches the exemptions which actually require hour breakdowns beyond the 500 hours. The 500 hours also matches the least complex operators in part 135 who have multiple requirements beyond 500 hours and also operate day, VFR, single pilot, single engine, etc. Also, a proposal is just that. It's not a final rule.

The NPRM did not propose to do away with drug and alcohol testing. We appreciate the response from the one doctor but we continue to find problems with both flight and ground personnel. It is unfortunate that we all have to suffer to get rid of a few. Note the 100 exemptions that do allow your charity flights without the testing in exchange for conditions and limitations to include the 4-event limit. The FAA is willing to consider other options presented.

Changing the existing medical form is lots harder than you may think but it's a good suggestion. As explained in previous responses, we did not intent to capture other than powered airplanes and helicopters. Commenters have asked us to consider gliders, balloons, airships, parachutes, etc. They don't have to maintain medicals.

We will not respond more here but will consider all you say.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1728)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

Forum - Community and Charity Events

FAA Response- 4 Event Exemptions Edit Delete

FAA Response- 4 Event Exemptions Alberta Brown 03/12/04

Post new message in this thread

Date: 03/12/04 09:08 AM
Author: Alberta Brown
Subject: FAA Response- 4 Event Exemptions

This exemption has been extended and is current. The extension is a short document just to list the new date but does not include the conditions and limitations. Note the 4-event discussion. All exemptions are public information and issued per request of the exemption holder. The FAA has issued approximately 100 exemptions similar to this one. The document would be easier to read if you cut/paste it elsewhere. ---
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Exemption No. 7112

UNITED STATES OF AMERICA DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION WASHINGTON, DC 20591

* In the matter of the petition of * * AIRCRAFT OWNERS AND * PILOTS ASSOCATION * Regulatory Docket * No. 29648 for an exemption from * Sections 135.251 and 135.255, * and appendixes I and J to part 121 * of Title 14, Code of * Federal Regulations * * * * * * * * * * * * * * * * * *

GRANT OF EXEMPTION

By letter dated July 2, 1999, Mr. Dennis E. Roberts, Vice President/Executive Director, Government & Technical Affairs, Aircraft Owners and Pilots Association (AOPA), 421 Aviation Way, Frederick, Maryland 21701-4798, petitioned the Federal Aviation Administration (FAA) on behalf of AOPA for an exemption from Sections 135.251 and 135.255, and appendixes I and J to part 121 of Title 14, Code of

Federal Regulations (14 CFR). The proposed exemption, if granted, would permit AOPA members to conduct local, nonstop, sightseeing flights under visual flight rules (VFR) during the day for charity or community events, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

The petitioner requires relief from the following regulations:

Section 135.251 prescribes that (1) each certificate holder or operator shall test each of its employees who performs a function listed in appendix I to part 121 of this chapter in accordance with that appendix and (2) no certificate holder or operator may use any contractor to perform a function listed in appendix I to part 121 of this chapter unless that contractor tests each employee performing such a function for the certificate holder or operator in accordance with that appendix.

AFS-99-446-E

Section 135.255 prescribes that (1) each certificate holder and operator must establish an alcohol misuse prevention program in accordance with the provisions of appendix J to part 121 of this chapter and (2) no certificate holder or operator shall use any person who meets the definition of "covered employee" in appendix J to part 121 to perform a safety-sensitive function listed in that appendix unless such person is subject to testing for alcohol misuse in accordance with the provisions of appendix J.

Section 135.353 prescribes that (1) each certificate holder or operator shall provide each employee performing a function listed in appendix I to part 121 of this chapter and his or her supervisor with the training specified in that appendix and (2) no certificate holder or operator may use any contractor to perform a function specified in appendix I to part 121 of this chapter unless that contractor provides each of its employees performing that function for the certificate holder or operator and his or her supervisor with the training specified in that appendix.

The petitioner supports its request with the following information:

The petitioner states that the proposed exemption would apply to any AOPA member who conducts nonstop, sightseeing flights under VFR conditions during the day for charity or community events and who can demonstrate current membership in AOPA.

The petitioner states that AOPA members have introduced people to flying by offering flights in the vicinity of an airport during open houses, fly-ins, or charity or fundraising events. The petitioner further states that the flights usually are conducted to promote the utility, value, and overall image of general aviation in local communities; encourage interest in aviation as a career or hobby; and raise funds for worthy charitable causes.

The petitioner states that AOPA members may participate in the aforementioned types of events one to four times per year. The petitioner adds that under these circumstances, the AOPA members are not in the

business of conducting sightseeing flights and are not holding out to the public on a regular or continuous basis. Typically, the AOPA members are assisting an organization during a single event to raise positive awareness of general aviation or help raise funds for a charitable cause.

The petitioner states that the proposed exemption would not adversely affect safety because it does not materially affect the regulations and oversight that the FAA has applied and enforced for many years. The petitioner adds that for the past 16 years, there have been no accidents or safety concerns associated with this type of flying activity.

The petitioner states that granting the proposed exemption is in the public interest because without it AOPA members would be unable to offer sightseeing rides for local community events that have served to raise positive awareness about aviation. The petitioner adds that charitable organizations would no longer be able to rely on the general aviation community to assist in raising much-needed funds.

The petitioner states that it understands the FAA has initiated a rulemaking effort that seeks to address its exemption request. The petitioner also notes that the FAA has granted individual petitions for exemption that request relief similar to that requested by the petitioner.

A summary of the petition was published in the Federal Register on August 13, 1999 (64 FR 44253). The FAA received 28 comments, the majority of which were from AOPA members who support a grant of exemption. Two comments were received opposing a grant of exemption.

The majority of commenters state there is no reason for the FAA not to approve AOPA's petition for exemption. Commenters note that the drug testing requirement is unnecessary, there has never been an incident involving drugs, and there is no evidence of drug problems among pilots performing these services.

The majority of commenters also express concern that failure to grant the exemption would have negative effects on organizations and people performing work recognized as socially beneficial. Several of these commenters also express concern that the high costs of drug testing would force pilots to stop volunteering services or the expenses associated with drug testing would be deducted from the monetary proceeds of the charity.

One commenter states that denying the petition would have a negative impact on the image of aviation safety. Another commenter notes that drug testing is not required in other areas of private citizen voluntary activity that requires transportation, and the commenter provides an example of commercially licensed bus drivers who volunteer their services.

One commenter suggests that in addition to providing relief to AOPA members, the FAA also should provide relief to all pilots who -

(1) Belong to other nationally recognized aviation-related

organizations,

(2) Have actively participated in the Wings Accident Prevention Program within the previous year,

(3) Have exercised the privileges of a commercial rating or airline transport pilot certificate within the previous 6 months, or

(4) Have passed any other random drug testing within the previous 6 months.

Two commenters, an airline mechanic from Northwest Airlines, Inc., and a private pilot, oppose AOPA's petition for exemption. Both commenters believe every pilot performing services, whether for charity or for hire, should be drug tested.

The FAA's analysis/summary is as follows:

The FAA has considered fully the facts and supportive material presented by the petitioner and finds that a grant of exemption would be in the public interest. The FAA has determined that AOPA-member pilots who conduct sightseeing flights at individual charity or community events four times or fewer per year do so infrequently and, therefore, are not in the business of conducting sightseeing flights and are not holding out to the public on a regular and continuous basis.

The FAA finds that sightseeing flights offered at local charity or community events not only promote general aviation, but also foster positive and productive working relations among the community, pilots, airport authorities, airport neighbors, and other members of the general public. The FAA further finds that local sightseeing flights are an effective tool in raising awareness of aviation as a career.

In granting the exemption, the FAA would like to highlight that the affected operators and pilots operating under Section 135.1(c) conducting these nonstop, sightseeing flights must comply with Sections 135.249 and 135.253 concerning the use of prohibited drugs and the misuse of alcohol. Sections 135.249 and 135.253 prohibit an operator from knowingly using any person to perform flight crewmember duties while that person is under the influence of alcohol or has prohibited drugs in his or her system. Additionally, no certificate holder or operator may knowingly use any person to perform any safety-sensitive function if the person has a verified positive drug test result, has refused to submit to a drug test, or has used alcohol within the preceding 8 hours.

The FAA notes that two of the comments received by the FAA opposed granting this exemption. The FAA considers aviation safety to be its foremost responsibility. As such, the FAA finds that because the operators and AOPA-member pilots are subject to the requirements of Sections 135.249 and 135.253 and the sightseeing flights are given on a limited basis, a level of safety equivalent to that provided by the regulation would be maintained. The FAA also acknowledges that there is a rulemaking effort underway to amend air tour safety standards.

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. Sections 40113 and 44701, delegated to me by the Administrator (14 CFR Section 11.53), the Aircraft Owners and Pilots Association is granted an exemption from 14 CFR Sections 135.251, 135.255, and 135.353, and appendixes I and J to part 121 to the extent necessary to allow those AOPA members who can demonstrate current AOPA membership to conduct local, nonstop, sightseeing flights for charity or community events, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135, subject to the following conditions and limitations:

1. Operations must be conducted during daylight hours only.

2. Operations must be conducted in aircraft with standard category airworthiness certificates, operating under visual meteorological conditions only, on nonstop sightseeing flights that begin and end at the same airport, and within a 25-statute-mile radius of that airport.

3. Before conducting operations under the terms of this exemption, the event sponsor must brief each pilot about drug- and alcohol-free operations.

4. A pilot conducting operations under the terms of this exemption must hold at least a private pilot certificate.

5. If operations are conducted by a pilot holding a private pilot certificate, the requirements of 14 CFR Section 61.113(d) must be met.

6. Each pilot is required to have a logbook entry for each event in which the pilot participates.

7. The event sponsor may conduct no more than four events in a calendar year. Each sponsor must provide AOPA with a signed statement that it has not conducted more than four events in the current calendar year.

8. A pilot may participate in no more than four events in a calendar year. The event sponsor must review the logbook of each participating pilot to ensure that this condition is met.

9. AOPA will provide the FAA with an annual report of all persons who have conducted operations under the terms of this exemption. The report will include the date of the event, the event sponsor, and the pilot's name, home address, and certificate number. AOPA will submit the report no later than December 31 of each year to:

Division Manager Drug Abatement Division AAM-800 Office of Aviation Medicine 800 Independence Ave, SW Washington, DC 20591

This exemption terminates on February 28, 2002, unless sooner superseded or rescinded.

Issued in Washington, DC, on February 3, 2000.

/s/ Ava L. Mims Deputy Director, Flight Standards Service

AFS-99-446-E

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1698)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

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500 hour requirement to fly charitable and community events. Edit Delete

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Date: 02/22/04 06:03 PM
Edited: 02/23/04 03:07 PM
Author: FAA
Subject: 500 hour requirement to fly charitable and community events.

The proposed rule would require a pilot to have at least 500 hours to fly air tours for a charitable or community event. Some commenters have expressed concern that raising the required hours could eliminate many of the pilots who conduct these flights. We have received comments that an increase in the required hours may not be the best way to promote safety, because the hours may not be recent and may not assure competency.

It has been suggested that we could allow the option of a commercial pilot certificate or a private pilot certificate with 500 hours. A commercial pilot certificate can be obtained with fewer than 500 flight hours, but has specific requirements that assure competency. We proposed the increase in hours because, in considering the recommendations from the NTSB, we could not explain why there should be a difference in the safety requirements between air tours conducted by charities and community organizations and by commercial tours operating under parts 121, or 135.

Also, please remember that the proposed changes to part 136 would apply to all air tour operations, including those currently operating under the 25-mile exception and those flying for charitable and community events. Some of the proposed changes to part 136, including altitude and stand-off, cloud clearance, flotation, and helicopter performance requirements are discussed in the forum for part 121 and part 135 operations. We encourage you to participate in all of the forums that may affect you.

If we were to offer the option of a private pilot certificate with 500 hours or a commercial pilot certificate (which could be achieved with fewer hours but would require specific proficiencies that would raise the level of safety) would this address both the safety issues and the concerns of operators of charity and community events?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=685)

Date: 02/23/04 11:26 AM
Author: William Gleason (no profile)
Subject: RE: 500 hour requirement to fly charitable and community events.

I do feel that the 500 hour requirement would be a good thing as experience would provide a level of safety, however it would not ensure that the other requirements would be made such as Inspection, Insurance and other paperwork. Also, to create another law will not fix things nor will part 135. Pilots are Pilots and make human error for a various amount of reason. Drug test and test for pilot attitude or alertness is just plane overkill. Let's be practical, there is risk in being in any airplane reguardless of the pilot and some responsibility must be assumed by those that CHOOSE to fly with this pilot.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=716)

Date: 02/23/04 04:59 PM
Author: Harry Thomas (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

I have given much thought and study to this proposed rule. I cannot find any evidence that proves to me that a 500 hour pilot is more current, safe, better, or flies a more highly maintained aircraft than a pilot with fewer hours.

I believe that frequency of flight, staying current in aircraft maintenance, flight habits, attendance at safety and flight seminars, having a flight instructor fly with you more frequently than is required by the biannual flight review and history of that individuals flight habits and characteristics is more important than number of flight hours.

I recall an old saying that "there is a difference between 10 years experience and one years experience repeated 10 times".

I disagree with this rule and consider it an inflexible position on the part of the FAA to have a real series of meetigs with pilots to debate this.

Also, since I am willing to donate my plane, time, fuel to this effort, am I to presume that a DPE would check

me out annually for free so I could perform community service? In other words it is being suggested that in addition to my plane, time, fuel and other associated costs, that I pay an additional fee to help my community? That REALLY sounds like a government plan on the FAA could love.

I have flown at least 20 Young Eagles and our explorer post suggested I could help them raise money by providing charity rides, which I would be pleased to do. This rule would not allow me to assist these young men and women to raise funds for their expenses until I obtain a couple hundred more hours.

As I see this, safety is not the issue: being in charge is.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=778)

Date: 03/06/04 04:13 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

Mr. Thomas,

Thank you for your well developed and thoughtful comment.

There is no intent to discourage pilots like yourself from contributing to charity. In part you have identified the problem. Neither the FAA nor the NTSB can identify what type of flying you are doing. You operate under a blanket exception without reporting what you are doing. Because of that we can't even find out if the accidents and trends in our database are transportation or an air tour. If the word "sightseeing" or "charity" are mentioned in the narrative, we have some idea of what is being done. Otherwise it is just part 91. There is no lack of part 91 accidents.

We also agree that 500 hours may not be the best way to address pilots conducting charity airlifts. We can show private pilot accidents due to low experience, running out of fuel, inadvertent IMC and many others. Section 61.113 allows a private pilot with 200 hours to conduct charity airlifts. It may be appropriate for some pilots such as yourself with 300 hours but our rules are a national standard. Our rules are also the minimum standard. The 500 hour minimum standard in part 135 has worked pretty well. The least complicated type of flying in part 135 is a flight being conducted by a commercial pilot, not private. That pilot operates single pilot single engine VFR. Are you doing less than that?

Others have offered possibilities like having a commerical without additional hours; having a currency requirement such as an annual flight check; or requiring flight recency. We will consider all of them. We also would like to keep costs down. There is no pre-decision about requiring a flight check. Also, the FAA doesn't tell designated examiners what to charge. Their checks have to meet our standards but they could donate to charity just like you can.

Please see FAA Response - Public Meetings.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1605)

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Date: 02/25/04 01:51 PM
Author: jay hulbert (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

I have looked, but can find no data that there is any safety issue associated with charity flights, certainly no data with regards to type of certificate or total hours flown and their impact on safety. Without data, the proposed rule is arbitrary and capricous, and should not be finalized.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=905)

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Date: 03/06/04 06:41 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

Mr. Hulbert,

The proposed 500 hour requirement is not arbitrary. While some private pilots with 200 hours may be ideal pilots there are many accidents by private pilots with low flight time. The risk for accidents is greater for private pilots than for commercial pilots or airline transport pilots. Experience level is important. We do agree that 500 hours may not be the best way to increase the experience level of those operating charity airlifts under Section 61.113. We are open to suggestions and have received many during this public meeting. Some suggestions include requiring a commercial certificate or recency of experience or an annual check ride. As explained in previous responses one goal is to have a database but even so there are many accidents involving private pilots. The blanket exception the FAA put into the rule is outdated. Private pilots with only 200 hours can conducted charity airlifts but a single pilot operator with a single engine airplane operating VFR only in part 135 has to have at least a commercial pilot certificate and at least 500 hours. That pilot operates in accordance with operations specifications issued by the FAA and submits to FAA flight checks. That pilot may find the 61.113 exception arbitrary too.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1609)

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Date: 02/27/04 07:12 PM
Author: Arthur Berkell (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

There is a presumption that the 500-hour rule somehow promotes some safety concern. Do you have data to support the notion that there are currently any safety concerns that are remidied by the 500-hour rule? Or is the 500 hour rule somebody's bright idea without any substantiation?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1043)

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Date: 03/05/04 12:19 AM
Author: Paul Cenac (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

What 'hour' requirements do these bone head beurocrats have to have before proposing reckless and unsafe regulations that they themselves don't have to adhere to but greatly increase the cost and hassles to those over which they govern??? Power corrupts and absolute power corrupts absolutely! You guys in government can't even stop gay marriage....leave us pilots the hell alone!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1503)

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Date: 03/08/04 10:15 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

Mr. Berkell,

The 500 hours came from the existing part 135 VFR only rules. A single pilot in a single engine on-demand flight would need at least a commercial pilot certificate with at least 500 hours plus 100 hours cross country and at least 25 hours at night (135.243). In other responses we state that 500 may not be the best number and perhaps the hours aren't as important as the recency, etc.

The 500 hours was not just a bright idea.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1611)

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Date: 02/29/04 07:46 PM
Author: Stephen Snyder (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

Where are the accident statistics that show that the flights the FAA wishes to increase regulation of are in need of greater oversight?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1134)

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Date: 03/08/04 10:18 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

Mr. Snyder,

Unfortunately, there is no lack of private pilot accidents. We responded previously.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1612)

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Date: 03/06/04 02:54 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

Mr. Gleason,

Thank you for your comments. You do agree that 500 hours would be appropriate but caution that it would not ensure other requirments are met such as inspections, insurance, etc. You are correct. Part 135 is what we proposed for commercial air tours but we are willing to listen to other options. We offered a possible exception for vintage aircraft during this meeting. It was just a place to start. There could be exceptions developed for other areas as well. The final rule is not pre-decided or written.

The drug/alcohol standards have been in place a long time. This NPRM did not propose to change them. The FAA continues to find airmen with problems in this area.

We agree that all flights have risk. We don't expect to eliminate it.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1604)

Date: 03/06/04 06:43 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

Mr. Gleason,

Response to you shows up out of order. Have no idea why. Sorry - it is there.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1610)

Date: 02/23/04 12:01 PM
Author: David S. Reinhart (no profile)
Subject: RE: 500 hour requirement to fly charitable and community events.

Nothing in the data the FAA has published in support of this NPRM suggest that there are safety related issues that would be addressed by this new rule. The FAA (and the government in general) is not supposed to regulate simply for the sake of regulation. New regulations or changes to old ones should be made only when there is a specificly identified problem and the regulation should be limited in scope to address that problem and that problem alone. This NPRM satisfies neither of those pre-requisites and should *not* be adopted.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=725)

Date: 03/08/04 10:25 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

Mr. Reinhart,

Private pilots should not be allowed to conduct what amounts to a commercial air tour without meeting some of the same standards of experience that the PIC conducting the same air tour in part 135 has to meet. In fact, the same VFR pilot in part 135 needs at least a commercial pilot certificate and 500 hours and other requirements.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1613)

Date: 02/23/04 01:13 PM
Author: Keith (no profile)
Subject: RE: 500 hour requirement to fly charitable and community events.

Is there ANY data relating increased hours (up to or over 500) with safety? I have seen numerous accident reports with pilots 500-1000 hours.

Is there a problem being addressed here or just more unecessary red tape being added to an already over burdened regulatory system.

This really seems to be more about FAA heavy-handedness than safety concerns.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=738)

Date: 03/08/04 10:33 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

Mr. Keith,

Flying is not a perfect world and we agree with that. There are accidents with pilot that have 20,0000 hours. What is your point? Can you show that 500 is less safe than 200? What do you want the hour/experience requirements to be? One would think that any one of you would agree that you are a better pilot today than you were when you had half the amount of experience you have now.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1614)

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Date: 02/23/04 09:14 PM
Edited: 02/23/04 09:40 PM
Author: Steve Thompson (no profile)
Subject: RE: 500 hour requirement to fly charitable and community events.

It has been pointed by some number of people that both the FAA and NTSB have shown NO (i.e., zero, none) data that backs this 500 hour *THEORY*. Further, you [FAA] appear to have started backpeddling by saying, well a Commercial ticket may be used in lieu of 500 hours, since the original NPRM didn't even address this area.

Others have pointed out that someone with 500+ hours, having obtained these hours over a 9-10 year period would tend to be less competent (or current?) than someone who has gained 200 hours in 2 years.

In the original comments that I made shortly after they were requested for this NPRM, both FAA and NTSB had shown no statistics that prove/show that 328.2 hours is the break over point (or any other number of hours!) for an increase in safety (fewer accidents, incidents, etc.).

Given the lack of "commercial" operations for these types of flights, there has been no requirement to track them all.

The real question to ask is, "Why hasn't the FAA needed to collect this information until now?" And isn't the answer that, "The skewed stats used for this NPRM would actually indicate that Part 135 should be abolished?" and "Well, we have to look like we are doing something, even if we are killing GA to make the skies safer for the 12_s!"

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=800)

Date: 03/08/04 11:44 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

Mr. Thompson,

You mistake our intent in holding this public meeting on the Internet. Traditionally there is no response to the public until the final rule is published at which time you need to comply with it. The suggestion of a commercial pilot certificate is not a back-pedal. It is an alternative that we hoped the public would comment on. Some others have offered good suggestions.

The 500 hours was proposed for reasons stated in numerous other responses. It is true that there has been no requirement to track the charity flights because the FAA allowed it to be that way. Otherwise such flights would have been tracked years ago and you would think it normal.

It is unlikely that part 135 will be abolished and we didn't propose to do that. There is also no intent to ground general aviation so that part 121 air carriers can have more airspace. We didn't propose that either.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1615)

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Date: 02/24/04 10:13 AM
Author: Mark E.Lang (no profile)
Subject: RE: 500 hour requirement to fly charitable and community events.

Dear FAA, Fellow Pilots,

Having been flying now since '82, I have been on both ends of this "spectrum". Having read the proposal and many of the comments, the simple remedy here would be a simple logbook endorcement from your local CFI.

I think if the FAA just HAS to further encroach on the freedom of flight they should do so in this manner. Just require 1 hour dual and 1 hour ground within 90 days of proposed flight. This should cover ANY and EVERYONE, regardless of total flight time, ratings or certificates.

My reasoning is the following. If I were to climb out of a corporate jet that I have been in for the last 2500 hours or so and hop into a C172 that I haven't been in for say a year or two, presents to me just as much culture shock as a 200 hour pilot being tossed into my corporate jet.

Hours and total flight time DO count for a lot. There is a reason why companies have minimum number of flight hours, certificates and ratings for hire. BUT! As it has been stated, just total hours alone do not make a safe pilot. So

the issue here is like anything else. Currency, and currency in type and operation.

Requiring a commercial certificate does not remedy this the pilot has just recieved his commercial, or ANY OTHER certificate or rating. Having said that a pilot with a commercial certificate having not flown in 2 years (lets say) is worse off than a private pilot with 200 hours who has just been put through the "ringer" with an active and professional CFI. So just blindly saying thou must have a commercial does not fix anything.

What's more, is that we are talking about VFR, within 25 nautical miles. That is the regulation that has kept this safe. It does not require more Federal Regulation. BUT to keep our friends in the FAA happy we could meet them halfway with a logbook endorsement. Plus it would give flight schools that much more exposure so DESPARATELY needed.

As a CFI, ATP, and former Part 135 freight dog, I can tell you that making this a 135 affair doesn't do much either. Part 135 is for regular or scheduled service, cargo, and hazmat. I dont think Grandma and Grandpa should be considered hazmat. Nor should some young future pilot at the age of 6 be considered mere cargo.

The spirit of the charity/sight seeing flight ought to re kindle the love of aviation that 9-11 has really put a cloud over. Just a good old fashioned hour in the classroom (regs, TFRs, NOTAMS, etc) and a good hour in the air (stalls, slowflight, pattern work etc)this all this calls for. It serves the public safety, the pilot, and the local airport.

Thanks for reading

Mark E. Lang

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=842)

Date: 03/08/04 11:52 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

Mr. Lang,

Your comments are the kind of thing we are looking for. Thank you for taking the time to make them. All of your suggestions are alternatives that we will consider.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1616)

Date: 02/24/04 11:18 AM
Author: Steven Dale (no profile)
Subject: RE: 500 hour requirement to fly charitable and community events.

The 500 hour rule for a charity flight does not seem to be in line with the FAA's requirement for only 250 hours for a commercial rating. 250 hours is a more logical choice regardless if the pilot has a private or commercial license. I would be more interested in ensuring that the pilot has plenty of recent experience (say 10 hours in the last 90 days), beyond the minimums required to be "current".

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=850)

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Date: 03/08/04 12:34 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

Mr. Dale,

A valid comment. Commercial airplane single-engine has a 250 hour minimum (61.129) with numerous other hour requirements. Your suggestions of 10 hours in the last 90 days instead of a commercial pilot certificate will be considered.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1617)

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Date: 02/24/04 12:51 PM
Edited: 02/24/04 12:52 PM
Author: Bradley Andrews (no profile)
Subject: RE: 500 hour requirement to fly charitable and community events.

Your statement "We proposed the increase in hours because. . .we could not explain why there should be a difference in the safety requirements between air tours conducted by charities and community organizations and by commercial tours. . ." is ludicrous. The principle DIFFERENCE is PROFIT (something most federal employees fail to understand) and how it affects decisionmaking for maintenance and flight operations. Charitable operators have no pressure to turn a profit, and are thus disinclined to make poor decisions (like not replacing a worn jackscrew on an MD-80) just to save a few dollars. I find it insulting that you ignore the obvious, fail to get any real facts, then ask us what we think as some sort of conciliatory gesture. It sounds like Russell Chew's housecleaning at the FAA has got everyone

scrambling for ways to justify their own existence on the food chain.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=860)

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Date: 03/08/04 01:00 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

Mr. Andrews,

No one is against charity. It's a good thing. Some who refer to themselves as a charity make lots of money from passengers. The FAA is not against making money in aviation. We want aviation to be successful. If a passenger pays hundreds of dollars for a ride but it is called a "donation", is that charity? If an operator gives rides in a vintage airplane all weekend every weekend and gives a few dollars of the thousands earned to charity, is that charity? You seem to understand the flights that get zero profit and are done to help someone in real need. Many of these charities are really part 135 like without complying with part 135.

The question here was the pilot qualifications for a charity airlift. Currently a private pilot with 200 hours may do that under 61.113. We were looking for alternatives from the public.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1618)

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Date: 02/24/04 09:50 PM
Author: John McNerney (no profile)
Subject: RE: 500 hour requirement to fly charitable and community events.

I strongly agree with the comments posted here requesting data showing the need for this rule. Without showing that, you have not shown a need for the rule. I also fail to see how limiting to four events per year increases safety.

If, however, you are not swayed by the arguments made here on this forum, and the data do support your contention that the 200-500 hr experience level represents an increased level of risk, then I would propose the following: a limit of four "events" per year for those pilots who do not have at least 500 hours or a Commercial certificate. No limit for those having 500 hours or a Commercial Certificate. I could also see some justification for a requirement for recency of experience in the type of aircraft to be flown, say X hours or X take offs and landings within the previous 90 days (with the added option that a pilot not meeting those recency requirements could substitute a check out within the same time period from a CFI or DPE in the same or similar type aircraft. A Flight Review or sign-off for a new rating

in a similar aircraft within the recency time period would also count.)

Again, I want to stress that I do not make these suggestions because I agree with the FAA's apparent perception that there is a need for additional rule-making in this area. I offer them only because it seems that you have already decided on the need (with or without supporting data, I cannot tell), and now want a rule.

John McNerney

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=883)

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Date: 03/08/04 01:08 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

Mr. McNerney,

You have offered several alternatives and we will consider each of them. The "4-events" limitation has been in FAA issued exemptions for years. The final rule is not written or predecided.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1619)

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Date: 02/25/04 04:10 PM
Author: Steve Magee (no profile)
Subject: RE: 500 hour requirement to fly charitable and community events.

If the FAA can provide evidence to support the increase of hours needed to 500, then let it be. Otherwise, the FAA should be spending their time on more important issues. Why mess with the regs when nothing has been proven to be broken.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=917)

Date: 03/08/04 01:18 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

Mr. Magee,

Can you provide proof that 500 hours is less safe than 200 hours? The average person would think 500 is better. We proposed 500 because that is currently the standard in part 135 for VFR only single pilot on-demand flights. If you really believe that part 91 general aviaton has a wonderful record then you've missed a lot of accidents. All of these charitable and community events are flown in accordance with part 91. The specific question here is reference private pilots with 200 hours.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1620)

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Date: 02/25/04 11:24 PM
Author: Lt Col John D. Hermann (no profile)
Subject: RE: 500 hour requirement to fly charitable and community events.

:(I (along with 40 of my closest friends)have recently established an aviation organization on the Maryland Eastern Shore (Delmarva Aviation Association) with the purpose of promoting general aviation and enhancing safety among the area pilots. The first two events of our organziation this year will be a Yooung Eagles program which will expose youth ages 8 to 17 to the wonders of aviation and an FAA Wings Safety Program. The Young eagles Program is done solely through the charity donation of aircraft, fuel, time and expertise. The regulations set forth by the EAA have set a precident for conducting a safe and effective event. The arbitrary imposition of a 500 hour restriction doesn't make sense because it has no relationship to currency (as so eloquently stated by other forum contributors). It will effectively kill this program, which will deny the exposure of aviation to many young members of our community and potentially not attract these young people to careers in aviation. Over regulation will ultimately lead to the death of general aviation and to a decline in commercial pilots as well. The real group that will suffer from the decline in general aviation will be FAA beauracrats that will find themselves without a group to regulate. The charitable events discussion has no relationship to Part 135 operations and for-profit aviation. Please seperate the two and look at the real losers in this ridiculous proposal. ☹

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=933)

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Date: 03/08/04 02:44 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

Lt Col Hermann,

We applaud the efforts of you and your friends to establish an aviation organization with the purpose of promoting general aviaton and enhancing safety among the area pilots.

You obviously are military trained yourself. The FAA has many military trained pilots. The military has standards for everything concerning aviation. The military recognizes the difference between low and high experience levels. The military places a high standard on training, check, and currency, as you know. The military also does drug testing.

The regulations you refer to from EAA are set by FAA in an exemption the FAA issued to EAA.

The 500 hours proposed is not arbitrary as explained in previous responses to this string. If 500 hours is not appropriate, and others have suggested other alternatives, what is appropriate? The FAA proposes that private pilots with 200 hours are not appropriate for air tours.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1621)

Date: 02/27/04 01:49 PM
Edited: 02/27/04 01:57 PM
Author: Neil Cormia (no profile)
Subject: RE: 500 hour requirement to fly charitable and community events.

I am a 500+ hr pilot with an instrument rating and I fly 2-3 charity flights a year to raise money for my local public schools. These flights are always VMC, under flight following, and are scheduled with the understanding that the flight may be cancelled due to any number of factors (weather, health, squawks, etc.). I have rescheduled on several occasions for those reasons and use the EXACT same decision making process that I use when I fly my family.

I also fly my two children thousands of miles a year in the same aircraft under far more challenging conditions (cross country and IFR/IMC) and the proposed part 91 regulations will have NO effect on that flying, even though a bay-tour is a milk run compared to an IMC approach.

This makes no sense whatsoever unless the NPRM is simply a broad-brush with which to paint a global solution to a much more specific problem. I'll address that concern in a moment.

Anyone flying with me should have the same reasonable expectation that I am current, proficient, safe, that my aircraft is airworthy and in the best possible condition, and that I have all the relevant information pertaining to the

flight and flight conditions. I brief a charity tour the same way I brief any flight - safety comes first. This is how I, and probably every pilot commenting on this NPRM, have been trained to fly. With or without passengers.

The FAA argument that the NTSB records do not give sufficient detail to tease out charity flights from other, non-charity flights, is both specious and misleading.

First, phones calls or other follow up requests with NTSB, FAA, or factory inspectors called to the accident sites will most certainly provide the additional detail required to sort out the purpose of the flight in order to help qualify the existing data so it can be applied in a useful analysis instead of looking at every part 91 accident. Yes this will cost a few dollars - probably a lot less than is being spent on this NPRM and the probable AOPA firestorm. I've called AOPA already and they are on the case but all concerned pilots need to comment on this issue.

Second, separating charity flights from other flights really doesn't matter:

Because this NPRM does not apply to flights I plan and execute with my family aboard does this mean that charity flights are inherently more dangerous than my family travel? This is obviously not true since there is certainly more pressure to complete a mission to see grandma or to get to that vacation destination than to fly a charity tour flight. Again, the same personal limits (IMSAFE, and personal minimums) should apply to ALL flights. Also, my family is the most precious cargo I could possibly carry but I make a point of treating every person I fly with the same care.

The only real effect this NPRM will have on part 91 charity flights will be to reduce and possibly, depending on how the final language is written, eliminate charity flying entirely. I can only assume this is the real purpose behind the proposed rules.

Consider the EAA's recent accomplishment of flying 1 million young eagles and exposing them to the wonders of aviation. Where will tomorrow's pilots and controllers come from? Perhaps the FAA should go ask every commercial pilot and (FAA) controller why they chose their particular career? I'd bet that many of them had their first chance to fly in the right seat due to the kindness of a family friend, a young eagles flight, a charity flight, or possibly even a much needed angel flight to receive medical treatment.

I look forward to a real response but, based on the FAA replies to date, I don't expect much more than legal-department-approved boiler plate.

We need a real face-to-face meeting with FAA representatives, AOPA, EAA, and pilots. This forum does not appear to be a true exchange of viewpoints and ideas except among the victims.

-Neil Cormia

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1009)

Date: 03/08/04 04:37 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

Mr. Cormia,

Thank you for your excellent comments. You are an experienced pilot and you are a different pilot than you were when you had 200 hours. We think you do recognize that experience counts. In fact it has made you a better pilot. Why would you be against increasing the pilot requirements from a private pilot with 200 hours to an additional rating or additional hours or some sort of currency?

There is no intent to cancel charity. The point of the question in this string is a private pilot with 200 hours is allowed to conduct charity airlifts in accordance with Section 61.113. Is that appropriate? If not, what would be appropriate? You refer to the EAA sponsored Young Eagle flights. The FAA also thought they had value since we issued Exemption # 7830 to EAA for that purpose. The conditions and limitations of that document require at least a private pilot certificate with at least 500 hours total time, 200 in category, 50 in class, plus currency per 61.56 and 61.57, etc.

The FAA proposal to increase private pilot hours from 200 to 500 should not be the big deal that it seems to be.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1622)

Date: 02/29/04 08:02 PM
Edited: 02/29/04 08:14 PM
Author: John Lancaster (no profile)
Subject: Commercial or 500 hours w/40 hours* in last 6 months

The goal is to simplify and codify - pretty much mutually exclusive, but here goes.

If a pilot has a Commercial rating, that means that the FAA or a designated representative has found that pilot to have the skill, knowledge AND JUDGEMENT to carry paying passengers (obviously you need to be Comm rated in the category/class of aircraft in which you are giving the rides.

On the PPL side, I guess the assumption is if the PP has survived 500 hours, they will survive day VFR within 25 miles of the airport. And that's 500 hours in category - no 50-hour helicopter/800-hour ASEL giving helicopter rides.

Probably more important is currency - and currency in the category/class of aircraft. Hence the 40 hours in the last 6 months, in the category/class (or at least category) of aircraft.

The aircraft themselves? Current 100-hour and annual of course. Insurance? That's between the pilot and the charitable org - somebody has to cover the event.

The four-event rule is too heavy-handed. I appreciate the motivation, but is there currently a problem? Or do you anticipate problems developing as you more heavily regulate the for-profit <25 mile tour business.

There's no question that the best way to make flying safe is not to have people fly.

Most people get on roller-coasters because they're 99.9% sure that nothing is going to happen to them. It's that perceived 0.1% chance that actually gets them to put down the cash. In fact, the odds are much better on the side of safety.

It's the same thing, only different, for an "airplane ride". People know that flying is not 100% safe. They do it anyway. They look at the T-6, or Stearman, or Bell 47 or even a Cessna 172 and balance the perceived risk against the desire to have AN EXPERIENCE. They are NOT getting into these aircraft for the same reason they get on UA552 from DEN to BOS, nor do they have the same expectations.

Trying to make charity flights (or even vintage rides) as safe as airline flight is impossible. You would do much better to more closely scrutinize adherence to current regulations. Or you can do what your proposed rules will most certainly bring about - make charity and vintage flights "safer" by simply making them disappear.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1136)

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Date: 03/08/04 05:27 PM
Author: Alberta Brown (no profile)
Subject: RE: Commercial or 500 hours w/40 hours* in last 6 months

Mr. Lancaster,

Your comments are good and we appreciate your response. We will consider your recommendations. The 4-event portion of the proposal came from exemptions issued to organizations over the last several years. Many commenters don't seem to be aware of the requirements their organizations are to operate under.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1623)

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Date: 02/29/04 09:58 PM
Author: Stephen Giraud (no profile)
Subject: RE: 500 hour requirement to fly charitable and community events.

You need to show a problem before you propose a solution. Are there a lot of accidents with less than 500 hour pilots carrying passengers for rides at charity events? I don't think so, so I don't think you should be changing the rules.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1146)

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Date: 03/08/04 05:37 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

Mr. Giraud,

There are plenty of accidents in part 91. A part 91 accident report normally doesn't reveal if it is a "charity event". The point of this string is to comment on private pilots with 200 hours conducting charity/community events. The reasoning for the 500 hours proposal is explained in previous responses. It may not be the best option. We were looking for other options.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1624)

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Date: 02/29/04 10:43 PM
Author: John Townsley (no profile)
Subject: RE: 500 hour requirement to fly charitable and community events.

I am concerned that the "on Line Forum" is very exclusionary. Several individuals I know who regularly volunteer time and airplane to fly at community gatherings and fly-ins do not have computers and choose not to use the internet. This forum of discussion completely excludes their point of view.

The forum reminds me of the telephone survey conducted when Dewy ran against Truman in the late 40's. The Chicago news papers conducted a phone survey and Dewy won hands down, so they put out a front page banner proclaiming the new President. Only Truman won. The survey missed the large number of people who didn't have phones, and how had very different views (obviously). It looks to me the FAA is making the same mistake. By only asking for participation from those who are connected to the web the FAA is deliberately excluding an important segment of the pilot and aircraft owning public who will be directly and possibly adversely impacted by this rule. The FAA's failure to seek out these individuals and businesses and hold a forum in a venue that will allow them to express an opinion and provide the FAA information regarding the proposals poses substantial and significant risks that the FAA will make a rule based on incorrect or incomplete information.

I suggest the FAA reconsider its insistence that the exclusionary venue for these very important rule makings be held exclusively 'on line' and accessible only to the 'wired' public.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1155)

Date: 03/09/04 09:09 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

Mr. Townsley,

This forum is in addition to the normal process. The docket is open as usual and will be until April 19th. It can be reached by putting a comment into any public mail box. More than one telephone number is listed in the NPRM. Libraries have Internet access for free. Everyone has access to a public library. Your friends could give comments to you and you could file them.

See "FAA Response - Public Meetings" posted in all three forums.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1625)

Date: 03/01/04 01:31 AM
Author: Ghery S. Pettit (no profile)
Subject: RE: 500 hour requirement to fly charitable and community events.

No. The FAA has provided NO data to show that private pilots with between 200 and 500 hours are any less safe for charitable flights than those with over 500 hours. Without such data there can be no justification for this change. This appears to be a solution looking for a problem.

Ghery S. Pettit PP-ASEL

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1164)

Date: 03/09/04 09:11 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

Mr. Pettit,

We have responded to this numerous times.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1626)

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Date: 03/02/04 06:46 AM
Edited: 03/02/04 07:18 AM
Author: Ronald Thisted (no profile)
Subject: RE: 500 hour requirement to fly charitable and community events.

The proposed rule assumes the equation (a) cumulative flight experience = safety. The cited accidents prove that that is not the case; most of the accidents were Part 135 operations already, many involving helicopters. There are two better, more accurate, equations: (b) recent training = safety and (c) operational restrictions = safety. The current operational restrictions of 25-mile radius, nonstop flight, in day VFR conditions, coupled with a 4-event per year limitation significantly limit the risk (that is, increase safety) compared to general Part 135 operations. *No evidence* has been presented that increasing from 200 to 500 hours cumulative experience produces *any* measurable reduction in risk. The FAA has data on *every* legal charity flight conducted by private pilots, since current FARs require written advance notice to the FSDO, and if *any* of these operations resulted in an accident or incident, the FSDO would necessarily be involved. But the FAA has not presented any indication that these events have been problematic, or have produced accidents/incidents. The NTSB recommendations did *not* specifically address the charity rule. The 500-hour change for charity flights addresses a non-problem.

The risk of aviation accidents can be reduced to zero by prohibiting flight. If the requirements for donating one's piloting skills to charity are raised to a sufficiently high level, the effect is the same as prohibition. If one required a first-class medical, two instrument-rated and current pilots with 1000 hours each, with six-month recurrent training flown in a multi-engine aircraft, the risk of a short flight in the local area during ideal weather conditions *might* be reduced slightly, but the cost of achieving this infinitesimal reduction in risk would be so substantial that no one would bear that cost.

The vast majority of responders to the 500-hour thread are telling you that the additional requirements will reduce or eliminate most charity airlifts, since most of those are done on limited occasions by pilots who donate both their skills and the costs of operating the aircraft. The cost, not figured into the economic impact assessment, is borne by the charities and communities that no longer benefit from the contributions made to them. The *only* demonstrable benefit from the change is the FAA's desire to *appear* to address an NTSB concern that the NTSB did not even raise.

FAA specifically asks whether allowing a Commercial certificate in place of the proposed 500-hour requirement would provide an equivalent level of safety. Because of equation (b), that training = safety, the answer is a qualified,

"yes". But other recurrent training, such as a recent flight review, or acquiring a new certificate, rating, or operating endorsement would, too. It is hard for me to see how being able to execute the perfect chandelle, or having flown a 250-mile cross country flight, markedly affects the relative safety of a short flight in the local area during ideal weather conditions during the day.

Keep the 200-hour rule, coupled with the 25-mile day VFR operating limitations. They already provide the environment for safe charitable flights.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1244)

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Date: 03/02/04 04:13 PM
Edited: 03/02/04 04:16 PM
Author: John McNerney (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

> The FAA has data
> on every legal charity flight conducted by
> private pilots, since current FARs require
> written advance notice to the FSDO

Is that statement correct? I was under the impression that when no money changes hands from anyone (pilot, passenger, or charity) that no notification was required. These missions are flown all the time by organizatons such as LightHawk and AngelFlight. As far as I understand, no FAA notification is required. Someone please correct me if I am wrong.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1295)

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Date: 03/02/04 08:05 PM
Edited: 03/02/04 08:06 PM
Author: Ronald Thisted (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

By "charity flight" in my post, I was referring to the operations described in FAR 61.113(d), which applies to "passenger-carrying airlift[s] sponsored by a charitable organization... for which the passengers make a donation to the organization...." This is the paragraph that currently authorizes individuals exercizing private pilot privileges to act as pilot in command of such an operation. Among other things, that is where the 200-hour requirement comes into play.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1306)

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Date: 03/10/04 11:48 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

Mr. McNerney,

A quick search does not find any FAA exemptions on Light Hawk flights. An even quicker Internet search for Light Hawk (one word or two words) results in articles about volunteer pilots' in a non-profit organization conducting aerial tours to document metro sprawl. The issue in this string is charity flights carrying passengers conducted by private pilots with 200 hours and our proposal to change that to 500 hours.

In the meantime, we are very familiar with the Angel Flights you say you conduct. See FAA Response - Angel Flights.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1640)

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Date: 03/09/04 10:16 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

Mr. Thisted,

We have received several suggestions as options to the 500 hour private pilot such as a commercial certificate, various currency requirements, and an annual check, etc. We will consider all the suggestions. We did not propose that 61.113 change from 200 hours to 500 hours because of an NTSB recommendation. The FAA has issued existing exemptions to organizations that require 500 hours of pilot total time plus a breakdown of hours as well as a 4-event limitation. If FAA could put the language of those exemptions into the rules, the exemptions would no longer be necessary and the public could use them. This would be an advantage to you. There has never been an attempt to do away with charity flights. The FAA also did not propose to move these 4-event operations into part 135.

If the organizations who hold these exemptions already can craft a better set of limitations we welcome there

comments.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1627)

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Date: 03/02/04 10:32 PM
Author: Carl Prather (no profile)
Subject: RE: 500 hour requirement to fly charitable and community events.

I disagree with any implementation of flight experinece requirement. Has the current recency and flight experience requirements after a half of century suddenly become unsafe? What data supports this or any other time requirement other than what is provided for a private pilot's license?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1316)

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Date: 03/09/04 10:41 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 hour requirement to fly charitable and community eve

Mr. Prather,

We have responded many times now as to why we proposed 500 hours for private pilots in 61.113 instead of the existing 200 hours. We realize you likely wrote your comments prior to seeing our responses.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1628)

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Date: 02/23/04 09:41 AM
Author: Wyatt Bell (no profile)
Subject: Pilot Annual Checks

The real issue here is competency. There are 200 hour pilots more proficient and capable than pilots with many more hours.

Why not require an annual competency check by a DPE if one is to provide flights as outlined under the NPRM?

This is required under Part 135 and would be the most direct and effective safety analysis.

If the pilot is competent, informed and aware of the safety of his/her flying machine a safe flight is almost always assured.

You would very simply eliminate the "red-tape" of complying with Part 135 specifications.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=700)

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Date: 02/23/04 09:51 AM
Author: Baron Tayler (no profile)
Subject: RE: Pilot Annual Checks

I completely agree. I'm a Director of a 501(c)(3) that has been planning a cross-country educational/charity raising flight for over a year, using a powered parachute. Under the new Sport Pilot regulations, the PPC used will be registed as a SPA, and the pilot will be an SP. The pilot we're planning on using will have between 300 and 400 hours by the time the event is planned to occur. For a PPC pilot, who has accumulated those hours in only two years, that's a lot of practice and flying, which translates into very good proficiency and competancy. Why shouldn't he be allowed to fly for charity events?

I agree with the comments and solution of the gentleman in the previous post.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=702)

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Date: 02/23/04 11:24 AM
Edited: 02/23/04 11:26 AM
Author: Baron Tayler (no profile)
Subject: RE: RE: Pilot Annual Checks

Hit a key in error. My apologies.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=714)

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Date: 03/09/04 11:06 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: Pilot Annual Checks

Mr. Tayler,

No problem.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1631)

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Date: 02/23/04 11:33 AM
Author: William Gleason (no profile)
Subject: RE: RE: Pilot Annual Checks

This is a good question. If the pilot in question were to be examined by a DPE, not a problem. Hours alone do not make a pilot. I know those that could be lucky enough to get 1000 hours that I would not be in favor of as they take too many risks or poorly inspect their craft. Their just lucky so far.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=718)

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Date: 03/09/04 11:10 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: Pilot Annual Checks

Mr. Gleason,

There's something special about you. Responses to you seem to move somewhere else and responses to someone else sometimes come to you. Our apology.

We agree to consider the DPE suggestion for an annual check.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1632)

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Date: 03/09/04 11:04 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: Pilot Annual Checks

Mr. Tayler,

The comments of the gentleman in the previous post (Mr. Bell) will be considered and we're pleased that you agree with them.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1630)

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Date: 03/11/04 10:48 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: Pilot Annual Checks

Mr. Tayler,

Mr. Bell and others have offered alternatives. We agree to consider them. Thank you for your ideas.

You have been planning a cross-country flight for over a year using a rule that doesn't exist. You must be confident on what the rule will say. We have responded to others that the intent of this proposal did not include parachutes with or without power. Some commenters say gliders, balloons, and parachutes should be included. One balloon operator seems to insist he be included. Others have said they should not be included. There has been response from an airship operator as well. We will consider all the comments. You haven't described your event enough for us to respond to it more.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1687)

Date: 02/23/04 11:28 AM
Author: William Gleason (no profile)
Subject: RE: Pilot Annual Checks

This is an excellent idea. I vote yes to this.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=717)

Date: 03/09/04 11:11 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: Pilot Annual Checks

Mr. Gleason,

Got your suggestion for an annual check requirement.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1633)

Date: 02/23/04 01:37 PM
Author: Ronald B. Levy (no profile)
Subject: RE: Pilot Annual Checks

Why are we even looking at this? Have there been any accidents on charity fund-raising flights? If so, it the incidence of such accidents on these flights higher for under-500-hour pilots than for over-500-hour pilots? If not, why is this rule even being proposed, since in that case, there would be no benefit to the public for the increased level of regulation, and a reduced benefit to the public from the reduction in the number of pilots eligible to conduct the flights.

Ronald B. Levy
ATP, CFI

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=744)

Date: 02/24/04 11:01 AM
Author: Mark Kolber (no profile)
Subject: RE: RE: Pilot Annual Checks

That's an excellent question, Ron.

With all of these proposed rules concerning charitable flight, what is the (actual or perceived) need?

Have there been a significant number of charity-based accidents? The Angel Flight experience, although a different issue, strongly suggests that pilots who donate their time to charitable events are precisely those who care the most about safety. The "buzz jockeys" aren't the ones donating flights to help the fight against cancer.

Is there any data that suggests otherwise?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=846)

Date: 02/29/04 11:50 PM
Author: Phillip A Kriley (no profile)
Subject: RE: RE: Pilot Annual Checks

I've flown a dozen or so Cub Scouts andBoy Scouts, and have flown 4 "Young Eagles" since earning my Private Pilot's license in 2000. Why does the FAA suddenly feel I am unqualified simply because I only have 150 hours in my logbook? I'm either qualified to fly or I am not.

Please devote your time to solving real problems, rather than inventing "solutions" to problems that do not exist.

Phillip A Kriley, PP-ASEL

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1161)

Date: 03/10/04 10:02 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: Pilot Annual Checks

Mr. Kriley,

You're not qualified. We think you are simply being honest and we appreciate that. You need at least 200 hours and admit that after about 16 flights you still only have 150. The discussion here was to address the FAA proposal to increase certain flights from 200 hours to 500 hours or more than private pilot.

Do you realize that the EAA has an exemption from the FAA that requires 500 hours for private pilots conducting Young Eagle flights? It also requires them to control who those doing the flights.

There are lots of other exemptions (not only to EAA) many in this forum are apparently not aware of. An exemption is a separate document from an FAA rule and is issued at the request of the exemption holder. It gives relief from a rule they request relief from.

We do encourage you to continue building time but please do not conduct anymore charity flights with 150 hours.

Thanks,

I've flown a dozen or so Cub Scouts andBoy Scouts, and have flown 4 "Young Eagles" since earning my Private Pilot's license in 2000. Why does the FAA suddenly feel I am unqualified simply because I only have 150 hours in my logbook? I'm either qualified to fly or I am not.

Please devote your time to solving real problems, rather than inventing "solutions" to problems that do not exist.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1637)

Date: 03/09/04 11:34 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: Pilot Annual Checks

Mr. Levy,

You are a proponent of the status quo which is private pilot certificate with 200 hours. As an ATP and CFI do you not agree that your abilities have improved since you were a private pilot with 200 hours? Every single private pilot with 200 hours could today fly passengers in charitable airlifts. The FAA has issued exemptions to organizations who are allowed to have their members conduct charity flights. The FAA didn't just issue them. The organizations asked for them. The 500 hour requirement is in those exemptions and in other places

previously explained. We have explained these issues previously and do realize that you made your comments prior to our responses.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1634)

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Date: 03/09/04 10:50 AM
Author: Alberta Brown (no profile)
Subject: RE: Pilot Annual Checks

Mr. Bell,

You have made some good suggestions. We believe you are suggesting an annual check by a DPE. Another suggested a check by a CFI. They are each possible and will be considered. We agree that competency is an issue. We also like to keep cost down where possible.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1629)

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Date: 03/10/04 12:13 PM
Author: Alberta Brown (no profile)
Subject: RE: Pilot Annual Checks

Mr. Bell,

We will consider your suggestions. Others have made similar suggestions reference annual checks.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1642)

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Date: 02/23/04 11:14 AM
Author: Loren C. Davidson (no profile)
Subject: 500 hour rule

The presumption here is that competence and safety increase with hours flown. Some data suggests otherwise. I suggest that all pertinent data be reviewed. No rule can possibly assure competency and safety so, please excuse the heresy, but maybe we should leave things as they are. Bad things can happen in the air. We pilots know this and so do our passengers. Why can't we all accept this possibility without creating another maze of rules and enforcement proceedures?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=711)

Date: 03/10/04 11:23 AM
Author: Alberta Brown (no profile)
Subject: RE: 500 hour rule

Mr. Davidson,

As a general statement pilot competence and safety do increase with hours flown. Please send your data that suggests otherwise to the docket.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1639)

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Date: 02/23/04 11:43 AM
Edited: 02/23/04 11:43 AM
Author: Greg Oliver (no profile)
Subject: Leave well enough alone

Why is the NTSB suggesting a change? Why the NPRM? Has there been a rash of air tour accidents none of us has heard about? This whole thing just reeks of typical FAA bureaucratic "mission creep", the need to expand into every possible nook and cranny with new rules & regs, even when there is no pressing safety need for it. Show us the data - prove to us that there is an urgent, pressing safety problem before you hit the aviation community with even more burdensome regulation.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=722)

Date: 02/27/04 03:58 PM
Author: Cecil Goeldner (no profile)
Subject: RE: Leave well enough alone

I agree with you Greg. Where are the accident reports covering loss of life, equipment or property. If there are none, or even precious little info at most, then What is the necessity of this proposed rule making? Just more bureaucracy to get in the way of 'a decent way of life'! Leave well enough alone, because if it aint broke ~ why fix it?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1025)

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Date: 03/10/04 11:59 AM
Author: Alberta Brown (no profile)
Subject: RE: Leave well enough alone

Mr. Oliver,

We do not speak for NTSB. There are no lack of accidents in part 91. The FAA does not wait for overwhelming accident data to start preventing future accidents. We have responded many times to comments on accident data. We do realize that your incoming comments were done prior to our responses in at least some cases.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1641)

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Date: 02/23/04 11:52 AM
Author: Greg Oliver (no profile)
Subject: Commercial certificate no guarantee

Even though I don't believe there is a problem here that needs even more regs, if FAA insists on doing "something" a Commercial ticket alone doesn't guarantee proficieny & safety - recency of experience is the better way. Better to have a rule that says you must have at least X number of hours in the last six months, regardless of what rating one has. A private pilot with, say, 50 hours in the last six months may be a lot more safe than a Commerical Pilot with 3 hours in the last six months.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=723)

Date: 02/23/04 09:04 PM
Author: Jonathan Barber (no profile)
Subject: RE: Commercial certificate no guarantee

Not that I agree with making a number of hours in a certain time frame, but there have been a number of high time ATP rated pilots that have been killed in the last couple of years in single engine aircraft. It shows that time may not have as much to do with how safe you are as the decission making process is. How do you evaluate that? As PIC we are all equally responsible to make that judgement on ourselves, regardless of how much time we have as PIC or what ratings we hold and exercise. That's what gives us the safety level we are after.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=799)

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Date: 03/10/04 12:21 PM
Author: Alberta Brown (no profile)
Subject: RE: Commercial certificate no guarantee

Mr. Oliver,

We will consider currency for private as opposed to a commercial pilot certificate.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1643)

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Date: 02/23/04 12:29 PM
Author: Karl Allan Sutterfield (no profile)
Subject: Is this trip really necessary?

Is NPRM 4521 the right vehicle for dealing with "community and charitable events"?

I challenge the notion that it is -- see my post to the forum entitled 'Compensation for charity and community event flights'.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=734)

Date: 02/23/04 01:32 PM
Edited: 02/23/04 01:34 PM
Author: Ronald B. Levy (no profile)
Subject: Lack of justification for 500-hour requirement

The statements by the FAA presuppose that the raising of the 200 hour requirement to 500 hours is justified, and that only alternatives providing an equivalent level of safety to the 500 hour requirement are being considered. However, the FAA has not, in the NPRM or elsewhere, provided any justification for this supposition. The questions which must first be answered is whether there is a history of accidents during charity fund-raising flights involving pilots with between 200 and 500 hours. Absent data showing that there is some increased risk in charity fund-raising flights utilizing pilots with between 200 and 500 hours, there is no reason to even look for alternatives to an increased requirement which has no justification and should not even be considered, no less approved.

Ronald B. Levy,
ATP, CFI,
Aviation Safety Counselor

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=743)

Date: 03/10/04 12:30 PM
Author: Alberta Brown (no profile)
Subject: RE: Lack of justification for 500-hour requirement

Mr. Levy,

Thanks for your comments. We have responded previously.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1644)

Date: 02/23/04 03:00 PM
Author: Thomas D McGaw (no profile)
Subject: Do not increase the hour requirement to 500!

Any proposed rule change targeting safety concerns MUST be based on actual DATA. I haven't seen any relating to charity

fund-raising flights by local pilot groups in this whole NPRM debate. Our local pilot club has conducted such flights once per year since the late 1980's. We've fully complied with all existing regulations. Twice we've had to cancel the popular event (300-400 people ride with us during our event) due to the drug screening requirement until AOPA obtained a blanket exemption that we could use. (another needless requirement unsupported by data) The money we raise is used by our club for scholarships for our area youth who wish to pursue a career in some field of aviation. Many people return year after year for a ride. We've convinced many to take up flight training and generally promote a positive image of aviation and our local airport. We have thorough pre-flight briefings for pilots and ground crew volunteers and we never allow anyone to fly the event we don't know or have confidence in as a safe pilot. Increasing the flight hour requirement from 200 to 500 will remove half to one third of the available pilots from our group that would otherwise be willing to fly in their own aircraft. We usually need 10-15 aircraft to effectively provide rides for the public. Fewer aircraft would result in such long waits that people would leave or be discouraged from going for a ride with us. This has happened in the past when we were short of volunteer pilots and planes. Please, DO NOT increase the hour requirement. IT IS NOT NECESSARY!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=752)

Date: 03/10/04 12:43 PM
Author: Alberta Brown (no profile)
Subject: RE: Do not increase the hour requirement to 500!

Mr. McGaw,

We think we have responded to your issues previously (granted your comments were filed before you saw our responses). There is no intent to ground charity flights that are conducted safely.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1645)

Date: 02/23/04 03:11 PM
Edited: 02/23/04 03:14 PM
Author: Michael Driggs (no profile)
Subject: Not a good idea

I believe Most Private pilots who get involved in these charity flights do so willingly, knowing they will log hours and be able to write off expenses. Rasing the hours to 500 will not help the pilot who is flying to gain his 250 hours for his commercial licence, therefore you will see a major drop in applicants for these flights. what is the motivation for a pilot with over 500 hours or a commercial rating besides good will? Us low time Private Pilots recieved our license because somebody thought we were safe enough to fly and not cause harm to others. What is next? Raising the Student pilot hours to 500? I oppose the proposed regulation.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=753)

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Date: 02/23/04 10:52 PM
Edited: 02/23/04 11:24 PM
Author: Ryan Short (no profile)
Subject: RE: Not a good idea

I am fairly new to aviation, althought I've been interested in it for years. I was formally introduced to flying at a local flight school on a sightseeing/first lesson (yeah, right... I really didn't learn much, but knew that I liked flying) flight. I am now working towards my private and am studying hard to do my best. What has always puzzled me is that I could theoretically build up thousands of hours as a private pilot, stay very current, have biannual checkrides and/or continue to get additional ratings, and be considered "safe" to operate many neat, "dangerous" aircraft, but still not be allowed to be compensated for at least the full expenses. I am willing to accept this since I want to be careful and not take any chances. However, this additional proposed rule seems to make even less sense to me. What I would suggest, is that pilots be required to show passengers their current logbook, with explain what things mean, and then it's up to the passenger to make the choice whether or not to fly with someone. I take that chance every day when I travel certain streets in the city that I live in. Sometimes I feel it's more dangerous to get to the airport than it is to fly. Some important principles of American freedom have always been that folks are innoccent until proven guilty and that you must take responsibility for your own actions. If you can trust the thousands of US-licensed pilots to fly at all, I don't see how this new rule is going to improve safety, the FAA's handle on it, or the public's welfare. From what I've been reading about this, it doesn't seem like it's really that big of a problem, but even if it was, the way to stop it is to deal with the real problems - sloppy flying, ignorance (perhaps willingly?) of rules that already exist for safe flight, common sense, and other things, NONE of which I can see being truly solved by this 500 hr, and 25NM radius proposal. If there's a real problem, please find ways to deal with the roots of the problem, don't put a Band-Aid on it.

Ryan

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=814)

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Date: 03/10/04 01:46 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Not a good idea

Mr. Short,

Congratulations on working toward your private pilot certificate. It's a wonderful experience. Other have suggested that passengers can judge their risk when walking up to the airplane. To some extent that is true. They might realize that the airplane is a jumbo jet and therefore assume that the FAA has jumbo requirements in place for operation of them. The average passenger does not understand or need to understand a pilot

logbook. Statistically it is indeed more dangerous to drive to the airport than to fly once you are there.

We trust you are reading all of the responses. Some of your concerns have already been answered.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1647)

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Date: 03/10/04 01:08 PM
Author: Alberta Brown (no profile)
Subject: RE: Not a good idea

Mr. Driggs,

The FAA knows that many pilots conduct charity flights to log hours and to write off expenses including owning an aircraft they couldn't afford otherwise but it's nice of you to actually say it.

You ask, "What is the motivation for a pilot with over 500 hours or a commerial rating besides good will?" Good will was the whole intent of charity flights. That's why the FAA made them special.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1646)

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Date: 02/23/04 03:49 PM
Edited: 02/23/04 04:11 PM
Author: Jeffery P. Hansen (no profile)
Subject: One accident in fourteen years.

As I mentioned in a message in another thread, a search of the NTSB database for "charity" after 1990 results in only two records, only one of which was actually a "charity airlift". This accident occurred in a Cessna 172 on 8/30/2003 and was non-fatal (2 serious injuries and 1 uninjured). Assuming this data is correct, the fact that there has been only 1 accident in over 14 years clearly indicates that charity airlifts are being conducted safely and that an increase in pilot time requirements are neither justified nor warranted.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=757)

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Date: 02/25/04 11:12 AM
Author: Bradley Andrews (no profile)
Subject: RE: One accident in fourteen years.

Interesting. Do you happen to know how many total hours the pilot had on that C172 accident? The regulating authorities would serve us better if they'd spend our money: 1. Comparing accidents per flight-hours for charitable, private, and commercial ops. 2. Charting total hours and recency of experience as factors in those categories.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=895)

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Date: 02/25/04 09:58 PM
Edited: 02/25/04 09:58 PM
Author: Jeffery P. Hansen (no profile)
Subject: RE: One accident in fourteen years.

The report does not say anything about the pilot experience other than that it was a private pilot. It is still a "preliminary" report. You can see it for yourself on the ntsb web site (http://www.ntsb.gov).

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=930)

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Date: 02/27/04 06:19 PM
Author: Keith E Parsons (no profile)
Subject: RE: One accident in fourteen years.

Leave things alone. Without these charitable rides our past will just dissappear. More accidents accur at amusement parks or highways. Why must everything be labeled as unsafe. These planes fly with certified pilots. How many times do you have to be certified and checked and rechecked and rechecked again. Lets just stop doing everything because one day something might happen. Lets live life and let life develope our history; because without history there is no life to live for.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1039)

Date: 03/10/04 02:02 PM
Author: Alberta Brown (no profile)
Subject: RE: One accident in fourteen years.

Mr. Hansen,

Did you see all the part 91 accidents where a private pilot was flying? That's what you are, part 91. Major airlines with two Airline Transport Pilots have accidents too. What is your point? This string is discussion of 500 versus 200 hours private pilots conducting charity/community events. You don't want either. You only want no rules. Without history there is no life to live for?

We have responded many times about accidents although not specifically to you.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1648)

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Date: 02/23/04 03:57 PM
Author: Hugh Tebault (no profile)
Subject: Charity flights

The proposed new rule is being proposed without any justification as has been pointed out several times. The FAA should focus on what could be done to correct safety issues, support more GA issues, get the national airspace electronics updated and stop creating so many new rules. I'm all for safe skys - this does nothing at all toward that goal.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=758)

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Date: 02/28/04 07:13 PM
Author: Richard L. Pankratz (no profile)
Subject: RE: Charity flights

The system works now, DONT FIX IT

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1094)

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Date: 03/10/04 02:12 PM
Author: Alberta Brown (no profile)
Subject: RE: Charity flights

Mr. Tebault,

This is a safety issue. Part 91 where you operate has GA issues. This proposal is not about electronics.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1649)

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Date: 02/23/04 03:59 PM
Edited: 02/23/04 04:15 PM
Author: Jim Burns III (no profile)
Subject: Where is the evidence?

Where is the evidence that supports the determination that 500 hours of experience reduces accidents at charity flying events? What makes the 500th hour "golden"? I'd much rather fly with a freshly minted and current private pilot than a 5000 hour commercial pilot who has been skating by, only making 3 take offs and landings every 90 days and a BFR every 24 months. Currency, recency, and proficiency should be the determining factors, not experience. Think about this. A person can be qualified to become a CFI with less than the 500 hours the FAA is recommending. A CFI can take a student with no prior training and place the controls of the aircraft and both of their lives in this person's hands. It is the CFI's training, not his experience, that allows a CFI to do this. Perhaps additional training and an endorsement would be a more rational and acceptable solution.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=759)

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Date: 03/10/04 02:21 PM
Author: Alberta Brown (no profile)
Subject: RE: Where is the evidence?

Mr. Burns III,

Others have suggested currency instead of 500 hours. We will consider that.

Commercial pilots don't get 5,000 hours by skating by.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1651)

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Date: 02/23/04 04:12 PM
Author: noel barker (no profile)
Subject: 500 hr requirement

I believe that the "proposed" nprm 500 hr requirement woul make more work for commercial pilots,there hasen't been a lot of flying going on these days due to the "9/11" hullabaloo

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=767)

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Date: 03/10/04 02:29 PM
Author: Alberta Brown (no profile)
Subject: RE: 500 hr requirement

Mr. Barker,

The 500 hours for private pilots isn't new in exemptions (see FAA Response - Young Eagle Flights).

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1652)

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Date: 02/23/04 04:25 PM
Edited: 02/23/04 04:25 PM
Author: W E Everson (no profile)
Subject: 500hrs vs 200 hrs

Several years ago I was hoping to donate a flight to a charity auction but didn't do it because of the limitations. Last year I became aware of the AOPA exemption and ended up flying for three different charities. These flights raised money for the

charities and exposed people to general aviation who might not otherwise be able to ride in a small plane. I can understand the appeal of higher time but, as noted above, with only one accident in 14 yrs for these flights, why fix that which is not broken? Requiring a DPE checkride before such a flight will only eliminate volunteer pilots - who can afford that expense annually? A current BFR/ Wings certificate should be sufficient - if it's not, there's something wrong with the BFR/Wings requirements. The only difference I can see between giving a charity ride and taking up friends is that you know your friends. There's no difference in pilot capability. While I have 800 hrs and would not be affected, I strongly feel that the 200 hr rqmt is sufficient - in the event there is data showing otherwise, how about 200 hrs in last four years?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=771)

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Date: 03/10/04 02:41 PM
Author: Alberta Brown (no profile)
Subject: RE: 500hrs vs 200 hrs

Mr. Everson,

Your comments are thoughtful and you have provided some good alternatives. The Wings Program is optional, not mandatory but the idea is on the right track. Under the current rules anyone can say they are a charity, use private pilots, and conduct unlimited flights. No we don't think most charities do that. Not even close. We agree to consider currency of the pilots.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1653)

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Date: 02/23/04 06:42 PM
Edited: 02/23/04 06:48 PM
Author: C. Mitchell Horton (no profile)
Subject: Show us the Need?

Once again it seems new rules for the sake of having something to do. Where are all the problems with these less than 500 hour pilots at charity events having all these accidents? I have flown with many 1000 plus hour pilots who exceed the hour requirements for part 135 yet this does not insure that they are any more capable than a 100 hour pilot. Also, if we are talking about one level of safety in regard to hours, why are helicopter commercial applicants required to have 150 flight hours, while fixed wing applicants are required to have 250? Further more, if 150 hours is good enough for your commercial license why is it not enough to fly hops for Charity Events? If a private pilot with a current medical, who has passed a flight review and met currency can not be deemed safe to operate an aircraft with passengers in it, I would say the FAA better raise the bar for all pilots. Why would the FAA feel that only people who pay for a ride should have safe pilots? What is even worse, if 150 hours for a helicopter, and 250 hours for fixed wing commercial license is not enough for the FAA to insure that someone can safely fly passengers "with the successful outcome of each task performed never seriously in doubt" (FAA-S-

8081-12A Commercial Practical Test Standards) why are they certificating them as "Commercial Pilots" ? Also, what guarantee is there that a pilot having 500 flight hours will prevent accidents? If that is all it takes then lets require all pilots to receive a minimum of 500 flight hours and we will never have accidents. You have stated that "you could not explain (to the NTSB) why there should be a difference in the safety requirements between air tours conducted by charities and community organizations and commercial tours operating under part 91 and part 135". First I would suppose that you would have to believe that simply the number of flight hours somone has directly coorlates to safety? Secondly, what is that magic number of flight hours? I do not believe that flight hours necessarly coorlates to a higher level of safety. I have flown with 2,000 hour pilots that have had far more dangerous habbits than those with only 100.

There has been no compelling evidence that the flight hour requirement is even an area that needs to be addressed or changed or that if it was to change that it would have any significant effect on air safety.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=787)

Date: 03/10/04 02:55 PM
Author: Alberta Brown (no profile)
Subject: RE: Show us the Need?

Mr. Horton,

It would take days to answer all your questions most of which are beyond the point of this string. You seem to be a helicopter pilot but we're not sure. You may not believe this but there is lots of evidence that the more hours the pilots receive, the better they are at piloting. We have responded previously about the currency versus total time issue. We agree to consider that and find validity in the suggestions.

Please see responses to others also.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1654)

Date: 02/23/04 06:50 PM
Author: Amon Modine (no profile)
Subject: Charity flights 200hrs to 500hrs

Like any skill, flying an aircraft, if not used frequently will erode. Consider this; 200 hrs with the last 4hrs done in the preceeding 30 days. In addition at least three take offs and full stop landings at the airport where the charity ride will commence. This will ensure some currency and familiarity.

Increasing to 500hrs without evidence to support the change is not such a good idea.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=789)

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Date: 03/10/04 02:59 PM
Author: Alberta Brown (no profile)
Subject: RE: Charity flights 200hrs to 500hrs

Mr. Modine,

Your suggestions are thoughtful and we will consider them.

Please see responses to others also.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1655)

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Date: 02/23/04 09:35 PM
Author: Jonathan Barber (no profile)
Subject: 200 to 500 hours

Once we have satisfied our instructor that we are able and qualified to safely operate an aircraft, and the DPE agrees, we are considered capable of carrying passengers. This could be with as little as 40 hours, or less, depending on the circumstances. I have always thought that the requirement of 200 hours was more than ample to hone the necessary skills further to be able to confidently give passengers a comfortable, enjoyable and SAFE experience in the air. In consensus with other comments, there are some higher time pilots that I may not want in control of my aircraft. There's more to it than time, such as maturity and common sense. Most of the events for charity, if not all, are sponsored by pilot groups or organizations. The ones that I have been involved with are very cautious, careful and responsible about knowing who the pilots are and if they are qualified, capable and in condition to give a safe flight.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=802)

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Date: 03/10/04 03:04 PM
Author: Alberta Brown (no profile)

Subject: RE: 200 to 500 hours

Mr. Barber,

Thank you for comments. We're pleased that your experience with sponsors of charities has been positive.

Please see responses to others also.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1656)

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Date: 02/24/04 08:47 AM
Author: michael muetzel (no profile)
Subject: hours

"If we were to offer the option of a private pilot certificate with 500 hours or a commercial pilot certificate (which could be achieved with fewer hours but would require specific proficiencies that would raise the level of safety) would this address both the safety issues and the concerns of operators of charity and community events?"

NO! You have not presented any evidence that changing the current flight hours requirement would provide any change in the safety level currently enjoyed. Since there are no "safety issues" which need to be addressed, therefore there is no need for any change. No need for any change at all, not even the compromise positions offered by some Chamberlains who have previously posted.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=835)

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Date: 03/10/04 03:13 PM
Author: Alberta Brown (no profile)
Subject: RE: hours

Mr. Muetzel,

The FAA gives the pilot community a chance to answer questions and we get only more questions and no answers. Ok

September 1938, a year before the start of WWII, Chamberlain and "peace in our time" has nothing to do with this proposal. Those suggestions previously posted by your fellow pilots are attempts at improving your industry.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1657)

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Date: 02/24/04 09:49 AM
Edited: 02/24/04 09:51 AM
Author: Jan Greenberg (no profile)
Subject: Recent Flight time as a measure of proficiency

I am a 300 hour private pilot who, over the past 2 years, has flown many charity missions for Angel Flight. I have also cancelled more flights than I have flown just going thru the go/no go decision process. I have been able to build valuable flight time while helping folks reach medical assistance they may not be able to otherwise receive. I am very thorough in my pre-flight planning as well as flight execution. The idea that I would need more flight time or another rating before I can be safe is absurd. Besides the fact that there is no evidence to support this contention, why make it harder for licensed, current, willing, non-compensated pilots to help our fellow man? This is a non-justified proposal.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=839)

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Date: 03/10/04 03:45 PM
Author: Alberta Brown (no profile)
Subject: RE: Recent Flight time as a measure of proficiency

Ms. Greenberg,

You make some excellent points. We do realize that private pilots use these flights to build flight time. We also realize that most sincerely want to help others who need help.

Look at the proposal. Section 61.113 (d)(1)allows certain charities conducting emergency or medical service flights to be conducted with 200 hour private pilots. That seems to be where you fall but we are not sure.

Section 61.113 (d) (2) references a 500 proposal. It could be impossible to conduct an emergency or medical service flight within 25 miles.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1658)

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Date: 02/24/04 11:47 AM

Edited: 02/24/04 11:56 AM
Author: Lesa Bice (no profile)
Subject: What influenced this proposed rule?

Is there data that supports the need for this rule? It would be tremendously helpful to my understanding of how implementing a 500 hour requirement would rectify an unsafe situation. As a CFI, I regularly tell students that the rules they must obey as pilots, were created because some information established unsafe operations which required regulation to correct. I could not make that statement about this proposed rule. No data has been provided that demonstrates that air tours for charitable or community events are unsafe and therefore need regulation. It seems to be a frivolous rule that I cannot support.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=855)

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Date: 03/10/04 03:47 PM
Author: Alberta Brown (no profile)
Subject: RE: What influenced this proposed rule?

Ms. Bice,

Please see our responses to others.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1659)

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Date: 02/24/04 11:50 AM
Edited: 02/24/04 11:50 AM
Author: Mark Kolber (no profile)
Subject: Balancing Policies

This was part of the FAA's opening to this thread.

==========

would this address ... the concerns of operators of charity and community events?

==========

Here, perhaps, is a legitimate rationale for even looking at a new rule to govern charitable flights. Well before aviation, probably even before the stage coach, there has been a separation between private and public activity. The separation has

usually involved the division of activities into commercial vs non-commercial and public vs private carriage, but the principles are the same. What societies have done is to look at an activity and determine whether members of the general public need to be protected from their own lack of knowledge or sophistication.

So, for example, Joe legitimately has a different expectation of risk when a passenger in a public carrier's Airbus than when a passenger in his best friend's CE-172. I can certainly see where some could view charitable flights, where strangers are being entrusted to unknown pilots, as being closer to the carrier scenario than the best friend one.

The problem is that this view, even if reasonable, doesn't by itself justify rule making. There is (and should) always be a balance of policies, based not merely on worry but on data when available.

So, just some food for thought, some of which have already been mentioned here:

1. What is the accident and incident rate for the charitable events that are the target of the rule?

My suspicion is that pilots interested in charitable work, as a group, are more interested in safety and personal proficiency and have a lower accident rate than the general pilot population. The lack of accidents on Angel Flight missions is some evidence of that. The FAA and NTSB should be quite able to answer this question.

The associated question is whether the proposed restrictions have any relevance to the causes of any charitable accidents that =have= taken place.

2. Have there in fact been expressed "concerns of operators of charity and community events"?

If so, what are they and can they be satisfied short of the restrictions posed by the proposal? Isn't this really a matter of education for "concerned organizations?" A concerned organization, given a little knowledge, is quite capable of deciding on its own whether to require a certain number of hours or a certain level of certificate or a certain level of currency of the pilots who fly for them, or having a volunteer pilot act as a coordinator.

3. General Aviation has been under attack since 911. The attacks recently degenerated into so-called "news stories" about the danger "terrorist activity" at private airports with 1800' runways whether the owners sleep with their airplanes. Without data to support a justifiable reason for a safety concern, doesn't a rule like this take a GA-positive activity that every single pilot can participate in and limit it? Aren't we dealing here with the same policy considerations that led the FAA some years back to overrule the Legal Counsel on the charitable tax deduction issue?

4. Related to the last issue, is the practical result of this type of rule to effectively prevent donated charitable flights? Can charitable organization afford to do these types of activities if they ultimately have to use commercial operators who can meet the restrictions. And is that something we really want to do as a society?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=856)

Date: 03/10/04 04:32 PM
Author: Alberta Brown (no profile)
Subject: RE: Balancing Policies

Mr. Kolber,

Some of your points we have addressed previously. Please do read our responses to others.

You state that you can certainly see where some could view charitable flights, where strangers are being entrusted to unknown pilots, as being closer to the air carrier scenario than the best friend senario. We agree, especially if they are paying for the flight. You further state the problem is that this view, even if reasonable, doesn't by itself justify rule making. You say that there is and should always be a balance of policies, based not merely on worry but on data when available. Not a bad statements. Look at the balance in the existing rule. You have the ability now to set up an event at say Mount Rushmore, take passengers away from an existing part 135 operator with commercial pilots and more than 500 hours, collect money for the flight, and use private pilots with 200 hours. After that you could give $1 to the charity of your choice and keep the rest. There are charities and then there are charities. We don't think the public wants such flights to be called charity and we don't think you do either. We also know many wonderful charities.

Your comments about concerned organizations is accepted. The rules do not currency include language from existing exemptions we have issued to concerned organizations at their request. If they did, the concerned organizations wouldn't have to apply for exemptions and anyone could use the benefits of the exemptions. Can't get more members that way.

There is no intent to unnecessarily restrict general aviation or eliminate charity.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1660)

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Date: 02/24/04 02:25 PM
Author: Myrna Fant (no profile)
Subject: Leave the regulations as is.

I am in favor of increased safety but I don't think that it can be achieved by adding regulation upon regulation instead lets enforce the regulations we have and educate the public to what truly constitutes safe behavior in an aircraft. As far as I've seen you cannot micro manage safety, it has to be a part of the pilot culture. Leave the regulations as they are today.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=869)

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Date: 03/10/04 04:36 PM
Author: Alberta Brown (no profile)
Subject: RE: Leave the regulations as is.

Ms. Fant,

Your comments accepted. Please do read our responses to others also.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1661)

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Date: 02/24/04 02:43 PM
Edited: 02/24/04 02:43 PM
Author: Greg Farmer (no profile)
Subject: Recent Experience requirements

14 CFR 61.57 requires 3 takeoffs and landings within the past 90 days to carry passengers. (Full stop at night) If the FAA is concerned about proficiency, I would suggest that an additional requirement be placed on pilots conducting charity flights to 3 takeoffs and landings within the last 30 days and no more than 1 year for a flight review with an instructor. Proficiency is highly subjective and isn't just measured in the number of flight hours a person has logged. I think a more frequent flight review period for pilots who want to conduct charity flights would help increase safety.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=870)

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Date: 03/10/04 04:37 PM
Author: Alberta Brown (no profile)
Subject: RE: Recent Experience requirements

Mr. Farmer,

Good comments.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1662)

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Date: 02/24/04 09:04 PM
Author: Richard Henrikson (no profile)

Subject: Charity Flying

I am strongly in favor of increasing the hours to 500 for these types of events to insure a greater degree of safety

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=880)

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Date: 02/25/04 10:57 AM
Author: Rick Pellicciotti (no profile)
Subject: RE: Charity Flying

Richard, Are you saying that you believe that you will be safer flying with a pilot that has accumulated 500 hours over 30 years and perhaps has only flown 1 hour in the last 90 days than you would flying with a pilot that has 250 hours with all of it being recent experience?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=892)

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Date: 03/10/04 04:48 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Charity Flying

Mr. Pellicciotti,

Such questions previously responded to.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1664)

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Date: 02/25/04 11:25 AM
Author: Mark Kolber (no profile)
Subject: RE: Charity Flying

Can you explain why? A lot of folks here have said that the evidence indicates that it is unnecessary and would not result in a higher degree of safety. Can you tell us what information you have that indicates the opposite?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=897)

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Date: 03/10/04 04:58 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Charity Flying

Mr. Kolber,

We don't know who the "folks" you refer to are and where the "here" is.

We know that total time is an acceptable method of documenting pilot experience but not the only one. Your are not offering any alternatives.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1665)

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Date: 03/10/04 04:39 PM
Author: Alberta Brown (no profile)
Subject: RE: Charity Flying

Mr. Henrikson,

We appreciate your concurrence.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1663)

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Date: 02/24/04 11:30 PM
Author: Joseph Lyon (no profile)
Subject: 500 hour requirement

As a CFI, Aviation Safety Counselor and CAP Standards Check Pilot I have first hand experience with seeing the

performance of many pilots. The 500 hour upgrade of the rule would not guarantee the safety of the public, but it would be a step in the right direction. The FAA/NTSB are heading in the right direction. A commercial pilot rating should also be required.

Joe Lyon

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=888)

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Date: 03/02/04 03:14 PM
Edited: 03/02/04 03:15 PM
Author: michael muetzel (no profile)
Subject: RE: 500 hour requirement

As a CFI who spends a lot of time giving flight reviews to 'seasoned' aviators, I fail to see:

1. How will a particular flight hour number improve safety? More useful would be the recent experience totals others have proposed.

2. Where did you ever get the idea that it is possible for the FAA to GUARANTEE the safety of the public?

Every aspect of aviation has an accident rate, and none of them is zero. We should continue a justifiable and attainable level of safety for non-commercial operations. No one has documented a public outcry to change the rules for this particular aviation activity. No running river of blood, if you prefer. Therefore, no change is necessary.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1283)

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Date: 03/10/04 05:05 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 hour requirement

Mr. Muetzel,

Thanks for your comments.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1667)

Date: 03/10/04 05:01 PM
Author: Alberta Brown (no profile)
Subject: RE: 500 hour requirement

Mr. Lyon,

Thank you for your concurrence and suggestions. We like to hear from experienced commenters even when they don't concur.

In this case, you are also brave!

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1666)

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Date: 02/25/04 11:40 AM
Author: FAA (no profile)
Subject: 1st FAA Response to this forum

Please do not hit "reply" to this message. Post a new message if you want to respond to my response.

Hello from FAA. Thank you so much for your participation. I hope to respond in plain language. For example, instead of saying "Code of Federal Regulations Part 135 Section (you get the idea) I'll just give the site. When I say "sightseeing" it includes flightseeing, air tours, commercial air tours, etc. When I say "vintage" it includes WWII and historic. Because I also read all the comments in the electronic docket, I may address some areas that you said in the docket but didn't say in this public meeting. I may use "I" or "we" or "FAA". I have lots of help. I want to get to the issues and not be a chat room. The worse part is getting started. I'll try to move quickly. This response is posted in all three forums. A response that involves only one forum will be posted only in that forum.

Let's start with some truths: - This rule was not created by the events of September 11, 2001. - The intent of this rule is not to put you out of business. - The FAA does not have Congressional legislation on this rule (yet). Yes there has been legislation on some other rules that involved sightseeing. - This is not a national park rule. - This rule was not started for "noise" reasons. - The FAA is not against charity, veterans, vintage airplanes, private pilots, sightseeing, nonprofit, or lobbyists. - By definition the largest of you is a "small business".

Here are some subjects that come up over and over. I will add to them in future responses.

700 COMPANIES OUT OF BUSINESS Wow, never actually said that and apologize for giving that impression. No intent to put anyone out of business. FAA did a survey of those doing sightseeing in part 91. We have lots of data on the air carriers doing sightseeing. However, we do not have a similar data base on part 91 operators. In preparing the economic analysis we hired a consultant, surveyed the FSDOs, and used data from the FAA General Aviation Survey. Some businesses were found

in the phone book , on the Internet, or through other sources. The analysis was based on the proposal of mandating part 121/135 for all part 91 operators conducting sightseeing. It was felt that of all the sightseeing businesses, 700 of them would decide to stop doing sightseeing rather than become a certificated air carrier. These 700 businesses were thought to only conduct sightseeing 10 hours a year. If there had been a database, we would have known been able to assess the impact more accurately.

THE FAA DOESN'T HAVE ENOUGH INSPECTORS QUALIFIED IN THE VINTAGE AIRPLANES. The FAA has many qualified inspectors. It sounds like a great full time job to me. There are organizations who do have qualified individuals and we have used them in the past. This issue can be solved.

WHY DO WE WANT TO REGULATE YOU. Because you look like an airline. A passenger decides to go on an airplane (why doesn't matter). The airplane operator wants money (donations are money). The passenger is happy if part/all of that money goes to a good cause but wants to go on an airplane anyway. Airplane operator gives the passenger what the passenger paid for. What's different about you? Airline passengers and your passengers deserve certain standards. I'm not saying you don't have standards. Many of you operate wonderful companies and make lots of passengers happy and you do it without being an airline. Airlines give to charity too and always have. Some have said the risk is known and accepted. The FAA believes that the passengers do and should look to FAA for appropriate regulations. The passengers shouldn't need to understand levels of safety. The NTSB recommended that we improve regulation of part 91 sightseeing and we agree with them.

Lots more to follow.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=898)

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Date: 02/27/04 02:56 PM
Author: Thomas D McGaw (no profile)
Subject: 200-500 Hour rule

In response to the FAA representative: Is it your intention to include Part 91 sightseeing business operators, that "look like airlines," with charity funding raising flights conducted by non-profit pilots clubs??? After reading your explanation I'm more concerned than ever that you've (the FAA) already decided to implement this regulation regardless of input, impact, safety or value to the public and pilot community. Am I incorrect???? Hope so.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1021)

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Date: 02/27/04 05:01 PM
Edited: 02/27/04 05:02 PM
Author: John P. Hallman (no profile)
Subject: RE: 200-500 Hour rule

> In response to the FAA representative: Is it
> your intention to include Part 91 sightseeing
> business operators, that "look like airlines,"
> with charity funding raising flights conducted by
> non-profit pilots clubs??? After reading your
> explanation I'm more concerned than ever that
> you've (the FAA) already decided to implement
> this regulation regardless of input, impact,
> safety or value to the public and pilot
> community. Am I incorrect???? Hope so.

Gentlemen: I have been flying since 1947 have a commercial license flying for the State of Arkansas at one time, it never fails to amuse me when some try to show their knowledge of just about everything to build a reputation which is only self serving and in all probability would not, cannot fly a kite much less an airplane. These people set out early in life bullying, intimidating anyone who would disagree with them. Here in Arkansas we have a name for these people its known as sexual intellectual, for those of you that happen not to know the meaning its F!!!ing know it all. Incidently I have over 3500 hours time flying Piper Comanche which I Own,plus aerobatic with the Great Frank Price out of Waco, Tx. There is nothig wrong with the system leave it alone,just like there is nothing wrong with the U.S Constitution. GOD BLESS those that are Pilots and those that someday will be. Adios! my fellow Airmen! John Hallman

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1033)

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Date: 03/10/04 05:14 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: 200-500 Hour rule

Mr. Hallman,

Thanks for your comments.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1668)

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Date: 03/10/04 02:15 PM
Author: Alberta Brown (no profile)
Subject: RE: 200-500 Hour rule

Mr. McGaw,

These issues responded to previously.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1650)

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Date: 03/10/04 05:25 PM
Author: Alberta Brown (no profile)
Subject: RE: 200-500 Hour rule

Mr. McGaw,

You don't say how you operate. Sorry if you did say in some previous incoming comment. The final rule is not written nor pre-decided. We do not intend to ground all charity flights or all general aviation. We need more information to answer you. Should we assume that your "non-profit" is using the 25-mile exception to collect compensation? The docket is still open if you want to explain.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1669)

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Date: 02/27/04 05:40 PM
Author: Linda B. Mathias (no profile)
Subject: Requirement for 500 hours to make charitable flights

I have organized and also flown in many charitable flight events; requiring private pilots to have a minimum of 500 hours will do nothing to enhance safety but will probably put an end to many of these events. A well publicized event may produce many passengers who may encounter a long wait to fly because of a shortage of pilots who meet the increased requirements; this will only serve to reduce the interest in future events. The pool of pilots willing to fly for a charitable event is largely made up of enthusiastic pilots who maintain a high level of activity and proficiency; it is in the best interest of the organizer to have safe pilots because of the liability in the event of any incidents. Leave it to the good judgment of the organizers to select only safe pilots--even those with the minimum 200 hours. The regulation for charitable flights should not be changed; the current system works well. Don't try to fix something that isn't broken!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1036)

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Date: 03/10/04 05:33 PM
Author: Alberta Brown (no profile)
Subject: RE: Requirement for 500 hours to make charitable flights

Ms. Mathias,

Thanks and please do read our responses to others on this subject.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1670)

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Date: 02/27/04 07:22 PM
Author: Alan Negriin (no profile)
Subject: 500 hour requirement

I urge the administrator to NOT change the law that alreay exists. Raising the requirement to 500 hours will not enhance safety very much. It will put small business operators with good safety records out of business.

Having previously operated a glider ride business, I could have never found anyone with 500 hours of time to provide glider rides.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1044)

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Date: 02/29/04 04:08 PM
Author: Nigel Hitchman (no profile)
Subject: RE: 500 hour requirement

I still have seen no justification for this. We commented on the proposal and hear nothing, now we have to make the same comments on this "meeting board" Why dont the FAA listen to what we have already said. Come on FAA where is the justification for what you are trying to do. All the statistics I see show that the current system as applicable to airplane rides is very safe and works well. The statistics seem to show that the only part of the industry where there might be a problem is commercial helicopter sightseeing and mostly in Hawaii, thats if we look at the details from the original NPRM. So why not fix that and leave the rest alone. 500 hours means nothing as many have said, a 100 hour private pilot who has done that all in the last year will be far safer than the 1000 hour pilot who has only flown 5 hours in the last year! Where are the Statistics that show that the current requirements to be inadequate?? Lets scrap this whole rule and get back to doing something worthwhile Looking foward to taking a few flights in some interesting old biplanes when the weather gets better- hoping their owners will still be allowed to operate.

Nigel ATP 5000hrs

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1127)

Date: 03/10/04 05:53 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 hour requirement

Mr. Hitchman,

Maybe you are new to how rulemaking works. If you made comments to the docket you should not expect the FAA to answer you directly as soon as your comments are received. Once the docket closes, which we extended until April 19 per request of some of you, the team will respond to all commenters at once in a final rule document. That document will be published in the docket. When the comment period is extended, the final rule takes longer.

This public meeting on the Internet is in addition to the normal process. We said in the opening to the meeting that there is no need to repeat anything you have said in the docket. We read the docket.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1672)

Date: 03/10/04 05:41 PM
Author: Alberta Brown (no profile)
Subject: RE: 500 hour requirement

Mr. Negriin,

The issue is private pilot total time for charity flights. Please do read our responses to others on this subject.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1671)

Date: 02/28/04 01:20 PM
Author: steven burak (no profile)
Subject: controll

this is a joke

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1078)

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Date: 02/29/04 04:58 PM
Edited: 02/29/04 04:59 PM
Author: John R Morrow (no profile)
Subject: Local Sight Seeing Charitable Events

Evidence clearly is lacking that would indicate that there is any type of safety issue concerning flights at charitable events. The past safety record is better than any other in the industry. The number of hours mean very little as there are many other factors involved such as currency. As a flight instructor I have seen low time students capable of landing better than 1000 hour pilots during BFR's. If no problem exisits then it really does not need to be fixed. If the airplane has a current annual possibly pilots with less than 250 hrs (the amount needed for a commercial ticket) could take a check ride with a CFI and concentrate on scenic ride procedures and incorporate some ground review also. Over the past years I have been involved with giving hundreds of rides for charitable events and have coordinated dozens of pilots helping with the events. All have been extremely successful and most importantly safe.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1128)

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Date: 02/29/04 06:53 PM
Edited: 02/29/04 07:00 PM
Author: Bruce B. Chien (no profile)
Subject: RE: Local Sight Seeing Charitable Events

The approximately eleven cases cited in the federal register are bogus. 80% of them are part 135. Part 135 regulation did not prevent any of these, so how will the 500 hour rule (or the Com certificate, for that matter)?

"You look like an airline". Heavens. Just about every aircraft involved is under 4500 pounds and I've yet to see an airstair door at one of these. We have a line of retired guys keeping the occasional parent from straying onto the flightline. "You look like an airline" is an attitude reflecting the new millenial "we have to protect the public from ourselves", just like the mentality that "we will accept zero accidents". The former Transportation Sec'y needed to cancel all flights. On 9/12/2001 there were no accidents.

As the Chairman of a 400 pilot charitable airlift organization and as a participant in EAA's Young Eagles Flights (for which I surmise it would), and as an active CFI, I think competency has little to do with hours. It has to do with

recency and attitude...it's in your own Advisory Circulars. The two events that I have been aware of in "Angel Flight" flying both involved pilots well into the 4 digit hour range: nothing magic about 500, 200, or 1200.

As a 2500 hour CFI I would suggest if you feel strongly motivated to reduce the potential for calls from Congressmen to the FAA after an unfortunate event, use the Canadian system: the Canadian VFR pilot gets a sign off from a CFI (like a BFR) every ?year for night flight. I can tell you with only two DPEs in the area, going to DPE signoffs for such events will simply close all such events, the Pena solution. ***Our traditional solution to accidents is to train, train, train. Like a BFR, it forces the pilot to train.*** Why is this any different? The CFI occasionally refuses to give a BFR sign off. And the good ones, who have prepared, instead get an hour of ground, and an hour of dual covering new or atrophied skills and is a growing experience. These are the pilots you want doing your charitable sightseeing. So ***if*** we really have to do something (of which I am not yet convinced) why not require a BFR withing the preceeding 90 days?

Bruce B. Chien AME CFIA-I-MEI

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1131)

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Date: 03/10/04 06:15 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Local Sight Seeing Charitable Events

Mr. Chien,

We will consider your comments. Please do read our previous responses about flight time versus currency and Young Eagle flights.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1675)

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Date: 03/10/04 05:58 PM
Author: Alberta Brown (no profile)
Subject: RE: Local Sight Seeing Charitable Events

Mr. Morrow,

Thanks for your comments and please do read our responses to others concerning total time versus currency.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1673)

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Date: 02/29/04 10:10 PM
Edited: 02/29/04 10:17 PM
Author: Thomas Downey (no profile)
Subject: I can comply

As a vintage aircraft operator, I can meet your 500 hour rule, with out flying a single hour this year or having any training in type.

This rule as proposed is SO easy to bypass that it will do absolutely nothing for safety. and that is what we need from the FAA, nothing.

No where has the FAA given valad reason to add burden to operators that are struggling to survive, adding cost for part 135 training, maintenance, and down time will cost these operators their business.

Any one, who like me that operates vintage aircraft and hope to pass this love for aviation on to your young pilots Have the time in their logs to comply with this rule. After all we have been flying these aircraft all our lives, this is where we learned.

Who would the FAA have train us, some kid with 500 hours in their log and "0" in type? Where will the CFIs gain training to give us training. I don't believe there are 100 CFIs in the US that can tell what a SM-8/F-24s are let alone start one.

It's time for the FAA to Realise that regulating this portion of aviation is to regulate it away.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1150)

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Date: 03/10/04 06:06 PM
Author: Alberta Brown (no profile)
Subject: RE: I can comply

Mr. Downey,

We have no intent of regulating away the vintage airplane industry. Many of us own/fly vintage airplanes too. We don't understand what you think is grounding vintage airplanes.

Please see our responses to others about private pilot time and charity flights which is the issue of this string.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1674)

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Date: 02/29/04 11:51 PM
Author: Lawrence Stapleton (no profile)
Subject: 500 Hour Requirement

This proposed 500 hour requirement I believe needs to be re-thought. I am not aware of any serious accidents or incidents where this has been a problem.

These type of flights are why I thought a Commercial Rating was established. There are the angle flights, and the Young Eagles, as well as local sightseeing flights which can bring people into the aviation field.

This is an un-neccessary regulation for the FAA to pursue. It was my belief that the FAA Adminstrator has said that the FAA will be more aviation friendly.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1163)

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Date: 03/11/04 08:57 AM
Author: Alberta Brown (no profile)
Subject: RE: 500 Hour Requirement

Mr. Staleton,

As explained to others, the 500 hours for private pilots is already used in exemptions and we agree to look at all other options suggested. The commercial pilot certificate instead of the private pilot certificate is one of the options we will consider. See also the FAA Response on Young Eagle flights in this forum.

If you are referring to Angel Flights as flights that meet 61.113 (d)(1)reference "emergency or medical service", we did not propose to change the private pilot with at least 200 hours. 61.113 (d)(2) proposes 500 hours for private pilots.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1676)

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Date: 03/11/04 09:34 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 Hour Requirement

Mr. Stapleton,

Misspelled your name. Sorry.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1680)

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Date: 03/01/04 10:16 AM
Author: Daniel Richard Leach (no profile)
Subject: 500 hr? Charity

I am concerned not only for our local airport but for the aviation industry as a whole over this proposed rule. First of all in our local situation, we need to be doing everything we can to bring forth aviation in a positive light. One way we do that is with charitble flights during our airport open house and with angel flights. At the rate we are losing airports in this country the FAA should be interested in helping GA get the positive information out to the public. I know the local reaction of John Doe public to this proposal would be that any pilot with less than 500 hrs is to be considered unsafe and thats how the media will want to play is as well. While I agree in some cases that an hours flown could be used to measure experience I think recent experince much more valuble in type of aircraft flown. I would think that more improtantly than the pilots hours, the Pilots briefing, the mannor in which an event is conducted may have a far greater impact on the safety of such and event. I have volunteer many hours to such events and work to assure that things are ran as safely as possibly, and still acheive the publics enjoyment and understanding of the value to the comunnity of aviation and local airports. We all know thier is not a prefect system, we do not have the ability to cover all risk. I believe that this proposal will have a profound negative effect on GA do to the fact that many of the events will no longer be held because of resistance to go thourgh all the hassel in the proposed regulation. So who will lose? The same Public you are trying to protect, the pilots who dedicate, donate and help corodinate these efforts, and our tranpsortation system as a whole who will no longer be able to point to these programs such as Young Eagles and local Aiport Open Houses as influencing positive things about aviation. If indeed we had such a high accident rate that this was warrented it would be a differant issue. However I do not see the evidence that there is. Please reconsider this proposed rule in light of the negative impact it will cause on much of our nations oginizatons that work so hard to protect and project the positive things about our privleges to share our love of flying. Dan Leach AOPA ASN Vlunteer (2K0) Monticello/Piatt County Airport

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1178)

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Date: 03/11/04 09:11 AM
Author: Alberta Brown (no profile)
Subject: RE: 500 hr? Charity

Mr. Leach,

The FAA is interested in helping GA get the positive information out to the public. John Doe public doesn't know and doesn't need to know how pilot experience relates to safety. We have received comments from others reference currency and agree to consider that. Pilot briefings and the manner in which an event is conducted is very important. You sound like the type of person who should be involved with these events. We do not want to stop work for charities or good causes. We also support the work of organizations to promote safe events. Please do read our responses to others and FAA Response - Young Eagle flights.

We have no regulation that mandates being nice. There are also no minimum standards for air tours in part 91. The exemptions issued are the closest thing to a standard. We have attempted to put those minimums into the rules so you can all use them. We are also willing to consider alternatives to all we have proposed. To do nothing will likely not work.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1677)

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Date: 03/02/04 05:59 PM
Author: Paul Linden (no profile)
Subject: 500 hour requirement/charity flights/sightseeing

At the risk of sounding redundant, as many others have said. If it isn't broken, don't fix it. We have enought regulations as it is.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1297)

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Date: 03/02/04 10:49 PM
Author: John A Merritt (no profile)
Subject: RE: 500 hour requirement/charity flights/sightseeing

I am an Instrument Rated Private Pilot with 450 hours. In the past 2 years I've flown approx 250 hours - about 50 of those hours in IMC. In the past 2 years I have also flown several dozen Young Eagles, and have participated in Charity and Community Flights. It is ludicrous to think that I am suddenly unsafe since I do not yet have 500 hours. Most pilot/passengers would agree that currency and recent experience is much more predictive of safe flight than mere hours. I will have accumulated 500 hours before this rule is passed; however, I do think we should limit the ability of generous pilots to donate their time and their airplanes to worthy causes.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1318)

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Date: 03/02/04 10:52 PM
Author: John A Merritt (no profile)
Subject: RE: RE: 500 hour requirement/charity flights/sightseeing

In my last post I left out a critical word and want to insure that I've made my point accurately. I incorrectly said: "I do think we should limit the ability of generous pilots to donate their time and their airplanes to worthy causes." I meant to say: I do NOT think we should limit the ability of generour pilots to donate their time and their airplanes to worthy causes." FAA: I ask that you do not pass this rule.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1319)

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Date: 03/11/04 09:42 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: 500 hour requirement/charity flights/sightseeing

Mr. Merritt,

We have responded many times to others about where the 500 hours came from and our willingness to consider options to the 500 hours, including currency. Please do read the responses to others. We're sorry we couldn't get to your comments prior to the close of the public meeting.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1681)

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Date: 03/11/04 09:12 AM
Author: Alberta Brown (no profile)
Subject: RE: 500 hour requirement/charity flights/sightseeing

Mr. Linden,

Thanks for your participation. Please do read our response to others.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1678)

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Date: 03/02/04 11:57 PM
Author: Harold Leicher (no profile)
Subject: 500 charity rule

We look like an airline? I wish!

I think we're insulting the general public if we think that they can't tell the difference between a Boeing 737 and a 30 year old Cherokee, or a 60 year old Stearman!

It's been said that some of the FAR's are "written in blood," in response to a series of accidents. Where are the accident data to support this recommendation?

This really sounds like a solution to a problem that doesn't exist. The cost to the general aviation community, and the recipients of charitible contributions, seem to far outweigh any benefits.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1325)

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Date: 03/11/04 09:30 AM
Author: Alberta Brown (no profile)
Subject: RE: 500 charity rule

Mr. Leicher,

We are not sure what your operation is. If you are holding out to the public for a fee and giving the public rides for that fee, that is what an airline does. The least complex portion of part 135 does just that in VFR conditions, day only, with a single pilot and a single engine airplane. We did not compare air tours in part 91 to major airlines in part 121. Part 135 operators receive an FAA issued Air Carrier certificate too.

The general public doesn't need to know anything about aviation. They have a right to trust that the FAA has taken care of that. This rule is not for them to comply with.

Additionally, the FAA has issued exemptions to individuals and organizations to allow flights such as Young Eagles. The EAA exemption #7830 has always required 500 hours total time if private pilots are used. See FAA Response -

Young Eagle flights, and our responses to others.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1679)

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Date: 03/03/04 11:16 AM
Author: Brian Miller (no profile)
Subject: Commercial Certificate

What will a "commercial certificate" mean if you add an hour requirement. Hours can be forged. The current system the FAA has in place for determining competency is to make them demonstrate ability according to the PTS when they take their commercial checkride. We maintain currency by completing the 3 takeoffs and landings per 90 days. If these are insufficient then THEY should be changed, not the number of pilot hours. Why make more rules? If data suggests that the current rules are not working then lets change them via the PTS or the currency rules NOT with a number of hours required. Also...more oversight by the FAA locally (IN PERSON VISITS) might solve some of these problems IF they exist. A rule in a book does not make someone safer....a culture of safety and responsibility does. There are also some very experienced pilots that are no longer safe or that are not safe in the plane they are attempting to fly. Ex: An airline pilot flies a stearman once a month. This may not be safe. Another REGULATION already in place is a defacto one. INSURANCE COMPANIES !!! They are often more restrictive than the FAA. My view is that bureaucrats are trying to make people think they are making things safer because THEY made a new rule. What we need is enforcement of current rules rather than new ones.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1344)

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Date: 03/11/04 10:02 AM
Author: Alberta Brown (no profile)
Subject: RE: Commercial Certificate

Mr. Miller,

Most of what you discuss is not in this proposal or the current rules. What kind of flying do you do? We have agreed to look at currency issues.

You seem to want local FAA visits. We don't know where you are. Contact your local FAA office and ask for a visit.

Pilot's don't want to be caught flying in a careless or reckless manner. Pilots don't want to be caught flying drunk. Pilot's don't want to be caught flying with an invalid certificate or medical. Pilot's don't want to be caught with an aircraft out of annual. All of these items are rules. If the FAA just said pilots should be good guys and operate on the honor system what do you think would happen? A few would be good guys no matter what but many would not and there would be no way to get them out of the airspace you are in. Rules are necessary in aviation just like they are

necessary elsewhere.

Please do read our responses to others.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1682)

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Date: 03/04/04 06:07 AM
Author: laura fonseca (no profile)
Subject: 500 hour rule

When we(the 99's) hold our Pennies a Pound rides we have to comply with insurance regs to be one of the pilots. That should be sufficient. If they are satisfied that we won't be crashing and costing them money the FAA should realize that the pilot is safe and no more rules are needed

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1402)

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Date: 03/11/04 10:11 AM
Author: Alberta Brown (no profile)
Subject: RE: 500 hour rule

Ms. Fonseca,

Some of us have also flown penny-a-pound rides on behalf of the 99's. One was a charter member of a chapter in 1973. The insurance is required by the 99's not the FAA. We don't know/remember how much it is. This proposal did not propose insurance. The discussion in this public meeting was on possible alternatives that might be used to avoid a part 135 mandate. Some asked what insurance part 135 requires. We have now posted that. Please read it and our responses to others in this forum.

In summary, insurance wasn't proposed. The insurance coverage for the 99's may be great but if the final rule were to include insurance, wouldn't it be easier to have one standard for everyone?

Thanks,

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1683)

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Date: 03/04/04 11:54 AM
Author: David Ramsdale (no profile)
Subject: 500 Hour requirement

Our organization would be comfortable with a 500 hour private pilot requirement,since we don't use any private pilots in our operations. However, we do use new pilots sometimes to give rides at our charity events to help them build time. To be "hired" by our non-profit organization requires a commercial ticket and normally 500 hours minimum, but we get the occasional candidate with less. The commercial ticket is adequate for us especially since our technial evaluation of new pilots is considered to be quite difficult by those who take it. You don't pass unless you are an exceptional pilot.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1429)

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Date: 03/11/04 10:17 AM
Author: Alberta Brown (no profile)
Subject: RE: 500 Hour requirement

Mr. Ramsdale,

Thank you for the information. Any national standard for pilot certificate or hours would not impact you.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1684)

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Date: 03/04/04 12:05 PM
Edited: 03/04/04 12:07 PM
Author: Dan Herschler (no profile)
Subject: advisory vs. regulatory

I hold a private pilot certificate with an instrument rating. As an Angel Flight volunteer pilot with over 500 hours, I have the following suggestion: Develop an Advisory Circular (AC) to guide charitable event operators in selecting pilots appropriately qualified and proficient in make and model, with recommended special qualifications for serving as PIC on charitable flights. The AC could define a desired minimum combination of total flight time (not less than current regulatory requirements), recent flight experience in make and model, recent experience with passengers on board, etc. The AC could recommend a one-time flight with a current member of the charitable organization as a familiarization with organization policies and its unique concerns such as risk assessment, sensitivity to passengers' special needs, inflight medical emergencies, etc. The AC guidance could also recommend guidelines for event-oriented training, such as pre-flying scenic routes to be flown, coping

with passenger distractions and requests, etc. The goal is to ensure that the pilot is proficient to safely fly the mission. Additional regulation may not be the most appropriate way to achieve that goal.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1431)

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Date: 03/11/04 10:25 AM
Author: Alberta Brown (no profile)
Subject: RE: advisory vs. regulatory

Mr. Herschler,

Excellent comments. No one else has offered this suggestion. We will consider it along with other suggestions offered. The drawback of course with an AC is that no one has to follow it.

We encourage organizations to write there own set of recommendations on how they want the flights they sponsor to be conducted. You would likely be better at it than we would. Your accepted practices could be part of any justification to the FAA that you are indeed operating properly.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1685)

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Date: 03/04/04 11:14 PM
Author: Erich Roeder (no profile)
Subject: 500 hour

This is an over-reaction and unnecessary.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1501)

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Date: 03/11/04 10:30 AM
Author: Alberta Brown (no profile)
Subject: RE: 500 hour

Mr. Roeder,

Congratulations for being the last in this string. Since we have read/responded 164 times, and we hope you have too, there is nothing more to say.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1686)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

Forum - Community and Charity Events

FAA Response - Young Eagle Flights Edit Delete

FAA Response - Young Eagle Flights Alberta Brown 03/10/04

Post new message in this thread

Date: 03/10/04 11:01 AM
Author: Alberta Brown
Subject: FAA Response - Young Eagle Flights

Exemptions are public information. This is not picking on EAA at all. There are many exemptions for many types of flying. Dozens of you have specifically discussed Young Eagle Flights. Here are the requirements. The document is easier to read if you cut/paste it somewhere else. ----------

Exemption No. 7830

UNITED STATES OF AMERICA DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION WASHINGTON, DC 20591

* In the matter of the petition of * * EXPERIMENTAL AIRCRAFT * ASSOCIATION, INC. * Regulatory Docket No. FAA–2002–11986 * for an exemption from §§ 61.101(a)(2) * and 61.113(a) of Title 14, * Code of Federal Regulations * PARTIAL GRANT OF EXEMPTION By letter dated March 21, 2002, Mr. Robert T. Warner, Executive Vice President, Experimental Aircraft Association, Inc. (EAA), P.O. Box 3086, Oshkosh, Wisconsin 54903–3086, petitioned the Federal Aviation Administration (FAA) on behalf of EAA for an exemption from §§ 61.101(a)(2) and 61.113(a) of Title 14, Code of Federal Regulations (14 CFR). The proposed exemption, if granted, would allow volunteer pilots who hold private or recreational pilot certificates to conduct EAA Young Eagles flights for compensation to include meals for the participants, aircraft operating expenses, aircraft and airport security costs, and logging of flight time as pilot in command (PIC). The petitioner requests relief from the following regulations: Section 61.101(a)(2) prescribes that a person who holds a recreational pilot certificate may not pay less than the

pro rata share of the operating expenses of a flight with a passenger, provided the expenses involve only fuel, oil, airport expenses, or aircraft rental fees. Section 61.113(a) prescribes, in pertinent part, that no person who holds a private pilot certificate may act as PIC of an aircraft that is carrying passengers or property for compensation or hire; nor may that person, for compensation or hire, act as a PIC of an aircraft.

AFS-02-325 The petitioner supports its request with the following information: The petitioner states that EAA is the world leader in recreational aviation, with an international membership of more than 171,000 individuals. The petitioner adds that EAA brings together aviation enthusiasts, pilots, and aircraft owners dedicated to the growth of aviation, the preservation of aviation history, and a commitment to the future of aviation. The petitioner also states that EAA activities and events promote personal enjoyment and responsibility within the aviation lifestyle and are made possible through massive volunteer involvement in support of EAA's global network of nearly 1,000 local chapters and divisions. The petitioner states that EAA's tax-exempt charter requires that the organization provide aeronautical education and experiences to members of the organization and to the public. The petitioner states that the EAA Young Eagles program is a youth-oriented, worldwide outreach program. The petitioner states that the goal of the EAA Young Eagles program is to provide 1 million youths between the ages of 8 and 17 the experience of flight by December 17, 2003, which is the date of the national celebration of the Wright Brothers' centennial flight. The petitioner states that, to date, nearly 800,000 youths have participated in the program, in standard and experimental category aircraft. The petitioner states that EAA Young Eagles flights are conducted without charge to the participants and are flown by licensed and experienced volunteer pilots, often at airshows or other community aviation events where there is an admission charge. The petitioner notes, however, that the participants are never charged a fee. The petitioner also notes that many EAA events are provided by EAA local nonprofit or tax-exempt chapters. The petitioner states that EAA seeks an exemption to allow its volunteer pilots who provide flights to participants in the EAA Young Eagles program to receive compensation for conducting the flights. The petitioner indicates that the compensation would include meals for the children, aircraft operating expenses, aircraft and airport security expenses, and the logging of flight time. The petitioner adds that in a September 19, 2000, letter, Mr. Michael L. Henry, manager, General Aviation and Commercial Division, stated that volunteer pilots conducting introductory flights for the EAA Young Eagles program were receiving compensation merely by logging their flight time. The petitioner states that permitting the sponsors of these flights to help offset the operating costs to the volunteer pilots will expand EAA's base of support and increase the number of children EAA can expose to the world of flight. The petitioner also notes that this promotional activity has become particularly important in the wake of the events of September 11, 2001, in which general aviation activities bore the brunt of governmental temporary regulation and anti-aviation media criticism. The petitioner states that because of the evolving cost of additional aircraft and airport security procedures, the exact operating costs of conducting EAA Young Eagles flights are not known. The petitioner notes that FAA Order 5100.38A, Airport Improvement Program Handbook, and FAA Order 5190.6A, Airports Compliance Handbook, require airport sponsors to pass on costs to pilots and tenants to be self-sustaining. Therefore, the petitioner states that additional on-airport costs will be passed on to EAA Young Eagles volunteer pilots and must be allowed under the proposed exemption as compensation. The petitioner notes, however, that EAA seeks an exemption only to fund those direct event operating costs and does not seek to reimburse or fund pilots or aircraft-related costs incurred in

flying to or from EAA Young Eagles events. The petitioner indicates that a grant of exemption would be in the public interest. The petitioner states that EAA believes that the experience of flight given to each participant provides a new perspective on the aviation community. The petitioner states that the EAA Young Eagles program strives to encourage young people to become interested in flying, to raise awareness of aviation careers and recreational possibilities, to help young people understand the basic knowledge needed to become a pilot, and to respond to the nation's shrinking pool of available pilots. The petitioner also notes that the EAA Young Eagles program has formed numerous partnerships with local aviation organizations in several cities and enabled some previous participants in the program to go on to successful aviation careers. The petitioner further notes that the success of the EAA Young Eagles program has fostered many other aviation-related youth educational programs and that granting the requested exemption will help EAA continue to expand the reach of these programs and introduce even more young people to the world of aviation. The petitioner states that because of the success of the program and its profound effect on airport community relations, many fixed base operators, airport authorities, local community leaders, charitable organizations, and corporations have offered to provide donations to the EAA Young Eagles program to help offset the actual operating costs of providing such flights free of charge. The petitioner notes that such donations and other forms of compensation are not made directly to the pilots. The petitioner indicates that an equivalent level of safety will be maintained. The petitioner states that EAA's fundamental concern is for the safety of its volunteer pilots, EAA members, and the members of the general public who allow their children to participate in the EAA Young Eagles program. The petitioner notes that the EAA Young Eagles program has a flight safety record second to none and that granting the requested exemption would not affect this safety record. The petitioner also states that the EAA Young Eagles program includes the requirements that— 1. All aircraft be current under 14 CFR parts 43, 61, or 91, as appropriate; 2. All volunteers, including pilots, ground marshalling personnel, and airport personnel, be given flight and ground safety briefings before the start of the event; 3. All participants and their parents not be allowed near the airplanes without a safety escort; 4. All participants be given ground and flight safety briefings before going to their assigned aircraft; 5. The loading or unloading of participants not be allowed while the airplane's engine is running; 6. All flights be flown only under daytime visual flight rules; 7. Aerobatic or formation flying not be allowed; and 8. A detailed debrief be conducted after each event to ensure all safety procedures were followed. The petitioner also states that volunteer pilots are not limited in the number of EAA Young Eagles events in which they may participate. The petitioner states that this allows experienced pilots to continue to participate in the program and ensures a high level of safety is maintained. The FAA has determined that good cause exists for waiving the requirement for Federal Register publication because the exemption, if granted, would not set a precedent, and any delay in acting on this petition would be detrimental to EAA. The FAA's analysis/summary is as follows: The FAA has considered the petitioner's supporting information and finds that a partial grant of exemption from § 61.113(a) is in the public interest and would provide a level of safety equivalent to that provided under the regulation. A pilot flying introductory or sightseeing flights normally would be required to hold a commercial pilot certificate to ensure an adequate level of safety is maintained. It is equally important that an appropriate level of safety is maintained for the EAA Young Eagles program. The FAA notes that most of the EAA Young Eagles volunteer pilots do not hold commercial pilot certificates; however, the FAA recognizes that these pilots will be using their own aircraft and that the pilots' intimate knowledge of their aircraft increases the level of safety. Therefore, the FAA finds that it is in the public interest to allow a volunteer

pilot who holds a private pilot certificate to accept compensation for providing introductory flights to participants in the EAA Young Eagles program. Compensation can cover the cost of aircraft fuel and oil, airport fees limited to those for landing and parking, airport security fees, and meals provided by the sponsors of the program. The FAA also finds that private pilots providing such flights may log their flight time as PIC and use that flight time as experience toward additional pilot certificates and ratings. Using a volunteer pilot who holds a recreational pilot certificate for this type of flight raises questions of safety. The FAA notes that the training and experience requirements for a recreational pilot certificate are less than those for a private pilot certificate. Therefore, the FAA finds that because recreational pilots are not required to have the same level of training and experience as private pilots, they do not provide an adequate level of safety necessary to provide flights for the EAA Young Eagles program for compensation. Please note that in an effort to allow the public to participate in tracking the FAA's rulemaking activities, we have transitioned to the Department of Transportation's Internet-accessible Docket Management System (DMS), located at http://dms.dot.gov. This new docket system enables interested persons to submit requests to, view requests on, and download requests from the DMS in accordance with 14 CFR § 11.63. Future requests should be submitted through the DMS. In consideration of the foregoing, I find that a partial grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701 delegated to me by the Administrator, Experimental Aircraft Association, Inc., is granted an exemption from 14 CFR § 61.113(a) to the extent necessary to allow volunteer pilots who hold private pilot certificates to conduct EAA Young Eagles flights for compensation to include meals for the participants, aircraft operating expenses, aircraft and airport security costs, and logging of flight time as PIC, subject to the following conditions and limitations: 1. Each aircraft used under this exemption must— a. Be maintained in accordance with part 91, subpart E. b. Be operated in accordance with the limitations specified in approved flight manuals, markings, placards, or as otherwise prescribed by the certificating authority as described in § 91.9. c. Have a standard airworthiness certificate. d. Have the equipment listed in the aircraft type-certificate data sheet and § 91.205(b) and must be in good working order. 2. Each pilot who conducts flights under this exemption must— a. Hold at least a private pilot certificate with the appropriate category, class, and type-rating, if necessary, for the aircraft to be used under this exemption in accordance with § 61.31(a), (d), (e), (f), (h), (i), and part 61, subpart E. b. Have a minimum of 500 hours total flight time. c. Have a minimum of 200 hours in the category of aircraft to be flown. d. Have a minimum of 50 hours in the class of aircraft to be flown. e. Meet the currency requirements in § 61.56 for a flight review and § 61.57 for takeoffs and landings. f. Hold a current third-class medical certificate in accordance with § 61.23(a)(3). g. Meet the requirements of § 61.113(d). h. Have a logbook entry for each event in which he or she participates. 3. All flights under this exemption must be conducted— a. At a minimum altitude of 1,000 feet above ground level (AGL) and 2,000 feet AGL for mountainous terrain; b. Between the hours of official sunrise and sunset, as established in the American Air Almanac; c. With a minimum flight visibility of 5 statute miles; d. With a minimum ceiling of 2,000 feet AGL; e. Within a 25-nautical-mile radius of the departure airport; f. With landing permitted at only the departure airport; and g. With wind conditions at or less than 20 nautical miles per hour; 4. All flights must carry no more than the maximum number of passengers permitted by the aircraft's weight and balance limitations and number of approved seats in the aircraft. 5. If the aircraft is to be operated over water and beyond power-off gliding distance from shore, the aircraft must have the equipment listed in § 91.205(b)(12). 6. EAA must hold and continue to hold a determination from the U.S. Internal Revenue Service that it is a §

501(c)(3) nonprofit, tax-exempt, charitable organization under §§ 509(a)(1) and 170(b)(1)(a)(vi) of the Internal Revenue Code. 7. Before conducting operations under this exemption, EAA must— a. Brief its pilots on drug- and alcohol-free operations under 14 CFR §§ 135.249 and 135.251. b. Notify the flight standards district office that has geographic responsibility for the event location with the dates and times of planned flight activity under this exemption. An exemption from 14 CFR § 61.101(a)(2) is denied. This exemption terminates on July 31, 2004, unless sooner superseded or rescinded. Issued in Washington, DC, on July 2, 2002.

/s/ Louis C. Cusimano Acting Director, Flight Standards Service

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1638)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

Forum - Community and Charity Events

FAA Response- Drug and Alcohol Testing Edit Delete

FAA Response- Drug and Alcohol Testing	Alberta Brown	03/03/04
RE: FAA Response- Drug and Alcohol Testing	Elden L. Ferris	03/05/04
RE: RE: FAA Response- Drug and Alcohol Testing	Alberta Brown	03/10/04
drug and alcohol test	laura fonseca	03/04/04
RE: drug and alcohol test	Alberta Brown	03/10/04

Post new message in this thread

Date: 03/03/04 05:13 PM
Author: Alberta Brown
Subject: FAA Response- Drug and Alcohol Testing

DRUG AND ALCOHOL TESTING This proposal does not create or amend requirements for drug and alcohol testing. The drug testing requirements have been in place for 15 years (1989). The alcohol testing requirements have been in place for 10 years (1994). Those who want to operate other than in accordance with the rules must petition to the FAA for an exemption. More than 100 exemptions are used per year. Each exemption contains conditions and limitations. Two of these exemptions are issued to organizations (EAA and AOPA) on behalf of their members. Each organization tracks which of their members use their exemption and reports that information to the FAA. This NPRM proposes to eliminate the need for the exemptions.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1383)

Date: 03/05/04 03:16 PM
Author: Elden L. Ferris (no profile)
Subject: RE: FAA Response- Drug and Alcohol Testing

It appears that the new rule would force operators that were previously not included in the drug and alcohol reporting category into a category that is included, thus causing an undo expense and unnecessary paperwork.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1573)

Date: 03/10/04 09:33 AM
Author: Alberta Brown
Subject: RE: RE: FAA Response- Drug and Alcohol Testing

Mr. Ferris,

That is not correct. There are no additonal rules and no capturing of those not previously conducting drug/alcohol testing.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1635)

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Date: 03/04/04 06:32 AM
Author: laura fonseca (no profile)
Subject: drug and alcohol test

We already have rules for this. We don't need more of them. Again I say where are the statistics to support the need of new rules,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1403)

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Date: 03/10/04 09:35 AM
Author: Alberta Brown
Subject: RE: drug and alcohol test

Ms. Fonseca,

No new rules on drug/alcohol testing. Nothing new there at all.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1636)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

Forum - Community and Charity Events

FAA Response - Public Meetings Edit Delete

FAA Response - Public Meetings Alberta Brown 03/06/04

Post new message in this thread

Date: 03/06/04 06:03 PM
Author: Alberta Brown
Subject: FAA Response - Public Meetings

FAA RESPONSE – PUBLIC MEETINGS

The FAA holds a face-to-face public meeting on some rules and has done so for many years. The majority of rules do not involve such meetings. This proposal involves the whole nation including Alaska and Hawaii. Where would be the best place to meet? Some have suggested a "series of meetings". If we held a series of meetings in say Boston, New York, Chicago, Los Angeles, Honolulu, etc. each of you interested in attending would have to get to one of them. They are held during normal working hours Monday through Friday. If you operate in rural areas and have to work most days, which many of you have told us you do, that could be a problem.

Have you attended face-to-face public meetings? One that comes to mind had one person in the audience. We think he worked in the building and was on break. Others have quite an audience. We never know how it will go. Normally the rulemaking team of four attends and at least one other FAA employee who actually conduct the meeting. We usually have to hire a contractor to arrange the logistics of travel, booking hotel rooms, renting a meeting room, providing microphones, chairs, tape recorders, copy machines, etc. Everything said has to be transcribed. The cost for all the travel, per diem, and other expenses of the meeting comes from our budget. The meeting usually lasts a couple of hours or less depending on how many want to present prepared comments. Speakers stand at a microphone and read. The FAA listens. The FAA may interpret intent concerning something in the NPRM if specifically asked.

Once the comment period closes the FAA team gets together and comes up with a final rule considering your comments to the docket and any public meetings. The team product goes through coordination

within the FAA. Then it goes to the Department of Transportation. Then it goes to the Office of Management and Budget. Then it comes back to the FAA to be prepared for the Federal Register. Then it goes to the Federal Register. Then it gets published. Anyone reviewing the document may request changes so it goes back and forth. All of this is for rules that don't overlap the interests of other agencies. If more agencies are involved, it takes longer. It may take years before you see any FAA response in writing about the rule.

The virtual public meeting on the Internet was done to try and reach those who couldn't attend a face-to-face public meeting; to try new ways to reach the public; and to save money; and to come up with a better product. It is optional and done in addition to any traditional process. It is 24 hours a day, 7 days a week. This is new for us too. Some things about it we hope to improve on. You're overwhelming participation made it impossible to respond to all of you within the time limit of the meeting. Therefore, we will continue to respond for a while even though the meeting has ended. A very few have said that not everyone has access to the Internet. The ones who said it did have access. We found that most do have access either at home or at work. Even coffee houses have access now although for a fee that would be far less than transportation to a specific city. Additionally, access is available at public libraries for free. Everyone is this country has access to a public library.

The docket is still open until April 19th. Comments to the docket can be sent via the Internet. They can also be mailed from any public mailbox. We think we can reach everyone who wants to participate. We haven't said we won't hold public meetings and don't fear meeting face-to-face.

Everyone has money problems and so do we. Each face-to-face meeting (one location), in round numbers, runs up to $30,000.00. The cost of the virtual public meeting, in round numbers, is about $4,000. It's your tax money.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1606)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

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Forum - Community and Charity Events

Other ideas that would establish an equivalent level of safety. Edit Delete

Other ideas that would establish an equivalent level of safety.	FAA	02/22/04
RE: Other ideas that would establish an equivalent level of safe	Baron Tayler	02/23/04
RE: Other ideas that would establish an equivalent level of safe	Ronald B. Levy	02/23/04
RE: Other ideas that would establish an equivalent level of safe	John Townsley	02/24/04
RE: Other ideas that would establish an equivalent level of safe	John McNerney	02/24/04
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Additional regulation is not needed	BCW Inc.	03/05/04
FAA-1998-4521	Elden L. Ferris	03/05/04

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Date: 02/22/04 05:49 PM
Edited: 02/22/04 08:20 PM
Author: FAA
Subject: Other ideas that would establish an equivalent level of safety.

Do you have other ideas that may allow these flights to continue and still establish a level of safety that is equivalent to the proposal?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=683)

Date: 02/23/04 09:56 AM
Author: Baron Tayler (no profile)
Subject: RE: Other ideas that would establish an equivalent level of safe

A very simple solution: If someone has a current instructors rating, that should be enough to qualify them as being sufficiently competant.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=704)

Date: 02/23/04 01:45 PM
Edited: 02/23/04 01:46 PM
Author: Ronald B. Levy (no profile)
Subject: RE: Other ideas that would establish an equivalent level of safe

The FAA has presented no examples of accidents on charitable airlifts. Absent any such data, how can the level of safety be any higher than it already demonstrably is? You can't do better than a zero accident rate, and we appear to be there already!

Ronald B. Levy

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=747)

Date: 02/24/04 09:28 PM
Author: John Townsley (no profile)
Subject: RE: Other ideas that would establish an equivalent level of safe

Any pilot with a commercial rating, or a CFI, or even an instrument rating must pass rigorous training and selection procedures. Holders of these ratings would seem to have more than adequate qualifications for DAY VFR flights in the vicinity of an airport. It seems the FAA is over reacting in the absence of data to require stringent new requirements where there is no accident data that demonstrates a need.

There is a clear and easily drawn distinction between cross country flight under Parts 135 and 121 and flight in the vicinity of an airport under day VFR. The risks associated with cross country flights under Parts 121 and 135 are clearly orders of magnitude greater than risks associated with day VFR flights under Part 91 in the vicinity of an airport. The FAA should therefore acknowledge there is a distinctly different situation in local sight seeing flights and regulate accordingly.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=881)

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Date: 02/24/04 10:09 PM
Author: John McNerney (no profile)
Subject: RE: Other ideas that would establish an equivalent level of safe

Duplicate post originally posted in the "500 hour thread" I repeated it here since I'm interested to see any comments others may have on this regarding "equivalent level of safety" suggestions. _____

I strongly agree with the comments posted elsewhere on this forum requesting data showing the need for this rule. Without showing that, you have not shown a need for the rule. I also fail to see how limiting to four events per year increases safety.

If, however, you are not swayed by the arguments made here on this forum, and the data do support your contention that the 200-500 hr experience level represents an increased level of risk, then I would propose the following: a limit of four "events" per year for those pilots who do not have at least 500 hours or a Commercial certificate. No limit for those having 500 hours or a Commercial Certificate. I could also see some justification for a requirement for recency of experience in the type of aircraft to be flown, say X hours or X take offs and landings within the previous 90 days (with the added option that a pilot not meeting those recency requirements could substitute a check out within the same time period from a CFI or DPE in the same or similar type aircraft. A Flight Review or sign-off for a new rating in a similar aircraft within the recency time period would also count.)

Again, I want to stress that I do not make these suggestions because I agree with the FAA's apparent perception that there is a need for additional rule-making in this area. I offer them only because it seems that you have already decided on the need (with or without supporting data, I cannot tell), and now want a rule.

John McNerney

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=885)

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Date: 02/29/04 10:47 PM
Edited: 02/29/04 11:16 PM
Author: David Kneisler (no profile)
Subject: Unbelievable

1) I am an licensed pilot per the FAA. 2) I maintain flight currency per the FARs. 3) My aircraft has been maintained per the FARs. And then you tell me that I'm not safe enough to fly a few people around the airport area to support a community charity? Unbelievable. You are clearly trying to fix what isn't broken, and you have NO DATA to support your position.

FYI, in the 25+ years that I have been flying, not one of my hundreds of passengers has mistaken my Piper Cherokee as a commercial air carrier flight. Life has risk... get over it. If you don't think we are safe, then you need to look at the rules that are in existence for licensing and currency, NOT limiting the privileges of those that have met the standards to gain their wings.

David Kneisler

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1156)

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Date: 03/05/04 02:46 PM
Author: Steve Ottaviano (no profile)
Subject: RE: Other ideas that would establish an equivalent level of safe

I am unsure as to which "question" to reply to specifically, as there doesn't appear to be a place for a "general response." I see, though, that many of your commenters are using all the different places for general responses. I speak for a non-rofit charitible organization that relies heavily on "Rides" as part of a program to promote our work. Since we are specifically an aviation organization, we apply our own standards to the Rides activity which far supersede Part 91 standards.

Our pilots come to us with a minimum of 500 hours and a commercial, instrument and A & P. We only accept pilots who successfully pass an arduous week-long evaluation, and only employ them after they've finished a 3 1/2-month orientation in flight and maintanance. Most of the ones giving rides are veterans who have flown in remote, challenging environments overseas. We require at least annual fight checks for our VFR-restricted pilots, but most

are IFR-current and get company 6-month checks. We operate under a company operations manual that restricts flight and duty time, and in fact adds restrictions for "Rides" activity because we recognize the need for wider margins when offering rides to the general public.

Our aircraft are maintained in our own Repair Station on either 100-hour or AAIP programs.

We also maintain a 135 certificate for transportation service, and keep two aircraft on that certificate, and have a smaller number of pilots who meet the 135 requirements.

But I must say that if we had to maintain all 20+ pilots on staff here in the U.S. in a 135 program, it would pose an undue and unnecessary burden for us. Indoc classes, HAZMAT classes; documentation and recordkeeping; FAA oversight. We already do many of the same functions, but the specific 135 requirements would add tremendously to the burden. The current Part 91 25-mile rule works just fine for us.

It is hard for us to understand what accident statistics, even considering less-scrupulous operators, have prompted such an apparent urgency to create a new rule. For lack of need, we oppose any significant change.

Sincerely,

Steve Ottaviano JAARS Chief Pilot

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1566)

Date: 02/23/04 10:37 AM
Author: Wyatt Bell (no profile)
Subject: FAA Efficiency

I believe should the rules be enacted the process by which one qualifies for a Part 135 could be altered to provide greater guidance and efficiency towards the applicants.

I have obtained my Part 135 Operating Certificate and the most demanding part of the application was the Letter of Compliance.

If the FAA would establish "courses" or other methods, such as was done with the Pratical Test Standards, so the application process could be simplified and understandable, then it would go a great distance in providing the safety the FAA seeks and keeping the small users in business which is really the most important American fundamental.

For example, if one wants to qualify under a Part 135 why doesn't the FAA hold classes and present a Letter of Compliance for the applicant. The FAA then goes through each section of the Letter of Compliance to insure the applicant has a full understanding.

You now have the small-operator applicant on the same footing as one proposing a major airline. Small operators don't have the expertise and understanding to ferret out which FAR's are applicable and how to address them to satisfy the FAA.

A simple course structure, much as one does for a "private pilots license" would help small operators comply.

In other words, the sheer volume of information one must assimilate to obtain a Single-Pilot Part 135 turns a lot of would-be operators away from even making an application, much less complying.

The FAA could hold compliance courses that would present and make available the materials for compliance. Upon completion of the course the applicant would receive the Part 135 authorization.

This could be simplified even further. For example, the Hazardous Materials requirements are unnecessary for an operator who is flying "historic aircraft". However, this would be a requirement under current Part 135.

HAZMAT is just an example of the overkill the FAA is applying for a small operator to meet. When a pilot, who only wants to take a passenger for a ride, has to do the "red-tape" for HAZMAT, the feeling of defeat starts before the application process has even begun.

By providing FAA guidance with the individual operator, the FAA is insuring an understanding with the operator whereas relying on an operator to hire a "consultant or expert" to draft a Letter of Compliance in most cases, causes further confusion.

The other major concern is the FAA staffing for the additional Part 135 applications. Many will go out of business from lack of income because of the lengthy time to obtain the Operating Certificate. Government should do everything possible to enhance commerce and create jobs. Impeding commerce will only further erode and destroy the American economy.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=708)

Date: 02/23/04 11:38 AM
Author: Loren C. Davidson (no profile)
Subject: Legislating safety

I carry in my wallet, a single engine land private pilot's license with an instrument rating. As licensed, I am legal to fly passengers in my Piper Archer. I donate flights to auctions and fly them at my expense. I receive no compensation for these flights. I am an adult. So are my passengers. As such, we can evaluate risk and behave accordingly. No legislation can affect what is really at the core of the safety issue here, which is pilot judgement about many, many things. Would we rather fly with a Part 91 pilot with good judgement, or a Part 135 pilot with not such great judgement? The point here is that legislation only adds extra hassle and cost, but will not impact the real issue. What data suggests otherwise?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=721)

Date: 02/23/04 12:12 PM

Author: brien Lillquist (no profile)
Subject: RE: Legislating safety

It's just not the same.Someone who shows up for a ride expects a certain amount of safety in the plane and pilot and 500hr is not too much to ask for that.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=730)

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Date: 02/23/04 01:46 PM
Edited: 02/23/04 01:49 PM
Author: Ronald B. Levy (no profile)
Subject: RE: RE: Legislating safety

> It's just not the same.Someone who shows up for a
> ride expects a certain amount of safety in the
> plane and pilot and 500hr is not too much to ask
> for that.

What is your basis for saying that "500hr is not too much to ask"? Do you have some statistical data to support that statement? Is there some particular reason for selecting that number rather than 200 or 500 or 1000 or 5000 hours? The Administrative Procedures Act requires clear justification for any regulation, and there is none presented by either you or the FAA on this issue. Unless someone can quantify the benefit of raising the bar from 200 to 500 hours, and balance that against the lost donations to the charities involved, any such change is unjustified and should be rejected out of hand.

Ronald B. Levy

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=748)

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Date: 02/23/04 07:24 PM
Edited: 02/23/04 07:28 PM
Author: Eric Shanfelt (no profile)
Subject: RE: RE: Legislating safety

The key isn't charitable flights that compete with 135 operators, but rather the impact on the small individual pilot who wants to help out by donating his or her skills in the cause of a charitable organization.

And isn't the individual pilot already limited in the number of passengers allowed anyway? I won't be flying 6, 8, or 30 people in a helicopter or twin over Rocky Mountain National Park at 14,000 feet.

We have already established currency regs (3 landings, 90 days, day/night).

A VMC (under VFR or IFR) limitation would be a good addition, however, since IMC is the single biggest risk factor in accidents anyway.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=793)

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Date: 02/24/04 11:23 AM
Author: Steven Dale (no profile)
Subject: RE: RE: Legislating safety

Mimimum currency is just that...mimimums. Those who wish to pilot a charitable flight to unknown strangers should realize that minimums are not enough. 3 takeoffs in the last 90 days may seem ok to you but for this kind of operation it is not.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=851)

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Date: 02/26/04 02:42 PM
Edited: 02/26/04 02:42 PM
Author: randall henderson (no profile)
Subject: RE: RE: Legislating safety

I agree with others: in the absence of data showing there's a safety problem, new regulations are not warranted. That being said, if FAA insists on new regulations I'd think something more along the lines of recent currency, say 6 or 12 takeoffs/landings in 90 days, would make a lot more sense than a 500 hr total time rule.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=957)

Date: 03/02/04 03:21 PM
Author: michael muetzel (no profile)
Subject: RE: RE: Legislating safety

"Those who wish to pilot a charitable flight to unknown strangers should realize that minimums are not enough. 3 takeoffs in the last 90 days may seem ok to you but for this kind of operation it is not."

Why not? Data, not emotions, please.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1285)

Date: 02/27/04 02:09 PM
Author: Neil Cormia (no profile)
Subject: RE: RE: Legislating safety

Unless the FAA can show that there is a statistical difference between flying your family (kids, luggage, get-there-itis) and a charity flight - which they cannot - I see no justification for this rule.

I have flown a number of charity flights to date and they are actually lower stress than typical family flights. Anyone pilot with a family knows exactly what I mean.

See my MUCH MORE detailed reply in the "500 hour" thread.

-Neil Cormia

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1012)

Date: 02/23/04 12:02 PM
Edited: 02/23/04 12:07 PM
Author: Christopher Wayne McMillin (no profile)
Subject: Competency

The FAA has already required a level of competence to obtain a Private Certificate. There are regulations in place to maintain this level of competency. That is all that should be required. The difference between 135 and 91 , in my mind, has

been that the 135 operation is to the limit of the airplanes' and pilots' abilities. Therefore the higher level of demonstrated competency. It is to airline standards.

In other words the pilot giving sightseeing rides is going to do so in a good weather environment whereas a 135 pilot can be required to fly in weather involving an ILS approach to 200 feet and 1/2 mile visibility. These are totally different operations and should be held to the standards to which each is commonly flown.

I see no reason for an experience level increase by hours or increased recency of experience requirements because of the Federal Regulations in place deal with them sufficiently.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=726)

Date: 02/23/04 12:49 PM
Author: Karl Allan Sutterfield (no profile)
Subject: NPRM 4521: A solution looking for a problem

Forcing "community and charitable events" into the same mold with commercial air tour operations, as NPRM 4521 attempts to do, is misguided. If non-commercial operations require additional oversight, any changes should be propagated in an independent set of regulations, with an independent NPRM.

Note - Related comments appear in the forum 'Compensation for charity and community event flights' under the subject 'Comparing apples to oranges'.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=736)

Date: 02/23/04 04:46 PM
Author: W E Everson (no profile)
Subject: Part 135 vs 91

Since the vast majority of accidents cited are under Part 135 (and in helicopters) vs part 91 charity flights, why not just ban part 135/helicopter flights - just kidding. However, why fix something that's not apparently broken?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=776)

Date: 02/23/04 05:57 PM
Edited: 02/23/04 06:11 PM
Author: Michael Souter (no profile)
Subject: Bureaucracy, fairness and common sense

The obviously dominant opinion here is that there is no evidence of increased safety from your proposed additional requirements. You indeed present no evidence of a real problem, before providing 'the solution'. This is a significant flaw in any logical argument.

These requirements as they stand would increase bureaucracy and discriminate against a section of the GA population performing voluntary and often altruistic services to the community.

In the absence of compelling evidence against the present practice of such services, the requirements you propose would be unfair and arbitrary.

Merely invoking the notion of 'increased safety' is not sufficient proof of concept. That sort of thinking is unintelligent and retards rational analysis of the facts.

If you carry that concept over to other (just as potentially hazardous) walks of life then we would still have men with red flags walking in front of our 'powered automobiles'.

Common sense would demand that you re-evaluate this entire proposal in the interests of fairness and the implications to aviation in the wider context of society.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=783)

Date: 02/23/04 06:47 PM
Author: Jim Burns III (no profile)
Subject: Other ideas already HAVE established an adiquate level of safety

They are called the FARs or CFR 14, or what ever you want to call them this month. Standards for pilot certification and currency have already been established for the carrying of passengers for non profit charity or organizational flights. Until the evidence is put forth to the public, why fix what isn't broken? With that in mind, the FAA has already created methods for pilots to become eligible to fly complex, high performance, and tailwheel aircraft. If the FAA is insistent upon fixing what isn't broken, why not take a pro-active stance and require additional training or an endorsement that would be relative to the expected operation, rather than just requiring a certain amount of hours that may or may not show adequate or appropriate experience related to the type of operation.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=788)

Date: 02/23/04 07:58 PM
Author: John Richard Dugan (no profile)
Subject: CONFUSION

i would like to understand the difference between (1) the excessive requirements for charity flights when the pilot is not being compensated for the flight and (2) the ability to fly any willing party on a flight for any legal purpose after receiving a pricate pilot certificate when that party is not paying the pilot to do so. Are we to require 500 hours and or a commercial license before taking anyone off the ground in an airplane?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=795)

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Date: 02/23/04 09:44 PM
Author: Steve Thompson (no profile)
Subject: Other Ideas

Since the data provided in the NPRM shows that fewer deaths have occurred in part 91 flight, then the FAA needs to terminate Part 135. Finding this to not be palatable, then dumping SFAR 71 and enforcing the rules that already exist would be the easiest and most economical. This would even help in budgeting and manpower.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=803)

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Date: 02/24/04 12:50 AM
Author: C. Mitchell Horton (no profile)
Subject: What does Insurance have to do with it?

Let me start out by saying that I just spent an hour typing a response to this NPRM segment and all the sudden it just cleared out everything I had typed, and no this is not my first time using a computer. Just one more way the FAA does not want to hear about the problem. The FAA just figures that if they make it hard enough and tough enough and complex enough we are bound to just give up and it will all go away. Well, it only took about an hour last time I will see if I can make it a little longer this time.

What does "Insurance" have to do with it? I find it very interesting that the FAA is now requiring people assure that they have insurance, what FAR is that? According to the "Community and Charity Events" page discussing which areas to use to focus the discussion you state "If charitable operators are allowed to continue conducting air tours in the manner they currently conduct them without the four-event limitation, what rule changes would you suggest to help assure that aircraft maintenance, insurance, aircrew qualification and drug and alcohol testing requirements are being met?"

Gee I wonder if the Insurance Companies have anything to do with this NPRM, things that make you go hum?

Well, I guess we should answer the question, how can we possibly assure that aircraft maintenance is complied with up to the rigid standards of part 135. Well if you look closely at the accidents that are listed in the NPRM, six of the 11 accidents cited were caused or possibly compounded by maintenance problems and all but one of the six were part 135 operators. So, there is a safety level to aspire towards? How about you make sure the aircraft has had an annual and/or a 100 hour inspection within the preceding 100 hours and that all mandatory AD's have been complied with. That should insure that the aircraft is maintained to an acceptable level of safety.

Next, Insurance, oh we already covered that, that is the big billion dollar companies that of course do not influence the FAA or the NTSB what so ever, need I say more?

Next, lets talk about aircrew qualification, this is a good one. The last time a member of the FAA has seen my log book was over 6000 flight hours ago, as a matter of fact I had a little over 150 hours the last time they set their eyes on it some 15 years ago. However, presently if some 200 plus hour pilot wants to fly around the pattern raising money for the Red Cross he needs to provide a photocopy of his log book to the FAA, and a copy of his license, and his medical, and currency statement, for their examination. Boy that is more scrutiny than my logbook has had in it's life, I was ramp checked once in 15 years now that I think about it, even then I was not asked about currency. I would say that any charity pilot has been fairly well checked out, would you not agree? Unlike the pilot who was working for a part 135 operator in Hawaii and listed in the NPRM example #3 of an April 22, 1992 crash. This pilot under the scrutiny of part 135 did not seem to have any problem falsifying his records; perhaps if the FAA had required photocopies it never would have happened. This is of course not true, this pilot was already violating several rules and laws, one or even ten more rules in place would not have stopped him, he would just violate a few more. Anyway, I feel it is clear, that any pilot at a charity event is under far more scrutiny than almost any part 91 or part 135 pilots.

Next, Drug and Alcohol testing for all those hundreds of thousands of charity pilots out there. The FAA has mandated Drug and Alcohol tests for part 135 and 121 operators. This rule was adopted I believe in 1994. Strangely enough the FAA now seems to deem this as having an important effect on safety. Is this a true fair statement? If this is a true statement and the FAA does believe that by initiating mandatory drug and alcohol testing that they made a measurable positive effect on safety, why did they not consider that this was a major contributor to the reduction of air tour accidents in Hawaii proceeding 1994? There are a few simple reasons; the first is that they do not think that mandatory drug and alcohol testing has any effect on aviation safety as demonstrated by a few 121 pilots in Florida just last year. The second reason, which I would be more inclined to believe, is that the FAA does not want to acknowledge that this requirement could have significantly affected safety in Hawaii because it would detract from their self claimed single handed success of SFAR 71 in Hawaii, and therefore it does not serve their case for this NPRM. They would rather have you believe that the only reason that accidents decreased somewhat in Hawaii was solely due to the implementation of SFAR 71 and hence the brain child of the National Air Tour Rule and thus this ludicrous NPRM.

I think that the FAA could insure the same level of safety for charity pilots by letting them know that they may be required to take an FAA mandated drug or alcohol test at any time when they are serving as pilot in command. Oh wait, what do you know, we already have an FAR about that FAR 91.17, so I guess we do not need to be redundant and stay up nights worrying about it? Any more than we do when we board a major airline in Florida who has a big expensive random testing program, now do we?

Lastly, don't you find it funny that the FAA who must receive in writing whenever one of these charity flights is going to occur, did not publish how many of these menacing charity flights take place in one year, and how many of those end in an accident, nor did they list any such cases clearly in the NPRM? I find that extremely odd. As a matter of fact I find this whole forum absurd. Therefore, why did the FAA include it since they did not provide any supporting data? I think, I may be on to something, they included it to muddy the waters, the more time you spend looking the other way the more time they have to sneak up behind you and catch you where you are not looking. This NPRM has nothing to do with charity

flights, this is just one easy area that the FAA figures they can use it as an olive branch and retract this area of the NPRM, so they stick us with the real purpose. That real purpose has nothing to do with air safety; the real purpose is NOISE ABATEMENT for air tours (PERIOD). And surprise, most of the rule changes deal with helicopters, once again, funny that?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=828)

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Date: 02/24/04 09:29 AM
Author: Robert Mark dews (no profile)
Subject: RE: What does Insurance have to do with it?

I wholeheartedly agree with the sentiments of this message. I have met current FAA standards as to currency and licensing and have had the pleasure to fly youngsters under the EAA "Young Eagles" program. Your proposed changes would prevent me from flying them due to my "low" number of hours. Check out the statistics of the Young Eagle program if you want to look at safety. Also, if you look at the numbers, where do the largest number of accidents occur? The lower time pilots focus on their flying, not doing it by rote. Look at the statistics, there is an initial high rate followed by a period of low accident rate flying, which is followed by an INCREASE. Does that mean that we only allow pilots who have a certain range of hours to fly passengers? Thats as silly as the current proposed rules.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=838)

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Date: 02/24/04 09:59 AM
Author: David Jack Kenny (no profile)
Subject: Charity sightseeing flights

As with the proposed elimination of Part 91 air tours, the proposal to impose more stringent requirements on charity flights appears to have been made without any evidence of an underlying safety problem. I would respectfully submit that the burden of proof should be on the NTSB and the FAA to demonstrate that the current rules present an unreasonable risk to the public. If these sightseeing flights are not resulting in accidents (and I would guess that almost all are in VFR conditions in the daytime), why are further restrictions even being considered?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=841)

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Date: 02/24/04 03:51 PM
Author: Roger L. Putnam (no profile)
Subject: NPRM

What is the data to substantiate the need for a ruling?

Why is the insurance so much higher for Part 135 than Part 91?

Is the NPRM designed to do anything but create more FAA jobs?

Do you know any thing about the economics of small operations?

Why not control the size of the airplane (number of pax)? Would not this reduce the size of any one disaster?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=875)

Date: 02/26/04 12:35 PM
Author: Marcia S. Buller (no profile)
Subject: Creating a problem??

Since the safety record in relation to these flights is outstandingly good, why change anything?? The NTSB and the FAA are creating a problem where there isn't one!!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=945)

Date: 02/26/04 03:31 PM
Author: Bruce N. Liddel (no profile)
Subject: Other ideas that would establish an equivalent level of safety.

The mere proposal itself has already had an adverse affect upon safety. The FAA has demonstrated an arrogance with respect to the right of the people to peaceably assemble and with respect to the freedom of speech. Why else does the FAA refuse to meet the tour operators (who are about to lose their livelihood) in person?

The proposal itself shows that the FAA is less concerned about safety (which is already about the best it has ever been) and more concerned with destroying the very industry that it was once charged with promoting, as well as regulating.

An arrogant FAA is much harder to respect than an FAA that hears, and is responsive to, the many logical arguments presented here this week.

The FAA demonstrates its arrogance by refusing to publicly offer any statistical grounds for the proposal. If the grounds exist, why can I not find them? Why are they not part of the proposal itself? If the grounds do not exist, then it appears you already have your holy-grail of "equivalent level of safety". If you were doing your job, you would be about minimizing un-necessary risks, and not about arbitrarily incrementally eliminating general aviation from the skies.

The "Total time" concept is as absurd as the "Speed Kills" myth. You are obviously looking for a measure that is pathetically easy to put a number on, so you can claim you did something to improve safety, without having to improve safety at all.

The risk to a passenger in a part 91 flight by a 40 hour newly licensed pilot has been deemed "acceptable" by the FAA. The risk to a charity paying passenger in a daytime local VFR flight with a 200 hour private pilot has been deemed "acceptable" by the FAA. The risk to a passenger paying a part 135 charter company employing a commercial pilot with 250 hours in a skydiving airlift has been deemed "acceptable" by the FAA. The value of a human life is not affected by the activity being undertaken.

Either a charity flight poses acceptable risk or it does not. Participants in each flight should make those determinations, and not the FAA through its ignorant manipulation of utterly irrelevant criteria such as total time. No prospective paying passenger in a charity airlift has any reasonable expectation that the risks of the flight are as low as those on a part 121 airline operation. That is pure utter insanity, and a wholly unrealistic goal. The risks are still roughly comparable to driving a ground vehicle. I do not insist that I be driven around only by someone who had to spend $50,000 of his own money to meet arbitrary federal experience criteria for driving a ground vehicle with passengers, nor should you.

Any actuary or even a high school student of probability will tell you that the odds of surviving a fifth charity airlift flight are not affected by the mere history of charity airlift flights number 1-4. Either a flight poses acceptable risks or it does not. Like flipping a coin, or patronizing a modern electronic slot-machine, there is no "depends on prior events". To suddenly declare, in the vacuum of any supporting accident history, that some local flights (after the first four) in daytime VFR by pilots with less than 500 hours of total flight time now represents an unacceptable risk, is absolutely positively outrageous. Such actions incite utter contempt by any rational thinker.

If you succeed in your apparent mission, to destroy the time-tested path for non-military pilots to build the total time necessary to become airline transport pilots, the need for an FAA will disappear, because ultimately there will be no more pilots.

The government of the people is supposed to also be FOR the people. Act like it!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=960)

Date: 02/29/04 11:51 PM
Author: Phillip Pieri (no profile)
Subject: NPRM 4521

The level of safety is already equal to or greater than the proposal.Suggest you cancel the proposal! (NPRM 4521)

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1162)

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Date: 03/01/04 10:57 AM
Author: julie camp (no profile)
Subject: RE: NPRM 4521

I agree with Phillip Pieri. The level of safety is already equal to or greater than the proposal.Suggest you cancel the proposal! (NPRM 4521)

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1180)

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Date: 03/02/04 03:42 PM
Author: george curtis (no profile)
Subject: Other ideas

The FAA should step out of this uneeded project. It appears, absent evidence of a safety problem, that you have extra funds and staff that could be put to better use.

George Curtis

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1289)

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Date: 03/02/04 11:50 PM
Edited: 03/02/04 11:52 PM
Author: Rick Pellicciotti (no profile)
Subject: NATA Survey request

NATA has published a survey on their website. They are requesting all persons that will be effected by this rule complete the survey whether they are NATA members or not.

NATA Survey Link

Rick Pellicciotti Chief Pilot/Owner Belle Aire Aviation

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1322)

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Date: 03/05/04 12:07 PM
Author: Mark S. Kadrich (no profile)
Subject: The real difference

Folks, I think that the FAA has missed the basic difference between these types of flights and an airline. Although we accept reimbursement for fights either sight seeing or charitable, the goal of the flight is not to move a person from point A to point B. We go up, do a short ride, and come back to >the same place<. The stated goal of the airline is to take you to >a different place<. I don't know of any airline that will take off, fly you around, and then land at the same airport without calling the police or a doctor after they land. I think that this NPRM is only the first step in a process that will ultimately end with the demise of GA. By classifying us as airlines it opens the door to make us responsible for the same financial obligations as the airlines, such as paying more taxes and fees for the use of the air traffic control system. This would be the last straw for many operations which, I believe, is the real intent of the FAA: to put as much GA out of business as it can to make room for the dying dinosaur that is the airline industry.

It is my opinion that this NPRM is ill conceived and would be an undue burden on an already struggling GA community. It will not improve safety but it will limit the ability of the general public to experince flight in a small airplane at a reasonalbe cost.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1537)

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Date: 03/05/04 01:17 PM
Author: Dan Herschler (no profile)
Subject: advisory vs. regulatory

POSTING COPIED FROM 500 HR THREAD

This was also posted to the 500 HR discussion thread, copied here as a suggested alternative to additional regulation:

I hold a private pilot certificate with an instrument rating. As an Angel Flight volunteer pilot with over 500 hours, I have the following suggestion: Develop an Advisory Circular (AC) to guide charitable event operators in selecting pilots appropriately qualified and proficient in make and model, with recommended special qualifications for serving as PIC on charitable flights. The AC could define a desired minimum combination of total flight time (not less than current regulatory requirements), recent flight experience in make and model, recent experience with passengers on board, etc. The AC could recommend a one-time flight with a current member of the charitable organization as a familiarization with organization policies and its unique concerns such as risk assessment, sensitivity to passengers' special needs, inflight medical emergencies, etc. The AC guidance could also recommend guidelines for event-oriented training, such as pre-flying scenic routes to be flown, coping with passenger distractions and requests, etc. The goal is to ensure that the pilot is proficient to safely fly the mission. Additional regulation may not be the most appropriate way to achieve that goal.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1543)

Date: 03/05/04 01:44 PM
Edited: 03/05/04 02:41 PM
Author: BCW Inc. (no profile)
Subject: Additional regulation is not needed

March 5, 2004

I disagree with the proposed rulemaking.

In my opinion the is rulemaking tailored more to respond to political pressure from certain members of Congress rather than to serve the American public.

1. I disagree with these type of electronic fora as a sole substitute for public hearings. They are an inadequate substitute for holding in person face-to-face hearings with the persons you are purporting to regulate as required by the Administrative Procedure Act. I do not see how these electronic comments, used alone, could ever meet the intent or requirements of the APA.

2. The problem to be addressed by the rulemaking seems to be low altitude operations of sightseeing helicopters. In that regard, the rulemaking is far too broad; nor does it effectively address the real reasons low altitude sughtseeing helicopters are crashing. So why not address that problem directly rather than masking that problem behind a proposed industry-wide regulatory overhaul.

3. These aviation operations are legitimate American businesses; and a passion for many. You cannot effectively regulate these activities from a desk. Your inspectors neeed to be active in the field and interacting with the citizens operators and passengers they are to serving. It has often been said that is virtually impossible to have an accident without breaking rules. A bunch of new rules are just a mask to the import of this rulemaking - to eliminate a segment of the industry. It is not within the the FAA's decisionmaking authority to elect to eliminate an entire segment of the industry. That is a decision for the whole of Congress.

4. Yes, it can be fairly said that there is more inherent risk in these type of operations than in Part 121 air carrier operations. But the FAA is presuming to completely replace market forces in this instance. Your writers presume that consumers would be willing to pay several, or four or five times as much for the additional safety provided by proposed rules. There is no FAA market, ecomomic or survey date to justify the conclusion. If your writers are wrong, you have just killed the industry. Not a very good public service when the American public loves these activities and people are lining up for these rides. Safety always has a price and the market votes with its wallet. Those that prefer the added safety of high dollar sightseeing transportation are presumably are purchasing those services from existing charter operators. Yet there is no reference to this data in the rulemaking. The regulation simply proposed to eliminate an entire market segment.

5 Your economic data is skewed. A significant number of air tour decedents were foreign tourists. Foreign citizen tourists do not contribute large amounts of productivity to the U.S. economy over a lifetime and therefore the stated multi-million benefit to American citizens cannot be assumed. Cold, but true. There are other safety alternatives, not considered or discussed, that would provide a much more favorable cost benefit ratio than requiring these operators to be certified as

common carriers.

6. Effective enforcement of the existing operating rules, good maintenance, more training amd reinforcement of good common operating sense by the FAA and its trained and knowlegeable field inspectors is what is needed. You need to help these people comply with the existing known things that will improve safety, not eliminate their livelihoods and this activity from American life.

I have stayed away from specific comments because I believe the entire rulemaking is misconceived. Most of the cited helicopter low altitude pilot error issues apparently could have been prevented by additional training and perhaps that's where you should start. Individual flotation devices make sense, but they should be immediately available, not required to be worn at all times, except for children.

As for the WACO biplane that crashed off Ocean City, MD in 1997, I saw that operation personally many, many times being a frequent operator at the Ocean City airport and visitor to the beach where the aircraft crashed. The probable cause was an intentional aerobatic manuver begun at 200-300 feet above the water. No one knows why the pilot - who was very experienced in the aircraft -would make such a simple mistake. The Federal Aviation Regulations already plainly prohibit intentional low altitude aerobatic maneuvers. Perhaps the pilot became bored and complacent, but that is a judgment and decisionmaking training issue. Nothing in that crash can be attributed to any inherent danger in the nature of the operation itself. Certainly nothing resulting from that WACO accident investigation supports elimination of biplanes or single engine aipalnes from the local commercial passenger carrying fleet; or indeed any additional restrictions on the single engine fixed wing fleet. Yet that is the real effect of these proposed regulation.

The Grand Canyon crashes are similarly distinguishable. There you are dealing with an existing air carrier and high altitude operations. The issues were maintenance and recency of experience. Given the nature of the crashes, those are air carrier issues and are already regulated.

Nor do any of the other cited accidents justify the need for any additional restrictions on fixed wing charity, air show, or sightseeing aircraft. These are safe and fun activities in need of no additional regulation. There is no basis upon which to conclude that any additional operational training is required for fixed-wing aircraft.

Thank you for consideration of my comments.

I have been active in the aviation industry for approx. 20 years experience, but these comments are entirely my own and not those of any present or former employer or of any other organization.

Sincerely,

John E. Wells Com'l pilot, CFI, B.U.S., J.D., LL.M. President, BCW, Inc. Aircraft owner and operator

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1550)

Date: 03/05/04 03:30 PM
Author: Elden L. Ferris (no profile)
Subject: FAA-1998-4521

Even though your stated intentions are honorable...to save lives...your new proposed rule is simply more government regulations where it is neither needed nor wellcomed.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1576)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

Forum - Community and Charity Events

2nd FAA Response Edit Delete

2nd FAA Response	Alberta Brown	02/26/04
MANDATED SIGHTSEEING ROUTES IN HAWAII	Casey Riemer	02/27/04
RE: MANDATED SIGHTSEEING ROUTES IN HAWAII	Alberta Brown	03/01/04
RE: RE: MANDATED SIGHTSEEING ROUTES IN HAWAII	Casey Riemer	03/03/04
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Post new message in this thread

Date: 02/26/04 02:36 PM
Author: Alberta Brown
Subject: 2nd FAA Response

FAA Response #2

CANCEL THIS RULE AND LET ARC/ARAC DO IT. For those of you unfamiliar with the terms they refer to a practice of letting the public help us develop rules. The FAA uses an Aviation Rulemaking Committee (ARC) or an Aviation Rulemaking Advisory Committee (ARAC) on some rules. Some have said, "We didn't even get to participate in this rulemaking". You do participate through your comments to the docket. Additionally, you are participating now in this public meeting. Some of you are involved in the part 135 ARC and perhaps feel you would have more control of the outcome if this rule were given to that ARC. An ARC can be very lengthy and everyone is not involved I the development of the rule. Obviously, to get anything done, the size of the ARC has to be limited with certain representatives who speak for different segments of the industry. The industries affected by this rule are very diverse and we believe more appropriately represented through a rulemaking proceeding conducted under the Administrative Procedures Act. Regardless of the reasons for the comments there is nothing wrong with using ARC/ARAC for some rules. There are many commenters impacted by this rule who want to know as soon as possible what might happen to them. They don't want to wait. That's one of the reasons for this public meeting on the Internet.

ACCIDENTS Over the years the FAA has often been accused of not being proactive. The FAA's intent is always to prevent accidents. The accident rate is not a deciding factor in this rule in that there is no specific number that triggers a rule. There have been plenty of accidents by part 91operators conducting sightseeing. What data we do have is difficult to analyze since many of the accident reports just indicate that the flight is part 91. We look for words like "sightseeing" and "tour" in the narrative of NTSB reports to try and determine the nature of the flight. There is no accident category for part 91 25-mile exception. There is no accident category for charity/community events. All of these accidents are lumped into general aviation, which is a very broad term.

This rule isn't just about helicopters or overwater operations. You may not delete an accident because you are operating a vintage airplane and the accident was a helicopter. You may not delete an accident because the accident was caused by a mechanical problem instead of the pilot. There is not an accident category called part 91 25-mile exception. We know the part 135/121 operators. The NTSB and others think the FAA should know what operations occur in aviation, including in part 91. We agree.

The appendix to our Regulatory Evaluation (Item #54 in the docket), the NTSB's 1995 Special Investigation Report On The Safety Of The Air Tour Industry In The United States (Item #137 in the docket), and the NTSB accident database at http://www.ntsb.gov all have lists of accidents. The number of accidents is only part of the issue. Future accidents are another part.

INSURANCE Many of you seem confused as to why we would ask about insurance. Remember we did not propose to mandate insurance requirements for charitable operators. Start thinking about how you may be equivalent to air carriers. Many of you are operating like an air carrier (i.e., you hold yourself out to the public) without being one. Air carriers have to give FAA proof of insurance and carry a specific amount. Why should you be excepted from mandated insurance while you operate unlimited air tours?

MANDATED SIGHTSEEING ROUTES IN HAWAII The FAA has never mandated routes in Hawaii. All of the air tour operators conduct tours to the same sites so they naturally use the same or similar routes. This rule does not propose routes for Hawaii.

TYPES OF AIRCRAFT A quote from the NPRM page 60572, "While some commercial air tours are conducted in hot air balloons and gliders, this proposed rule is intended to regulate commercial air tours conducted in powered aircraft only". After the NPRM got published we realized this statement is in error. Hot air balloons have power; the hot air. Are there cold air balloons? Some gliders are powered and some are not. Some of you have commented that we should use one level of safety and treat operators of all types of aircraft alike. The intent was to capture airplanes and helicopters, both single engine and multi-engine.

Part 136 NTSB did not tell us to create a new part. The sightseeing industry has evolved and we have regulations specifically aimed at air tour operations. Regulations have been in place at the Grand Canyon since the 80's and Hawaii since the 90's. We have some Grand Canyon regulations in part 93, which is a place for airspace rules and some in SFAR 50-2. Hawaii has regulations in SFAR 71. With the implementation of the National Park Air Tour Management Act, each national park will have rules specifically for that park. When Congress legislated air tour management plans for national parks, we had to put those rules somewhere. We decided not to do another SFAR so we created part 136. The previous SFAR 78 for the Rocky Mountain National Park was moved into part 136. We thought it would be efficient to have all the sightseeing regulations in one place.

INDIVIDUAL REQUESTS Some have made comments like, "I have never had an accident." or "My FSDO will tell you that they have never had any problems with me or my company." Unfortunately, we can't write rules for individuals. However, your experience would help us develop better standards for your industry.

CHARITY 4-EVENT LIMITS If the 4-event proposal is not acceptable as a limitation then what is acceptable? Some think that charity flights should be treated similarly to the rest of the part 91 sightseeing flights since there is an economic incentive to maximize the fundraising during a short amount of time, which may impact safety. The 4-event limit is not an arbitrary number invented for this rule. FAA issues numerous drug/alcohol exemptions (about 100). The 4-event limit is in the conditions and limitations for those exemptions.

PRIVATE PILOTS WITH 500 HOURS VERSUS 200 HOURS Currently Section 61.113 allows a private pilot with 200 hours to conduct certain types of charitable operations. The flight is operated under

Part 91 and the exception that keeps the operation out of Part 135 is known as the 25-mile exception. The only type of charitable flight that is impacted by this proposal is an air tour. No other charitable operations are impacted.

If a 500-hour private pilot is not acceptable to conduct the same air tour as a 500-hour commercial pilot operating single pilot VFR in part 135, then what is acceptable? If you are put into part 135 then you must have a commercial pilot certificate and at least 500 hours (135.243). The 500-hour proposal was not arbitrary. If you want to provide useful comments then give us substantive ideas that we can use to justify treating you differently than a part 135 single pilot operator. We agree with some of your comments that it is important to look at how long ago the training was, the type of flying done since then, etc. That alone does not establish equivalency. We may consider not regulating you under part 135. We will likely not be willing to let you continue to conduct unlimited air tours with 200-hour private pilots. Additionally, consistent with the NTSB recommendations, the FAA is not inclined to maintain the current 25-mile exception.

DRUG/ALCOHOL TESTING Section 91.17 is not the rule we are worried about in a showing of equivalency when comparing a Part 135 VFR single pilot operation to the unlimited operation many comments demand. It is true that Section 91.17 was enacted in 1994 primarily because of a perceived alcohol problem in aviation and the lack of a specific rule to cite in a violation. However, that is not the rule we are concerned with in developing an exception. Section 135.1(a)(5) excepts certain sightseers from the 135 certificate requirements but still requires these operators to follow the drug testing regulations in part 121, appendix I and the alcohol testing regulations in part 121, appendix J. Every operator including charities that use the 25-mile exception in order to conduct their operation is subject to the drug and alcohol testing requirements of part 121, appendices I and J. We tried to find a way around this section for this proposal but if you want to conduct unlimited air tours, why should you be excepted? If you already comply with drug/alcohol testing you have a point to start from in defining equivalency.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=955)

Date: 02/27/04 04:39 AM
Edited: 02/27/04 04:42 AM
Author: Casey Riemer (no profile)
Subject: MANDATED SIGHTSEEING ROUTES IN HAWAII

In response to the statement "MANDATED SIGHTSEEING ROUTES IN HAWAII The FAA has never mandated routes in Hawaii. All of the air tour operators conduct tours to the same sites so they naturally use the same or similar routes. This rule does not propose routes for Hawaii."

Have you read any of the operation specifications issued to Part 135 tour operators in Hawaii? Specifically B048. This is the section that establishes the deviations to SFAR71. In "site specific" and "transition" areas we have had to demonstrate specific "safe landing areas" and operate within autorotative distance to those areas when accessing the authorized deviations to minimum altitudes.

If this is not establishing a route, I don't know what term you would use to define what is being established.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=987)

Date: 03/01/04 03:31 PM
Edited: 03/01/04 03:31 PM
Author: Alberta Brown
Subject: RE: MANDATED SIGHTSEEING ROUTES IN HAWAII

Mr. Riemer,

Yes we are familiar with operations specifications. They are created here. The Grand Canyon has assigned routes. Hawaii does not. Tell us how you desire operations specification B048 for Hawaii to be written and we will consider it.

Thanks

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1201)

Date: 03/03/04 04:07 AM
Edited: 03/03/04 04:18 AM

Author: Casey Riemer (no profile)
Subject: RE: RE: MANDATED SIGHTSEEING ROUTES IN HAWAII

Ms. Brown,

Ultimately I would like to see a return to Part 135/Part 91 rules. We still have not seen verifiable statistics that prove that SFAR71 has had any effects on tour flight safety in Hawaii. The NTSB has also stated that there is not enough statistical data to come to any conclusions about SFAR71 and tour safety in Hawaii. There have been fewer accidents in the 9 years post SFAR71 than the 9 pre-SFAR71 years, but the most likely cause for the decrease is probably related to better maintenance or improved aircraft. The accidents in Hawaii that have occurred post SFAR71 have had higher rates of fatalities. (Which is better, more accidents that have survivors or less accidents that have fatalities?)

If there has to be some increased regulations for tours, I believe that all tour pilots and operators in Hawaii would agree that 300 feet AGL over raw terrain and 1000 feet agl over inhabited structures and significant gatherings of people would be workable.

300 feet AGL is already accepted as a safe minimum altitude over congested areas for Part 135. 1000 feet AGL over inhabited structures and significant gatherings of people would hopefully make the "noise sensitive" folks happy.

Cloud clearance: clear of clouds in Class G airspace.

Visibility: one mile in Class G airspace.

Floats on Helicopters: require if out of gliding distance from the shoreline.

Life preservers: On each passenger if over significant bodies of water during flight. (It works in Hawaii. Passengers know where they are. It may not make sense in other areas like over Lake Meade.)

Thank you for your participation in this process.

Is anyone from the FAA replying to the Part 135 posts? There were no replies as of this morning.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1331)

Date: 02/27/04 01:34 PM
Edited: 02/27/04 01:34 PM
Author: Brent Blue MD (no profile)
Subject: RE: 2nd FAA Response

As a Senior FAA Examiner, a Medical Review Officer, and an official drug testing station, I can assure you that the drug and alcohol testing has been of no value for flight crews. The number of positives is so low that it has been shown to be of no value. (There has been a significant number of positives in ground personel and pre hires.) To institute this for sightseeing tour operators is absolute a waste of time and money.

This whole proposal is absurd.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1008)

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Date: 03/01/04 03:40 PM
Author: Alberta Brown
Subject: RE: RE: 2nd FAA Response

Brent Blue MD,

Thank you for your response.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1204)

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Date: 03/01/04 08:47 PM
Edited: 03/01/04 08:47 PM
Author: Rick Pellicciotti (no profile)
Subject: RE: RE: 2nd FAA Response

Dr. Blue, I am sure that Ms. Brown already knows this but I want you and others to know that under the current regulations, Part 91 sightseeing flights are subject to the rule requiring the random drug and alcohol testing just the same as Part 135.

As the owner of a single biplane, ride operation, I have to maintain a FAA approved drug and alcohol abuse program along with its associated expenses and paper work just the same as a multi-million dollar charter operation.

I don't know if your comment was intended to mean that the FAA should delete the requirement or if you intended for the FAA not to start requiring operators such as myself to have to do it. If it was the later, it is too late. We already are having to comply with this.

Rick Pellicciotti Chief Pilot/Owner Belle Aire Aviation

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1223)

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Date: 03/02/04 01:12 AM
Author: Brian Reynolds (no profile)
Subject: RE: RE: 2nd FAA Response

I agree. The FAA needs to drop this right now and move on to something more important or get rid of a bunch of employees! They have way to much time on their hands. What a waste of taxpayer money. I'm tired of this.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1238)

Date: 02/28/04 04:59 PM
Edited: 03/05/04 05:03 PM
Author: Keith (no profile)
Subject: RE: 2nd FAA Response

Yep, I agree, no need to waste time with well-reasoned arguments here. Just contact your senators and congressmen and HOPE they have some influence. We have none.

No data, no reason for any of this nonsense. No reason other than another power grab by the FAA.

Thanks for enhancing nothing and doing little more than justifying your useless positions. If safety were the real reason for the NPRM, there would be some DATA DATA DATA to support it. THERE IS NONE.

Response - why provide "input" to write a rule which has NO PURPOSE OTHER THAN TO REDUCE THE AMOUNT OF GA FLYING.

Here's my input - save the trees wasted in printing the rule and dispose of the entire proposal. Substantive enough for you?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1085)

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Date: 03/01/04 03:47 PM
Author: Alberta Brown
Subject: RE: RE: 2nd FAA Response

Keith,

This is your chance to give meaningful response. We understood from the docket that no one wants this rule. There is no need to repeat the fact. It's always possible that the rule could be deleted from FAA tasks. What if it isn't? The final rule isn't written yet and you could help write it. You're under no obligation to do so though.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1205)

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Date: 03/02/04 10:43 PM
Author: Carl Prather (no profile)
Subject: RE: 2nd FAA Response

Alberta,

I find the arguments for this NPRM confusing. On one hand it is mentioned that statistics don't drive this or any other NPRM but you claim to have many examples of part 91 accidents which, by definition, are statistics! Make this easy to understand I would agree with this, make it transparent and many would agree. Rather than layering more regulations, what would it take to simply enforce the ones in place now? With every accident, there must a cause and something tells me that 500 hours pilot experience, limiting the number of charitable events a year would make not an appreciable difference. If there is unmistable evidence, please provide it.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1317)

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Date: 03/03/04 11:45 AM
Author: Tim Dawson-Townsend (no profile)
Subject: RE: 2nd FAA Response

From the FAA 2nd Response: "Hot air balloons have power; the hot air. Are there cold air balloons? "

Huh?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1349)

Date: 03/04/04 07:10 PM
Author: Jim Pratt (no profile)
Subject: RE: RE: 2nd FAA Response

Alberta:

You said "Hot air balloons are powered, are there cold air balloons?"

For the record, the FAA has laready determined that hot air balloons are not "powered." See the preamble to 14 CFR part 103. The FAA has determined that balloons which derive their lift from heated air, but do not have forward motion are considered unpowered aircraft. If it was "powered", it would be an airship.

The term "cold air balloons" is used extensively when referring to the inflated advertising type of balloon found at your local grand opening.

For the record, there are hot-air balloons now type certificated that hold up to 40 occupants in Europe, and models which hold up to 24 in the U.S. currently type certificated. In the United Kingdom, balloons which carry six or more passengers are regulated under rules similar to a balloon equivilant of part 25 and 135. Here everything is under part 91.

Helium balloons and ammonia balloons operate under part 91, and may have paying passengers.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1478)

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Date: 03/04/04 07:14 PM
Author: Jim Pratt (no profile)
Subject: RE: 2nd FAA Response

You state: "There is no accident category for part 91 25-mile exception. There is no accident category for charity/community events. All of these accidents are lumped into general aviation, which is a very broad term."

You are correct, there is not any data to support what you are trying to do.

Perhaps the appropriate response to the NTSB recommendation would be to ask NTSB, and to change FAA's accident reporting, to capture the data you are asking for. Add a few blanks to the FAA's accident report format and you'd begin to capture what you need. Get NTSB on board and you'll have much better data.

For the time being, perhaps the best approach is to create a voluntary reporting system, in conjunction with the EAA and the AOPA, which would allow people operating currently under Part 91 to provide you with better information.

Scrap the proposed rule, and go back and find ways to get the data you think you are lacking.

Then, and only then, can you do a more accurate cost/benefit analysis and determine if any rule is needed.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1480)

Date: 03/05/04 01:51 PM
Author: Craig Peterson (no profile)
Subject: RE: 2nd FAA Response

I find it shocking that the FAA would make such a draconian proposal with so little data!

One example which should totally shut down this proposed rule:

You are much (at least 10 times) more likely to have a FATAL accident in one hour of driving than you are if you fly one hour on an Air Tour.

How many kids have future dreams that are ignited by a one hour ride in a car?

How many kids have future dreams that are ignited by a one hour ride in a plane?

You can prevent ALL accidents ... By making sure NOBODY FLIES (In which case, I will become a citizen of another country).

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1554)

Date: 02/26/04 02:55 PM
Edited: 02/26/04 03:16 PM
Author: randall henderson (no profile)
Subject: FAA not inclined to maintain the current 25 mile exception

FAA said: --> Additionally, consistent with the NTSB recommendations, the FAA is not inclined to maintain the current 25-mile exception.

Ouch. So FAA has already made up its mind. Makes me feel pretty stupid frankly for sitting down with the FARs, doing research over the internet, reading others' responses, and painstakingly crafting my responses. Still I can't give up:

WHAT IS WRONG with the 25 mile exception? Flights conducted under this exception are still highly restricted, being required as they are to be conducted within 25 NM of the airport and landing only at the airport of origin. Sheesh, the greenest private pilot routinely handles flights much more complex than that (with passengers mind you), not to mention flight training ops -- and you're saying it's not an equivalent level of safety if a commercial pilot charges for such a benign flight?

Part 135 operators on the other hand are able to conduct flights that go far beyond the restrictions listed above. SO... A higher level of regulation is in place for flights involving a higher degree of complexity. I just don't see where there's a problem that needs solving.

I've said it before: PLEASE start by addressing the lack of data, and go from there. Figure out a way to better quantify how many/what kind of sightseeing flights are conducted, THEN come back and look at whether regulatory action is warranted based on REAL DATA. FAA says they need to be proactive -- fine, I'm not asking that you only make a rule if the data shows there are more accidents. But you are not being "proactive" if you are only addressing a "gut feel" based on unique circumstances in particularly hostile sightseeing environments that don't represent conditions in most of the rest of the counry. Regulation based on perception is simply not professional.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=958)

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Date: 03/01/04 04:25 PM
Edited: 03/01/04 04:27 PM
Author: Alberta Brown
Subject: RE: FAA not inclined to maintain the current 25 mile exception

Mr. Henderson,

The final rule is not written and the FAA has not finalized decisions. If the rule does go to final what would you like it to say? This is a chance for your input.

We did start with some data. FAA Response #1 included references in the last paragraph under "Accidents". NTSB recommendations are not made without reason.

"Figure out a way to better quantify how many/what kind of sightseeing flights are conducted ..." We will. You may help us figure that out if you want to. How do you think FAA should do that?

What's wrong with the 25-mile rule? No one knows who is using it for one thing. We don't know. You don't know. The NTSB doesn't know. Yes each knows some who are using it.

Thanks

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1208)

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Date: 03/01/04 06:01 PM
Author: Randy D. Miller (no profile)
Subject: RE: RE: FAA not inclined to maintain the current 25 mile excepti

Ms. Brown,

The more I read your responses, the more I wonder if this legislation has less to do with some perceived "safety" issue, and everything to do with the FAA wanting more information on what is going on in the 25 mile exception area. If this is the case, why don't we just cut to the chase and admit that you want to know who/what is flying these passengers and what our qualifications are for doing so.

As stated before, we are all Commercial rated pilots and have proven that we are capable of flying passengers for hire in our aircraft of choice. We also have to meet minimum safety requirements for insurance purposes, and we also have to stay current with BFR checks to maintain our First/Second Class Medicals.

Is "safety" the real issue here, or are you just wanting more data on a segment of individuals that you admiit you know nothing about?

Please advise.

Randy D. Miller Vintage Aviation, Ltd.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1215)

Date: 03/02/04 01:36 PM
Edited: 03/02/04 02:00 PM
Author: randall henderson (no profile)
Subject: RE: RE: FAA not inclined to maintain the current 25 mile excepti

FAA said:

--> The final rule is not written and the FAA has not finalized decisions. If the rule does go to final what would you like it to say? This is a chance for your input.

Okay here it is. The NPRM should be scrapped as it is written with respect to sightseeing flights under the 25 mile part 91 exception. Instead, the exception should be expanded to 50nm and allow a landing at another airport.

--> We did start with some data. FAA Response #1 included references in the last

paragraph under "Accidents". NTSB recommendations are not made without reason.

I read the study and agree with others that the data is flawed and the conclusions are not valid. This has been pointed out many times but has only received perfunctory response by FAA.

--> "Figure out a way to better quantify how many/what kind of sightseeing flights are conducted ..." We will. You may help us figure that out if you want to. How do you think FAA should do that?

In an earlier comment I suggested adding a few boxes to the medical form. I offer that as an olive branch since I still don't feel there's any data to suggest these flights even need more scrutiny, much less regulation.

--> What's wrong with the 25-mile rule? No one knows who is using it for one thing. We don't know. You don't know. The NTSB doesn't know. Yes each knows some who are using it.

That's right. It's an exception, specifically written into the regs. Why the exception? Because at some point, someone in FAA had the good sense to realize it would be a waste of their resources to try to track every little guy flying these short VFR flights, and that the 25nm limit sufficiently compensated for the fact that they do not have the extra regulatory oversight of part 135. Since then some special, unique areas have been identified as needing more than that, hence the SFAR areas.

The things FAA doesn't know about the aviation industry could fill an encyclopedia. I don't say that as an insult, and in fact a mark of an efficient bureaucracy is the ability to achieve the most with the least oversight and regulation. GA safety has been improving for years, and much of the credit for that goes to AOPA, EAA and other industry groups. When FAA cooperates with these groups on REAL safety improvements, regulatory or otherwise, the likelihood of success is greatly improved. Therefore my suggestion is to drop the NPRM and start at square one with cooperative involvement of these SAFETY-MINDED people and see if there even is a safety issue, and if so whether it can be addressed through non-regulatory means.

Randall Henderson

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1274)

Date: 03/04/04 07:23 PM
Author: Jim Pratt (no profile)
Subject: RE: RE: FAA not inclined to maintain the current 25 mile excepti

You state:

"What's wrong with the 25-mile rule? No one knows who is using it for one thing. We don't know. You don't know. The NTSB doesn't know. Yes each knows some who are using it."

So the fact that safe operations are being conducted every day, but you are not able to count the safe operations being conducted, that is the issue?

Here is an equivilant level of safety, then.

revise part 91 to require anyone using the exceptions of part 91, during a one-year test period, to file the following report:

Print a post card, asking for five items.

1. Type of aircraft. 2. type of flight (charity, commerical air tour, etc. 3. Number of passengers 4. Number of hours of the pilot in command 5. If any accident took place.

Print the cards up, and distribute to each home address of each pilot. Put postage on the card. Mail a hundred cards to every public and private use airport in the country. Put a cover note saying more cards are available upon request.

That would give you your data.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1482)

Date: 02/26/04 08:23 PM
Author: Gordy Cox (no profile)
Subject: "Mandated tour routes in Hawaii"

"Mandated tour routes in Hawaii" So you the FAA is saying you have not made routes for helicopters. Please then explain "transition segments" to us?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=976)

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Date: 03/02/04 02:47 PM
Author: Alberta Brown
Subject: RE: "Mandated tour routes in Hawaii"

Mr. Cox,

The FAA has not mandated routes in Hawaii and you do know that. Transition segments are allowed per operator request. The term was created by the operators for reasons not listed here. They are optional and allow you to continue your air tours when you may otherwise have to cancel. Don't use them if you don't want to. If you want changes to them let us know what you want and how that can be done safely. We are not against you.

Not one commenter has acknowledged that FAA has allowed numerous deviations. This proposal continues to allow deviations.

Thanks

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1280)

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Date: 02/27/04 12:18 PM
Author: Brent Taylor (no profile)
Subject: Questions on 2nd FAA Response

I am beginning to fear, by Alberta Brown's "official" responses, that the FAA intends to implement these changes and are simply going through the required procedures to satisfy the tax payers and Congress that

they have put this NPRM through the democratic process and that it should become regulation. However I would again like answers to the following questions:

1. If as stated "The accident rate is not a deciding factor in this rule" then what are the deciding factors??

2. If as stated " What data we do have is difficult to analyze" then why the push to implement these changes ?? Wouldn't the establishnent of facts on the number of part 91 25-mile exception or charity flight accidents be neccessary if a change in regs is needed??

3. "The number of accidents is only part of the issue" Doesn't this contradict the statement "The accident rate is not a deciding factor in this rule"??

4. "Future accidents are another part" How can the FAA justify printing such an asinine statement as this ??

5. Why does the FAA continue to insist on lumping helicopter and fixed wing operations into the same pile with this regulation ?? Talk about comparing apples to avacados !!Do helicopters and fixed winged aircraft have the same requirements for obtaining a rating, maintainance or operation ?? Are the accident rates for fixed wing aircraft and helicopters the same ??

I await your response

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1005)

Date: 02/28/04 12:37 PM
Author: William L. Benedict (no profile)
Subject: NPRM

Not really much point in discussing this matter with the FAA. It is pretty obvious to me that their bureaucratic minds are already made up. May I suggest corresponding with elected representatives and letting your views be known. That is what I am doing.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1071)

Date: 03/01/04 12:02 PM
Author: Wyatt Bell (no profile)
Subject: Of the People, By the People

This entire process is a demonstration of the enabling process which Congress bestowed on the agencies of our government to promulgate rules regarding our commerce. Congress can't become embroiled in the intracacies of flight operations and passes this rule-making authority to an agency, the FAA, dedicated to this purpose.

More importantly it's a good example of the how government becomes an "entity" separate and apart from the governed. This criticism must be tempered with FAA credit for assisting in creating the safest and most secure airline and general aviation community in the world. However, we don't have any redress against this agency. We don't vote for its administrator, nor do we, as citizens, have any say in the personnel decisions.

Also, realize the airline industry must maintain the highest standards or people simply won't fly. If passengers feel imperiled the airlines will cease to exist. So even with the FAA supposedly designed to protect the safety of the flying public, the major incentive for safety is clearly within the flying entities offering the service!

I think this can be reckoned with other areas of rules such as the "Uniform Commercial Code". "If" , as Fed Chief Chairman Greenspan observes, "the vast majority of commercial transactions were done dishonestly, then all the rules contained in the UCC would be useless because commerce would disintegrate!"

If the full gambit of pilots and operators were so remiss in their concerns for safety then the flying public would be making loud proclamations. I'm sure most would concur, as I have observed, that those who are reckless and unconcerned with safety are very few! And many of these have come to pass!

Take the "student pilot" this past summer in Illinois who bought an R44 helicopter and begins taking people for a ride! He crashes and kills his daughter and a business associate. How can this be stopped?!?! No rule-making of any sort was going to prevent this!

The FAA statement "We will likely not be willing to let you continue to conduct unlimited air tours with 200-hour private pilots." so clearly shows how the process has become a "separate group" making rules without consideration "by us and of us", the pilots and society (passengers) to which the rules apply.

Even more difficult is the FAA statement: "There have been plenty of accidents by part 91 operators conducting sightseeing. What data we do have is difficult to analyze since many of the accident reports

just indicate that the flight is part 91. We look for words like "sightseeing" and "tour" in the narrative of NTSB reports to try and determine the nature of the flight. There is no accident category for part 91 25-mile exception. There is no accident category for charity/community events. All of these accidents are lumped into general aviation, which is a very broad term."

Would the FAA be so kind as to provide "the data we do have"?!?! This could be so simple as to post the accident dates on this forum so we can look at the data upon which you are basing this proposed rule. If the NTSB finding does not have the term "sight-seeing" or "air-tour" or some other identifying term, then how is the data being included? Is it a guess? Are there eye-witnesses?

I've read nearly 100% of the NTSB reports from the preliminary to the final over the past 5 years. I've reviewed many more prior to that. I have not seen a pattern or stand-out problem in my reviews of the data that would indicate a problem in this area. Again, please post the accidents you are basing this upon. Surely there are more than those shown in the official NPRM.

Also, it would be interesting to know the people behind the "rule-making". Who is "I" in the responses from the FAA? (FAA responses 1, 2 and 3). Are the rule-makers pilots, FBO operators or just who? My point in this is rule-making requires some expertise. Just as we wouldn't put a newly minted private-pilot at the controls of a 747, we surely would be concerned with non-pilots and/or non-aviation persons making rules to which they have no practical experience.

In reviewing the FAA responses it seems to boil down to "what is the difference to a paying passenger"? regarding and between a Part 91 sight-seeing trip or a Part 121/135 operation. Because the FAA requires greater scrutiny of Part 121/135 isn't it a logical follow-up that these same standards need to apply to Part 91? The FAA:"WHY DO WE WANT TO REGULATE YOU? Because you look like an airline."

Maybe in the FAA view this little C172 flying within 25 miles of the airport on a clear day located in the rural areas of America really can be associated with the airline hub! It's a stretch!

Has the FAA done any interviews with passengers or do they have a database of passenger complaints regarding Part 91 sight-seeing operations to get an eye-witness view of us, the people they are attempting to protect? Possibly an interview with a survivor of a Part 91 accident/crash to determine what they were expecting and how it could be avoided with rule-making? Comments or observations from relatives or acquaintenances of Part 91 sight-seeing crash victims? Do we have any interviews with or backgrounds on the pilots involved in Part 91 sight-seeing operations? Their testimony would seem to me to be most important of all!!

I have no problem with rules that make sense, such as requiring flotation devices in overwater operations. Fuel reserves, having been on the books for some time, makes sense. But to equate an airplane ride on a clear day of 25 miles or less to an airline operation because money exchanges hand doesn't make sense. It simply doesn't make sense! Especially in light of the dearth of examples or accident profiles for such.

If the "paying" is the hinge, then why aren't the proposals also applied to "instructional flights" and flight schools? A young aspiring pilot, never before having flown or been around aircraft, would be entitled to protections equal to the unaware passenger, which in the beginning is the aspiring pilot. Also, wouldn't the "paying" logic apply to Part 91 fractionals or the "paying" of shared expenses in a Part 91 flight?

Remember FAA, we are you! Safety is the foremost concern of us all!! But remember, too, we pilots and operators are where the rubber meets the pavement, so to speak! It happens each time we push forward the throttle or raise the collective!!

Why the FAA persists to close the 25-mile exception still remains a mystery!! Is it that the rulemakers can't fess up to being wrong on this issue?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1185)

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Date: 03/01/04 12:56 PM
Edited: 03/01/04 12:56 PM
Author: Randy D. Miller (no profile)
Subject: RE: Of the People, By the People

Very well said Wyatt!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1191)

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Date: 03/05/04 07:41 AM
Author: Wyatt Bell (no profile)
Subject: RE: RE: Of the People, By the People

Thank you Randy.

It's as though we're opining into a dark black hole. No response to our queries or any feedback whatsoever on the data.

I'm further curious that the FAA cites the NTSB recommendation, which I have not seen or read. I wonder which data they based this upon.

I think the FAA gets this idea that they "alone" are responsible for safety without a real substantive understanding that we aviators are the final checks for a safe flight.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1509)

Date: 03/01/04 09:02 PM
Author: Rick Pellicciotti (no profile)
Subject: Regarding community flights

I think it is interesting to note that two things have happened with my FSDO **SINCE** this NPRM was published.

The first is that I got an email from the Safety Program Manager in the FSDO stating how much they appreciate my dedication to safety and inviting me to attend a training class to become a Safety Counselor.

The other is that the same FSDO asked me to contribute a biplane ride to be used as a door prize at a weather seminar. Something that I was glad to be able to do.

The point of this is to make sure that FAA understands that donated rides support FAA safety programs in addition to charities and community events. If I were not able to defray the costs of owning and operating a "cool" airplane that people want to ride in by selling rides, it would not be availble when the FAA wanted something that would draw people to their seminar.

Rick Pellicciotti Chief Pilot/Owner Belle Aire Aviation

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1224)

Date: 03/02/04 02:30 PM
Edited: 03/02/04 02:31 PM
Author: Don McIntosh (no profile)
Subject: What are the specific reasons for this NPRM?

The FAA has cited some specific data for this proposed NPRM, but why change the current rules? It appears that the rule change is too broad, without stating what the real purpose is. As someone stated in another "thread", "Is the system broke?" There are already too many rules on the books that make it seem as if you can't leave the ground without breaking some obscure rule. Iwould like to know exactly what the FAA is trying to fix here or who they are trying to catch.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1279)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

Forum - Community and Charity Events

FAA Response - Insurance Edit Delete

FAA Response - Insurance Alberta Brown 03/05/04

Post new message in this thread

Date: 03/05/04 10:55 AM
Author: Alberta Brown
Subject: FAA Response - Insurance

INSURANCE

Some have asked what the insurance requirements are in part 135. The requirements are DOT rules, not FAA. The FAA requires proof that you have insurance before issuing economic authority. The proof comes to FAA via the insurance companies.

135 on-demand: Parts 298 and 205 205.5 3rd party $300,000 property $100,000 each passenger $ 75,000 or $75,000 per passenger times 75% of the number of passengers if more than one passenger. Usually one million is the minimum an insurance company will write.

135 scheduled, 121, and 129 are more with $300,000 each passenger.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1527)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

Forum - Community and Charity Events

Do you need clarification of any part of the proposed rule? Edit Delete

Do you need clarification of any part of the proposed rule?	Administrator	02/21/04
RE: Do you need clarification of any part of the proposed rule?	Baron Tayler	02/23/04
RE: Do you need clarification of any part of the proposed rule?	Eric Shanfelt	02/23/04
Non-compensated pilot	Baron Tayler	02/23/04
Why should NPRM 4521 cover "community and charitable events"?	Karl Allan Sutterfield	02/23/04
Pilot requirements	Donald Hansen	02/23/04
angel flight?	steve Leonard	02/23/04
Public Airport as used in 91.147(a)(4)	Alan Stephen	02/24/04
RE: Public Airport as used in 91.147(a)(4)	michael muetzel	03/02/04
No $$ for pilot, vs no $$ involved at all?	John McNerney	02/24/04
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Proposed 61.113(d)(1)	Jeffrey Kahn	02/27/04
Rule is based on no data	Chris Goldfinger	02/27/04
I want to know gliders, balloons, and sport aircraft are exempt	mark boyd	02/28/04
RE: I want to know gliders, balloons, and sport aircraft are exe	Thomas Harnish	02/29/04
This rule causes more accidents	mark boyd	02/28/04
true aim	David Robert Wilson	02/28/04
RE: true aim	Jim Pratt	03/04/04
RE: RE: true aim	John McNerney	03/04/04
RE: RE: true aim	Joe Fortman	03/04/04

Post new message in this thread

Date: 02/21/04 02:46 AM
Edited: 02/22/04 06:41 PM
Author: Administrator
Subject: Do you need clarification of any part of the proposed rule?

Please let us know if there are any parts of the proposed rule that you would like us to clarify. This can be anything from whether something applies to your operation, something that is ambiguous, or just difficult to understand.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=660)

Date: 02/23/04 10:02 AM
Author: Baron Tayler (no profile)
Subject: RE: Do you need clarification of any part of the proposed rule?

1) Does this rule apply to SPA and SP? I assume it does. 2) Hours aren't all equivalent. A commercial pilot can rack up hours sleeping on a transpacific flight while the alternate crew is flying. Air time is air time! But a powered parachute pilot is flying full time. If both racked up 500 hours, the odds are that the PPC pilot has spent more time actually flying, and therefore has better proficiency flying his particular class of plane. (No slight meant to the commercial pilots!)

So why should an arbitrary number of hours for a GA or Commercial pilot be the standard. Doesn't seem to make sense.

3) What about pilots who conduct charity raising flights for no compensation? Where do they fit into all this?

4) Please expand on the "4 event" proposal.

Thank you.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=706)

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Date: 02/23/04 07:00 PM
Edited: 02/23/04 07:00 PM
Author: Eric Shanfelt (no profile)
Subject: RE: Do you need clarification of any part of the proposed rule?

I'm an instrument rated private pilot with 250 hours who ocassionaly conducts charitable flights for my local church. For example, I put a one-hour sight seeing flight up for auction at the church, I pay for the flight costs at my own expense, and the auction proceeds go to support local charitable organizations. Would this rule disallow this kind of activity? I am not being compensated in any way.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=790)

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Date: 02/23/04 10:45 AM
Author: Baron Tayler (no profile)
Subject: Non-compensated pilot

If the charity funds being raised by the flying is being raised by pledges (example: how far the pilot flies), not by passangers paying for flights, and the pilot isn't being compensated, do charity fundraising flights such as this fall under the new proposed regulations?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=709)

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Date: 02/23/04 12:25 PM
Author: Karl Allan Sutterfield (no profile)
Subject: Why should NPRM 4521 cover "community and charitable events"?

I challenge the notion that NPRM 4521 should even attempt to cover "community and charitable events." (See my post to the forum entitled 'Compensation for charity and community event flights'.)

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=732)

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Date: 02/23/04 06:05 PM
Author: Donald Hansen (no profile)
Subject: Pilot requirements

Since a private pilot may lawfully carry passengers, why should a 500 hour requirement be imposed to fly passengers for a charitable cause when the pilot is not compensated? This can not be construed to be a commercial venture. The EAA has long been involved in charitable flights with the Young Eagles program to promote an interest in flying within our youth. These people are our future pilots (LSA, Recreational, Private, Commercial, ATP, CFI, CFII and possibly military as well).

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=784)

Date: 02/23/04 10:02 PM
Author: steve Leonard (no profile)
Subject: angel flight?

How does this rule apply to "Angel Flight" charity flights?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=806)

Date: 02/24/04 03:36 PM
Edited: 02/24/04 03:37 PM
Author: Alan Stephen (no profile)
Subject: Public Airport as used in 91.147(a)(4)

Ladies and Gentlemen,

Please give FAA's rationale for restricting charity flights to "public airports", rather than the broader category of "public use airports". Notice 4521 is completely silent on the matter. We are not aware that the exemptions FAA grants for the commercial charitable flights flown by World War II aircraft contain any restriction on category of airport. So this appears to be a new requirement and FAA should provide its reasons for imposing it.

91.147(a)(4) should be amended by deleting "public" from "public airport" while retaining the phrase "that is adequate for the aircraft to be used" then deleting the rest of (a)(4) that begins "or from an another airport that the FAA has approved..." What criteria does FAA intend to use in granting relief under this phrase that justifies the public airport restriction while then knowledging this is not a hard requirement?

I welcome your response.

Regards / Alan Stephen

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=873)

Date: 03/02/04 03:26 PM
Author: michael muetzel (no profile)
Subject: RE: Public Airport as used in 91.147(a)(4)

"Please give FAA's rationale for restricting charity flights to "public airports", rather than the broader category of "public use airports"."

Show data that proves it is less safe to conduct charity flights from private airports. We've conducted countless Young Eagles flights from a residential airpark. Why should we stop?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1286)

Date: 02/24/04 08:20 PM
Author: John McNerney (no profile)
Subject: No $$ for pilot, vs no $$ involved at all?

If I understand this proposed rule correctly, there would be no limitation on flights which involved no money given to anyone (neither to the pilot nor to the charity involved). For example, a pilot volunteers to fly a non-profit organization to monitor conservation or forestry easements they hold on various parcels of land. They do not raise funds from the flight, and the pilot does not receive any reimbursement of any kind. Is this type of flight affected by this proposed rule?

How does this change of the pilot receives no reimbursement of any kind, but the passenger makes a donation to the charity in return for the flight?

How does it change if the passenger makes no donation because of the flight, but the flight is part of an larger attempt to convince the passenger that his support (or that of his organization) is needed to help protect a critical piece of wildlife habitat? (Note in this instance, the potential donor would be considering an amount far in excess of the value of the flight... thousands or even millions of dollars, as compared to the value of an hour or two flight in a single-engine aircraft).

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=877)

Date: 02/25/04 10:02 AM
Author: E.E. (no profile)
Subject: why bother

Why bother with a commercial certificate if we cannot use it?

Does this effort again amplify that FAA could run one helluvan organization if it weren't for the Pilots and the Airplanes?

FAA seems intent upon legislation to eliminate Aviation enterprise and existing freedoms.

If we cannot extend the joy of flight to succeeding generations of people, then we might as well hang it up and relegate this effort to those who like to read or watch the wonderful commercials about automobiles on Television.

I personally feel this is a meddlesome attempt to discredit commercial pilots. Treat people as mature and responsible individuals and the response will mature and resposible.

As it is now, you are making outlaws..

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=890)

Date: 02/27/04 11:50 AM
Edited: 02/27/04 11:50 AM
Author: Jeffrey Kahn (no profile)
Subject: Proposed 61.113(d)(1)

I would appreciate clarification of proposed 61.113(d)(1) per my comment on behalf of the Air Care Alliance (FAA-1998-4521-158):

. . .

While we would like to comment constructively on any regulation affecting public benefit flying activities, we are unable to discern the types of operations to which proposed section 61.113(d)(1) is intended to apply. There is no explanation of this provision and it has no antecedent to which it can be compared. Depending on its application, this provision may be inconsistent with existing FAA policy as cited above (see attached)[referring to Order 8400.10, Vol. 4, Chap. 5, Section. 1, Paragraph 1345 12/20/94]. In addition, a literal reading would seem to allow, for example, a non-profit hospital to pay a private pilot for patient transport.

. . .

For example, "Life Flights" (as defined in the above Order) where the pilot (and the organization) receives no compensation or reimbursement have been considered by FAA NOT to be operations for compensation or hire. Is there an intent to change this policy?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1002)

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Date: 02/27/04 07:39 PM
Author: Chris Goldfinger (no profile)
Subject: Rule is based on no data

It does not appear that the FAA has any data to support rule making concerning charitible flights, since these are currently under part 91, and do not have a category for reporting. This appears to be an extension of rulemaking from an area that may need attention, that is commercial air tours, into an area for which there is no data.

I suggest striking all the language dealing with new rules with respect to charitable flights until such time as there is some data suggesting the need for a rule.

Furthermore, this web login "meeting" does not meet the requirements to constitute a public meeting in my view.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1045)

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Date: 02/28/04 12:45 PM
Author: mark boyd (no profile)
Subject: I want to know gliders, balloons, and sport aircraft are exempt

This is not stated in the rule. These aircraft should be exempt. None of the cases listed in the justification for the NPRM involved any of these types of aircraft. This rule will impact these operations much more heavily, and unneccesarily. These aircraft are very unlike the "justification" cases. They carry few passengers, day VFR, and require very low skill levels to pilot safely (compared to the complex aircraft cited in the justification cases of the NPRM).

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1074)

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Date: 02/29/04 12:07 PM
Author: Thomas Harnish (no profile)
Subject: RE: I want to know gliders, balloons, and sport aircraft are exe

Did you know some ballons carry 24 people, as many as a fully loaded DC-3? Are you familiar with the ballon industry's accident/incident rate?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1121)

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Date: 02/28/04 01:05 PM
Author: mark boyd (no profile)
Subject: This rule causes more accidents

It seems pretty clear that reducing the number of eligible pilots while keeping the demand the same means that the remaining pilots will need to fly more. This means longer duty days with fewer breaks, fewer fuel stops, rushing to embark passengers (and perhaps slicing them in the prop), fewer breaks to recheck weather, and overall greater danger. There is also then a smaller community of tour pilots at a given location, so less peer review and self-checking, so one other safety check is discarded.

The NPRM in no way addresses the idea that increasing the hour requirement may cause a decrease in safety. It's entirely possible these accidents are caused by pressures that have nothing to do with the number of hours flown, but the experience of the pilot in dealing with these pressures. With the new rule, the same pilot will simply have his first experience with these pressures at a different number of hours, and with more pressure (since the pool of pilots is decreased). To justify the NPRM, one must show that safety is improved by more than just the reduction in total number of flights.

Keep in mind the new, smaller pool of pilots will now be paid MORE. What do you think this does to the pressure to accept a flight vs. turning it down? How about the number of passengers taken per flight? Does the FAA really want these planes to be HEAVIER?

If there are only half as many of these type of flights after the rule, but the safety record shows the accidents are reduced by only 25%, this is a dismal failure, since safety was decreased by the rule. If this rule passes, I'll show you in the second year that safety was decreased by the rule, and that there are more accidents per flight hour than before the rule.

I'm also surprised at the Army mentality. A few operators in Alaska and Hawaii with unmade bunks are now setting the standards? So everyone else now should do extra push-ups? Sounds a little infantile to me. How about getting the FSDO in Hawaii and Alaska to clean up their regions, instead of putting some poor bastard and his Stearman in South Dakota out of business.

Pilot hours are a very poor generalization of safety. I suppose if all you have is a hammer, everything looks like a nail.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1077)

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Date: 02/28/04 01:23 PM
Edited: 02/28/04 01:23 PM
Author: David Robert Wilson (no profile)

Subject: true aim

First, I'd like to know why the FAA feels that there is a need to make this rule change. I have looked at several sets of data pertaining to the safety of part 91 operations and I do not see a need for such a drastic change. Perhaps I have misinterpreted the data or am not aware of some facts that have influenced the FAA's thinking. Second, I'd like to think that the FAA, as a government agency, is working for THE PEOPLE, for our greater good, and NOT for any one person's personal agenda or vendetta.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1080)

Date: 03/04/04 06:08 PM
Author: Jim Pratt (no profile)
Subject: RE: true aim

If you want to understand the true aim of this proposal, you have only to dig deep enough to understand what will happen when this rule is promulgated.

It is simple.

Alberta Brown, and others in FAA Headquarters, are now under a pay for performance system called "Core Comp".

Under "Core Comp", a portion of employee pay raises are withheld if the Agency does not meet certain safety goals.

Out of 12 goals for this year, one goal is definately "In the Red" and not going to be met. That goal is general aviation safety fatalities.

Unless the FAA can figure out how to reduce the number of fatalities, Alberta and her cohorts will not get a pay raise next January, or will get a reduced pay raise.

So the only way to lower the numbers quickly, is to propose and implement rules so draconian as to devistate the GA industry. If you put a thousand or more businesses out of business, you increase the odds that the 600,000 pilots and 200,000 airplanes will not fly. And if you reduce the number flying, you reduce the number of fatal accidents.

So, we get this rule.

Now does it start to make sense?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1469)

Date: 03/04/04 08:21 PM
Author: John McNerney (no profile)
Subject: RE: RE: true aim

Jim -

If "pay for performance" is in fact a significant cause of this proposed rule, then they need to redefine how performance is measured. Achieving 100% safety by having 0% flights is not an acceptable method.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1486)

Date: 03/04/04 10:28 PM
Author: Joe Fortman (no profile)
Subject: RE: RE: true aim

The FAA needs to work on increasing the numerator rather than decreasing the denominator in the safety equation. I do not see the logic in this NPRM at all. The FAA needs to understand that without GA, many of you do not have jobs.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1500)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

Forum - Community and Charity Events

3rd FAA Response Edit Delete

3rd FAA Response	Alberta Brown	02/27/04
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Documentation necessary to validate your point	Eugene A. Berger	03/01/04
I vote no	martin l miller	03/01/04
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Post new message in this thread

Date: 02/27/04 04:30 PM
Edited: 02/27/04 04:30 PM
Author: Alberta Brown
Subject: 3rd FAA Response

3rd FAA Response

VINTAGE AIRCRAFT Many of you have been operating vintage airplane rides under the 25-mile sightseeing exception. This exception is not specific to vintage airplanes but generally applies to sightseeing flights, an undefined term. With the growth of the air tour industry over the last 15-20 years, the FAA has become increasingly concerned with the air tour segment. One FAA goal is to have a uniform definition for these flights. We have chosen to use the term "commercial air tour" to designate the type of flight that truly is a sightseeing flight. The definition of "commercial air tour" as proposed in this rule, contains a sightseeing component – a purpose must be sightseeing. To determine whether a purpose is sightseeing, then one must look at the factors listed in the definition (proposed 136.1).

Considering the postings during this public meeting, and the comments submitted in the docket to date, we acknowledge a possibility that at least some of the vintage airplane operators are not actually conducting commercial air tours as defined in the NPRM. If the 25-mile exception is eliminated, you have no provision that allows you to operate as other than an air carrier.

Mr. Robert Lock has posted a good starting point in the 2nd forum (part 91 sightseeing) that is supported by Mr. Alan Stephen and perhaps others. We have taken these suggestions and made modifications that we would like discussion on. First, here are some clarifying points. We deleted "revenue" since the FAA does not have revenue authority. We changed the term "aircraft" to "airplane". We want to limit the discussion to U.S. manufactured and original manufacture. The number of flight hours may be an issue. We show some of your airplanes being operated more than 100 flight hours a year. With flights a few minutes long these flight hours equate to a large number of passengers. Should vintage airplanes operating well above your industry average be treated the same as those of you with drastically fewer hours and what should that time limit be?

We want your discussion specifically on the following language:

You are not considered to be a commercial air tour operator and would be permitted to operate under part 91 with certain conditions if

You operate one or two airplanes and

Each airplane meets one of the following

Was manufactured prior to December 31, 1946 by a U.S. manufacturer for use by the U.S. military (This means the actual airplane not just a make/model of the airplane. A reproduction of a 1945 airplane manufacturer in 1990 doesn't work.)

Or

Has a single piston-powered engine and an open cockpit

Or

Has a single piston-powered engine and 2 or less passenger seats

Or

Has a single piston-powered engine and is bi-wing

Or

Has other than a standard category airworthiness certificate

AND

Are operated for sightseeing flights totaling fewer than 100 flight hours per calendar year

Once it is determined that you are not conducting commercial air tours you would

Show proof of insurance (how much?)

Report to an assigned FSDO (including those of you who travel all over the country)

Satisfactorily complete an annual flight check as mandated by FAA

Operate in accordance with operations specifications as developed by FAA

Please note, the above suggestion is designed to help focus the discussion on some particularly helpful comments that have been received. It is not a new proposal. Any new proposal would be issued through the Federal Register. Any language discussed in this public meeting is not final.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1028)

Date: 03/01/04 09:54 AM
Edited: 03/01/04 09:57 AM
Author: DC Hale (no profile)
Subject: RE: 3rd FAA Response

It appears to me that this is not an honest attempt to see how the public wishes its government to exercise authority, but rather a "hole-filler" (been there, done that) to allow bureaucrats to expunge their consciences. This reminds me of the bad old days of the 1970s FAA. To say operators of vintage aircraft rides "look like an airline" makes about as much sense as saying pony ride operators look like a bus line, or river-canoe rental operators look like a cruise line. As a former airline employee, and the son of a career airline employee, this whole discussion reminds me of the false morality displayed when it was decided to tax airline employees passes. ("I don't see how I can view this as other than income.") Don't ride the white horse; if you really want more money, just say so. At least be honest about it. This appears to be someone in FAA with little else

to do, and yet wishing to "make a mark" while they have the chance. Please don't take away my privilege of taking my son on a Ford Tri-Motor or biplane ride. This is the only way we can physically connect with real history. I will never be able to afford to buy an aircraft like this, and restrictions such as you contemplate would simply result in further elitism; only the rich, who can outright buy the planes, would ever get to enjoy this touch of history. You have no right, or reason, to destroy the patrimony of this and/or future generations.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1176)

Date: 03/03/04 12:06 PM
Author: Keith (no profile)
Subject: RE: 3rd FAA Response

More "lip service" and not much of that.

No participation by the FAA in this or other forums "discussing" this horrendous NPRM.

Thanks for letting us know how the agency REALLY feels about pilot input.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1355)

Date: 03/01/04 06:38 AM
Edited: 03/01/04 06:39 AM
Author: Eugene A. Berger (no profile)
Subject: Documentation necessary to validate your point

It is obvious in this response that the comments made concerning the FAA having predetermined to implement this rule are true. You are asking people to comment on specific language to enable you to make this a better rule. You have yet to justify the reasoning for implementing the rule.

It appears as if someone was looking for something to do and they found it in "Sight Seeing Operations"

and/or "Airplane Rides"

Let us see specific data that indicates there is a problem. You plain language responses still side step the issue. What data has shown that Part 91 does not provide the FAA, Oops, Public, with adequate safety while going for an airplane ride? How does the Public benefit from this proposed rule? What makes you think that "Rules" make things safer? Better trained pilots might be an answer, if you could first demonstrate there was a real PUBLIC SAFETY PROBLEM. I agree with other posters. We need to talk to our Congressional Representatives about government agencies spending money on perceived problems rather than real "documented" problems.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1169)

Date: 03/01/04 09:05 AM
Author: martin l miller (no profile)
Subject: I vote no

Looks like it's a done deal with this forum being nothing but a relief vent. I think the FAA should leave the rules unchanged. I'd rather see the FAA put resources elsewhere.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1173)

Date: 03/01/04 10:48 AM
Edited: 03/01/04 10:55 AM
Author: Terrance W. Anderson (no profile)
Subject: RE: I vote no

I vote no to any change in the Part 91 sightseeing rule. I agree that I have seen no substantiation given as a reason for the change and therefore for that reason alone, no rule should be allowed to be changed. The administrative system for rule changes was designed to safe guard the public, both flying and non-flying, from un-needed, unwanted or badly conceived changes.

A student once wrote a High School term paper making a hypothetical case, with no basis in fact

or statistics, proposing that VFR flight in the U.S. be limited to day just like in Canada. To get a critique he sent his paper to the FAA. The FAA posted it as a NPRM and had the ball rolling toward shutting down night VFR flight before someone finally brought to their attention the basis for the suggestion was based upon a high school paper with no facts to back it up.

I am an ATP/CE500 rated with Comm/ASMEL/IFR. As the manager of a large, but uncontrolled reliever airport with 60,000 operations a year, we have, and support/promote numerous events per year with Part 91 sightseeing by individuals in support of charities. We also closely regulate "Commercial Operations" and when approached by a proposal for a business to be established on the field to provide rides to the public on a regular and advertised basis put the operation under close scrutiny.

I do agree that perhaps the FAA needs to include a clarification to the definition of sightseeing to distinguish between for profit commercial aviation operations continuously offering this service to the public and not-for-profit aviation operations in support of a charity.

If I call a fixed based operator at an airport in Hawaii or Newark and ask for a sightseeing ride, I expect that operator to have a higher level of expertise and safety because they are holding themselves out to the public as a public conveyance. If I'm on the aircraft, I want that operator held to the same standards as a part 135 Day/VFR charter operator because that is, in fact, what that operator is providing.

But do we need to subject the operations of a charity to the same standards. I don't think so. Yet we need to have some assurance that safety is not sacrificed in order to get pilots to fly rides for free.

If we assume that a distinction can be made between "commercial operations offering services to the public" and "not-for-profit sightseeing rides", I agree there should be some minimum license level for the latter and I think that should be a commercial pilot's license. That, in itself, dictates a minimum total flight hours for the pilot of 250 hours. Past research has indicated that pilots are more prone to risk taking with less than 150 hours. I'm sure many on this forum have heard, and even expressed, that until a pilot gets at least 100 to 150 hours under his/her belt, they are still learning on every flight.

Insurance? That is already dictated by the organizations conducting the rides, and the insurance market. Besides, we all know that no amount of insurance available to such operators is going to be sufficient.

Type of aircraft? There is no justification for limiting the qualifying aircraft to "vintage". When we have EAA, CAF, AOPA, Boy Scout, Big Brothers and Big Sisters or the many other rides that take place at our airport, the wide range of aircraft participating provides increased safety by being able to match the "plump" passengers with the higher capacity aircraft. Newer, more

complex and more expensive aircraft usually (note the term usually) bring with them more accomplished pilots and aircraft kept to a higher standard of maintenance. Nothing here should be construed to be a disparaging remark against vintage aircraft which I and the non-flying public are drawn to.

Is an FAA check ride necessary? Certainly not and our FAA staffing levels would never meet the demand. Is some sort of check ride exceeding the standards of the Biennial Flight Review necessary? NO. If it were, then the BFR would have to be changed because there is no justification for protecting someone who paid $5 for a 10 minute ride around the airport more than someone who climbs aboard that same aircraft for free.

I say change the definition of sightseeing to exclude those holding themselves out as a flying service to the public, and put those folks in a Day/VFR Charter classification. Leave the rest of Part 91 as it addresses Sightseeing alone.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1179)

Date: 03/01/04 11:28 AM
Edited: 03/01/04 11:33 AM
Author: james c. buchanan (no profile)
Subject: show me the problem

If there is documentation of of a safety issue with part91 sightseeing/air tour operators, then let's see it so we can discuss a rule written to specifically solve a particular problem. Right now it seems the FAA is only interested in finally making a rule of some sort in order to alieviate "concerns about the increased number of such operators etc., etc." What exactly are "concerns" and how can that be justification for a regulation when there is so much real evidence available documenting no need for such a reg.? Does the NTSB have data to support the recommended changes of the sort included in the new rule? If so, let's see it. I ask you, show me the problem, not some "concern" and then I'll offer my two cents worth about making changes. Until then, let the part91 sightseeing operators alone.

Jim Buchanan Comm. ASMEL/SES, A&P, IA

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1183)

Date: 03/01/04 11:47 AM
Edited: 03/01/04 11:54 AM
Author: Scott Bowerbank (no profile)
Subject: Part 91 / 135 proposed regulations

It appears it is the FAA's plan is to make it nearly impossible for the Commercial Aviation industry to conduct business safely and legally. By imposing more unnessary rules for the sake of creating rules will only increase the cost of doing business for all operators, and those that can't afford to comply with the new regulations (due to the effect on their businesses) will probably reduce costs in other safety sensitve areas. We don't have major safety issues within our industry to warrent such new regulatory requirements. If you were to impose restrictions to the way the general public drives their automobiles like you want to control the aviation businesses, you'd have a back lash like you have never seen before. I for one would like to see your research that shows how these new regulations would save lives, money and make everybody feel more comfortable about aviation. In addition, I would like to see your research on the finacial impact it would have on Operators. If it doesn't do those things, it is a waste of time, money, and dangerous to the future of aviation in the United States of America. Leave the regulations as they are. Sometimes it is much more smart to decide to do nothing, instead of make changes for sake of saying you made changes.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1184)

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Date: 03/02/04 02:01 PM
Author: David Bradley (no profile)
Subject: 100 hours

Alberta why a 100 hours? What is the bases for 100 hours? If you can fly 100 hours a year under part 91 why not 300?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1277)

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Date: 03/03/04 11:23 AM
Author: Tim Dawson-Townsend (no profile)
Subject: Aircraft Types

Why the odd selection of allowable aircraft types? Why a limit of 2 or less passengers? On the other hand, it seems any biplane is allowed, which might include a russian AN-12, which can carry many more than 2 passengers. Looks like we'll all have to move to South Africa, one country that still has a lot of freedom in the skies.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1347)

Date: 03/03/04 01:08 PM
Author: Norman L. Westerbuhr (no profile)
Subject: Open House Fly-Ins

I am an airport manager and conduct an annual Open House Fly-in each year during which we give 20 minute rides for $10. Our local flying association provides the airplanes and pilots. Each year, I am amazed that at least half of the passengers have never flown in a plane before. This is there introduction to the wonderful world of flying and many then start taking flying lessons. It would be a terrible mistake to take this opportunity away from these individuals. I very strongly vote no to the proposal, that is if we even have a vote

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1365)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

Forum - Community and Charity Events

FAA Response Edit Delete

1st FAA Response to this forum	FAA	02/25/04
RE: 1st FAA Response to this forum	Brian Reynolds	03/02/04
RE: 1st FAA Response to this forum	Mitch Moldenhauer	03/02/04
Questions on "1st FAA Response" ???	Brent Taylor	02/26/04
RE: Questions on "1st FAA Response" ???	Thomas Brown	02/28/04
RE: Questions on "1st FAA Response" ???	Thomas Brown	02/28/04
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the difference - Airlines take people from point A to point B	Mark Kraabel	02/27/04
Safety	David Lee McMillin	02/28/04
Sightseeing is not an airline, no transport, few passengers	mark boyd	02/28/04
Rule Making	K1muffassa	03/02/04
For lack of a 'rational' explanition	David B Keeffe	03/02/04
A solution	Jim Pratt	03/03/04
RE: A solution	Rick Pellicciotti	03/03/04
Guilty until proven innocent	Tim Dawson-Townsend	03/03/04

Post new message in this thread

Date: 02/25/04 11:47 AM
Author: FAA
Subject: 1st FAA Response to this forum

Please do not hit "reply" to this message. Post a new message if you want to respond to my response.

Hello from FAA. Thank you so much for your participation. I hope to respond in plain language. For example, instead of saying "Code of Federal Regulations Part 135 Section (you get the idea) I'll just give the site. When I say "sightseeing" it includes flightseeing, air tours, commercial air tours, etc. When I say "vintage" it includes WWII and historic. Because I also read all the comments in the electronic docket, I may address some areas that you said in the docket but didn't say in this public meeting. I may use "I" or "we" or "FAA". I have lots of help. I want to get to the issues and not be a chat room. The worse part is

getting started. I'll try to move quickly. This response is posted in all three forums. A response that involves only one forum will be posted only in that forum.

Let's start with some truths: - This rule was not created by the events of September 11, 2001. - The intent of this rule is not to put you out of business. - The FAA does not have Congressional legislation on this rule (yet). Yes there has been legislation on some other rules that involved sightseeing. - This is not a national park rule. - This rule was not started for "noise" reasons. - The FAA is not against charity, veterans, vintage airplanes, private pilots, sightseeing, nonprofit, or lobbyists. - By definition the largest of you is a "small business".

Here are some subjects that come up over and over. I will add to them in future responses.

700 COMPANIES OUT OF BUSINESS Wow, never actually said that and apologize for giving that impression. No intent to put anyone out of business. FAA did a survey of those doing sightseeing in part 91. We have lots of data on the air carriers doing sightseeing. However, we do not have a similar data base on part 91 operators. In preparing the economic analysis we hired a consultant, surveyed the FSDOs, and used data from the FAA General Aviation Survey. Some businesses were found in the phone book , on the Internet, or through other sources. The analysis was based on the proposal of mandating part 121/135 for all part 91 operators conducting sightseeing. It was felt that of all the sightseeing businesses, 700 of them would decide to stop doing sightseeing rather than become a certificated air carrier. These 700 businesses were thought to only conduct sightseeing 10 hours a year. If there had been a database, we would have known been able to assess the impact more accurately.

THE FAA DOESN'T HAVE ENOUGH INSPECTORS QUALIFIED IN THE VINTAGE AIRPLANES. The FAA has many qualified inspectors. It sounds like a great full time job to me. There are organizations who do have qualified individuals and we have used them in the past. This issue can be solved.

WHY DO WE WANT TO REGULATE YOU. Because you look like an airline. A passenger decides to go on an airplane (why doesn't matter). The airplane operator wants money (donations are money). The passenger is happy if part/all of that money goes to a good cause but wants to go on an airplane anyway. Airplane operator gives the passenger what the passenger paid for. What's different about you? Airline passengers and your passengers deserve certain standards. I'm not saying you don't have standards. Many of you operate wonderful companies and make lots of passengers happy and you do it without being an airline. Airlines give to charity too and always have. Some have said the risk is known and accepted. The FAA believes that the passengers do and should look to FAA for appropriate regulations. The passengers shouldn't need to understand levels of safety. The NTSB recommended that we improve regulation of part 91 sightseeing and we agree with them.

Lots more to follow.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=899)

Date: 03/02/04 02:08 AM
Author: Brian Reynolds (no profile)
Subject: RE: 1st FAA Response to this forum

How many FAA inspectors are trained on the V-12 engine? An Experimental B-24 Bomber looks like an Airliner? Are you kidding me? These are very expensive aircraft. I think it's fair to say the majority of operations who can afford to keep these planes in the air are more careful that a lot of certificated operations. This whole thing should be dropped now. What a waste of time and taxpayer dollars. Keep your mind on 121 and 135 and leave this tiny part of avaition and avaition freedom alone. Tell the NTSB to tell Hillary Clinton we are fine and we don't need her help!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1241)

Date: 03/02/04 09:14 AM
Author: Mitch Moldenhauer (no profile)
Subject: RE: 1st FAA Response to this forum

Personal responsibility must be a part of a free society. Someone offering a plane ride to someone who wants to go on it should be none of your business. There are already numerous laws that protect people for negligence; we don't need more laws and regulations.

Have you ever thought of doing a cost/benifit analysis? At a great cost to freedom, which aparently you value very little, you offer the public very little in terms of increased safety or security.

At the Forest Lawn Cemetary in Burbank, there are famous quotes proclaimed throughout the memorial park. One, by who I recall was James Madison, said that our freedom would not be taken away in one fell swoop by an enemy, but one law at a time from within.

I suppose you all want to be a part of that propehcy.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1255)

Date: 02/26/04 12:19 PM
Edited: 02/26/04 12:24 PM
Author: Brent Taylor (no profile)
Subject: Questions on "1st FAA Response" ???

Since this electronic forum is suppose to be for questions and answers I would like to ask a few questions in relation to the "1st FAA response to this forum".

1. Whether you actually said you would put 700 companies out of business or not is rather a mute point compared to the way you arrived at any number. If as you state "there had been a database, we would have known been able to access the impact more accuratley" then how specifically did the FAA and NTSB decide on the need for such a sweeping regulatory change?? Why is it acceptable to the FAA that 700 companies (or any company) operating within the current regs and doing so safely should have to close it's doors just because the FAA decides (with either faulty or incomplete data) there is a problem with that type operation ??

2. While the FAA does have many good inspectors they really do not have enough inspectors whom are qualified to deal with vintage aircraft. This is fact not speculation. I would like to know how the FAA plans on using qualified induividuals from organizations to do what is mandated as the FAA's job?? As an A&P and IA can I know approve data, field approvals, engineering etc. ?? I think not. So please explain specifically how this issue can be solved ??

3. If it looks like a duck and barks like a dog it must be an airline !!! And "passengers shouldn't need to understand levels of safety". I guess they shouldn't need to understand levels of security then either. But why shouldn't they need to understand levels of safety ?? Wouldn't that go a long ways in helping to prevent unessessary regulations ?? Wouldn't the tax payers money being spent on this ill conceived NPRM go a long way in educating the public in the differences between flying a United 747 and a 1929 open cockpit biplane?? Wouldn't that education help raise the level of safety ?? Wouldn't the owner/operator's safety factor increase by having less regulations to comply with and worry about ???

I await your response.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=944)

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Date: 02/28/04 10:03 AM
Edited: 02/28/04 10:07 AM
Author: Thomas Brown (no profile)
Subject: RE: Questions on "1st FAA Response" ???

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1061)

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Date: 02/28/04 10:05 AM
Author: Thomas Brown (no profile)
Subject: RE: Questions on "1st FAA Response" ???

I don't think the potential "customer" holds any illusions that they are boarding an airline.

I see no need, legally or otherwise, to inflict a level of FAA regulation on these operators that the FAA would deem to be equal to that imposed by the FAA on real airlines.

I think the proposed Rule is unnecessary, and would crush an aviation activity that thousands of American safely enjoy every year.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1063)

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Date: 02/26/04 05:37 PM
Author: Bruce N. Liddel (no profile)
Subject: 1st FAA Response to this forum

OK, let me see if I have this correct. You (the FAA) want to eliminate part 91 charity airlifts because they look like airlines to you. Pilots "hold themselves out to the public to fly for money". Passengers pay to go for a ride in an airplane. Is that correct? So if we could convince you that part 91 charitable airlifts do not really look like airlines then you would dispense with the proposed rule? Alright then. Let me take another crack at this.

Lets examine some airlines that we all agree are airlines. United, American, Southwest, Northwest, KLM, El Italia. First, they operate in the US under part 121. Second, they operate for the profit of the stockholders. When there is no profit for the stockholders, and no prospect for future profit, the operation is sold, or it ceases altogether, ala Alleghany, Brannif, Capitol, Delta, Ozark, Pan American, Peidmont, TWA, ad infinitum. Now let's add part 135 into the mix. There still has to be some profit for the partners or the stockholders. No profit, no long-term continuing operations. Dozens or hundreds of Part 135 operators have ceased operations since Sept 2001, because there is no realistic hope of future profits.

Now lets compare to part 91 charity airlift "airlines". OOPS, NO PROFIT at all, not EVER! Compensation perhaps, in a very demented twisted overextended reach of interpretation, but absolutely no PROFIT that can be retained by the alleged "airline". The more charity airlifting you do, the more personal funds you spend to continue doing it. When the motive is to benefit charity and incidentally to have an opportunity to present general aviation in a positive light, the "operators" are sufficiently motivated by their own survival instincts to make their flights as safe as they have historically been. Nobody can make any kind of living at charity airlifts, so there is no profit incentive to assume greater risks, as there could conceivably be with Part 135 charter operations. A fundamental fact that few government employees can understand is that gross receipts do not equal profit. That would be like saying gross Federal Income-tax revenues equal Surplus. Get my drift?

Now let's consider those "paying passengers". People pay for things that have risks all the time. Cigarettes, cars, medical services, even food. Do the USDA and FDA and many other food-regulating Federal departments try to regulate charity bake sales because the patrons deserve the same Federal "protections" as patrons of regulated grocery stores? Would you (continue to) assert that the reasons patrons purchase bake sale cookies do not matter? Apparently the USDA and FDA have much more common sense than the FAA. Citizens are sick to death of a government so determined to protect them from their own choices that it would deprive them of the liberty to make those choices. Thanks goodness for charity bake sales that the FAA doesn't have the jurisdiction to view them as commercial bakeries. If they did, only bakers with 500 hours of commercial baking experience and 120 hours of federally certified instruction "in cookies" could sell their products, and cookies would cost $500 each.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=974)

Date: 02/26/04 11:35 PM
Author: Steve Thompson (no profile)
Subject: "Looks Like an Airline"

I would like to make some observations about the following:

"WHY DO WE WANT TO REGULATE YOU. Because you look like an airline. A passenger decides to go on an airplane (why doesn't matter). The airplane operator wants money (donations are money). The passenger is happy if part/all of that money goes to a good cause but wants to go on an airplane anyway. Airplane operator gives the passenger what the passenger paid for."

It is interesting that the company that I work for meets all those requirements. Ergo, my employer is an airline. Mind you, the passengers buy our products which is why they got on the company airplane.

I checked and found that FAA legal had issued a letter stating that my employer is not an airline and that what they do falls within part 91 exemptions.

We all know that part 91 allows certain commercial operations. It gives the specifications for those operations. That someone (person or company) offers rides w/in part 91 is not a problem in and of itself. That NTSB and FAA now say that this makes you a 135 operation is hog wash.

Seems that many years ago, a certain court held that it is perfectly legal to AVOID taxes, but not to EVADE taxes. What we have here is a problem with a group of operators taking full *LEGAL* advantage of the rules w/in Part 91.

Why then does it seem that this NPRM is a means to stop competition with 135 carriers when there is no competition? Put another way, this NPRM is designed to terminate part 91 commercial operations with the exception of training?

Would an airline be able to offer a local "air tour?" Would John Q. Public go out to their local airport (non-towered, no published approach, 2500'x40' runway) and get a sight seeing ride if this NPRM is passed? Today John Q. Public can do this and pay for it.

To further make this point, where is this "airline" that operates out of this airfield w/o a tower, no published approaches, and a short runway? What airline is allowed to do this or would offer such a ride around the local town to sight see? And at a price that would make it feasable?

Operating under 91 as opposed to 135, this "airline" can afford to offer this customer an on demand flight to see what this customer wants to see. And quite possibly this customer will sign up for flying lessons, or perhaps one of their children will.

"Because you look like an airline." I think you need a better definition, and one that is reasonable. Yes, on paper, where you can ignore many issues, this might look like an airline, but when you go out there in the real world and actually look, it looks a whole lot like GENERAL AVIATION to me.

Steve Thompson

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=979)

Date: 02/27/04 03:43 PM
Author: Mark Kraabel (no profile)
Subject: the difference - Airlines take people from point A to point B

"Airplane operator gives the passenger what the passenger paid for. What's different about you?"

I hope you realize how rediculous this statement is. My wife flie on airlines to get from one place to another. She hates planes.

I, on the other hand, love airplanes. The next time a B-17, B-25, Lancaster or anything else of the type is in the area, I will pay to have the experience of flying in the plane. It will take off from one place and land again at the same place. I will not have gone anywhere.

That is the difference.

Also, this requlation effects more non-pilots than pilots. With this private "public meeting", they will never know that the great heritage of the barn stormers is about to be regulated out of existence.

Noise is an issue - or rather people's intolerance of noise for a special event is an issue. In Minneapolis, we have lost power boat racing on the Mississippi during the Aquetenial and the race track at our State Fair Grounds. All attempts at building an outdoor amphitheatre have been stopped by oppostion to the "noise". Noise. How can anyone call the sound of a radial "noise".

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1023)

Date: 02/28/04 11:31 AM
Edited: 02/28/04 11:32 AM
Author: David Lee McMillin (no profile)
Subject: Safety

Is the FAA part of or report to the NTSB? If our, once again, intrusive government would really like to put safety as the foremost objective and make the general public safer, when traveling in the US, then why doesn't the government put a priority on Driver's Eductaion? My daughter's high school here in Mauldin, South Carolina offers 50 students classroom trianing out of 1,800+ students per year. Not only that but a 15 year old gets a learner's permit BEFORE having to take formal training in which the parents must pay to provide ($250). If the FAA has enough time, money, and energy to devote to this absurd proposal then I'm sure there are other areas of air safety that aren't getting attended to, like weight limits on commercial aircraft. If you're trying to justify your job(s) with this proposal then maybe you aren't qualified for your job. This is about the most ridiculous thing I've ever heard of especially when I see all the teenage drivers getting killed on the roads. Put time and money where it can do the most good and regualting safe; experienced; private pilots is not one of them! I sincerely hope that if the FAA continues to pursue these new rules it would allow for public comment in a face-to-face forum.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1068)

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Date: 02/28/04 12:39 PM
Author: mark boyd (no profile)
Subject: Sightseeing is not an airline, no transport, few passengers

As another poster pointed out, there is no transportation between two points, and there are only 1-5 passengers. This means very clearly that there is less training and experience required. This isn't a 727 flight over Cuba, nor even a night IFR check cargo flight in icing. Sightseeing and tour flights are simple to plan, short in duration, have simple, local weather, with a pilot who is very likely experienced in local flying.

The FAA has consistently and unneccesarily over-regulated airlines and part 135 operators as well. Nobody who runs these operations, and I mean nobody, believes the FAA provides anything to the safety equation, other than annoyance with the minor details. Every operator pays extremely close attention to what the insurance company says. In every single decision about safety, the bottom line is "is it insurable?" The insurance companies all have requirements that are far more discouraging than any FAA

policies or rules. Additionally, anything the FAA thinks it may be doing to improve safety has already been done tenfold by the wrongful death lawsuits in every single one of the cases used as the justification for the NPRM.

Keep in mind the CFR's allow IFR flight without a transponder at 1000 ft AGL at night in G airspace with no communication with anyone, with maybe 5 passengers and only an IFR ASEL PVT license. The FAA doesn't keep anyone from doing this; the potential lawsuits keep everyone from doing this because it's stupid.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1072)

Date: 03/02/04 07:58 AM
Author: K1muffassa (no profile)
Subject: Rule Making

The FAA's mandate is to foster aviation in the interest of safety. The new proposals do have some merit; however, the majority of the proposal is a detriment to aviation. An airline? A air carrier that provides SCHEDULED air service. The air tour industry and charity organizations are not scheduled operations, period! The majority of these operations are mom and pop small, on-demand operations wishing to provide a service to local areas and charity's. All these operators will be out of business with the cost and bureacracy of part 135 requirements. The vast majority of accidents cited in the proposal were over-water operations. The cfr's already state over-water need's for these operations. Hawaii is a unique setting, rugged landscape, no suitable emergency landing areas etc. I can see floatation requirements for operating equipment in this area. The 500 hr. minimum requirement is also without merit. A 250 hr. certificated commercial pilot can take a paying passenger anywhere in the world for hire. The new proposal would require that same pilot to have a minimum of 500 hrs. for a flight in the traffic pattern if he was associated with a "air tour operator". If this is the case than a commercial pilot should be required to have a minimum of 500 hrs. for a certificate. Another ridiculous proposal. The FAA should use the millions this proposal would cost and put some people to work enforcing the regulation already in place instead of destroying the livelyhood's of small operators and charity organizations. FOSTER aviation don't destroy it! Enhancing safety without destroying aviationopportunities is possible.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1247)

Date: 03/02/04 01:56 PM
Author: David B Keeffe (no profile)
Subject: For lack of a 'rational' explanition

Having read all previous postings, and appreciating their logical counter arguments to what is at best an illogical proposal, I have come up with the following 'rediculous' attempt to explain this latest buffunary on the part of Federal Government.

Is some one in the currant administration setting our president up (and us in the process) to come in at the eleventh hour and save us from those bad beaurocrats in the FAA with their latest example of Big Government intrusion?

Please humor me, I hope this is as rediculous as it sounds, although nothing would suprise me today.

By the way, I am not a pilot, but I have felt the joy of flying through the graces of my Navy Aviator father, and my two AirForce Aviator Uncles, all WWII pilots. Thankyou.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1276)

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Date: 03/03/04 09:42 AM
Edited: 03/03/04 09:45 AM
Author: Jim Pratt (no profile)
Subject: A solution

You state: ========== "WHY DO WE WANT TO REGULATE YOU. Because you look like an airline. A passenger decides to go on an airplane (why doesn't matter). The airplane operator wants money (donations are money). The passenger is happy if part/all of that money goes to a good cause but wants to go on an airplane anyway. Airplane operator gives the passenger what the passenger paid for. What's different about you? Airline passengers and your passengers deserve certain standards. I'm not saying you don't have standards. Many of you operate wonderful companies and make lots of passengers happy and you do it without being an airline. Airlines give to charity too and always have. Some have said the risk is known and accepted. The FAA believes that the passengers do and should look to FAA for appropriate regulations." ==========

I would offer this alternative as an equivilant level of safety:

Make a rule that states that Charity events and Air Tours must have a sign, say, 2 feet by 3 feet, and at least two feet above ground level, in the general vicinity of the boarding area fo the aircraft.

The sign should say "This event is not conducted by an Airline, and the FAA does not regulate this event. You are an American capable of judging whether you want to fly on a highly regulated airline, or a non-regulated entity. We are a non-regulated entitity. Fly at your own risk. "

Then people could make thier own choice. The FAA could even make a standard design for the sign, and make them available free of charge to any Part 91 operator. That would be considerbly less expensive than the manpower to issue op specs, perform surveillance, etc.

Remember, the FAA is empowered to issue "reasonable rules" in the interest of safety, and is mandated to consider the differences in Air Commerce, and other activites in aviation. You cannot simply ignore Congressional Intent in recognizing the different standards are required for different situations. To do so and say "What is different about you?" shows that you do not understand your authority from Congress.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1335)

Date: 03/03/04 11:10 AM
Author: Rick Pellicciotti (no profile)
Subject: RE: A solution

This suggestion is perhaps tongue-in-cheek or over the top. It is similar though to a proposal that I floated earlier. I will state it here again:

I, for one, would be willing to put a placard on my airplane in plain view of the passengers that reads, "This airplane is not certified by the FAA as an Airliner".

That should take care of the concern for the public not understanding the difference between my biplane ride operation and the airline that they flew on to visit my city.

I think it is interesting to note that I operate from an airport adjacent to a racetrack. On the racetrack, there is an operation at sells rides in a NASCAR car or for more money, they will let the person drive the car themselves. I am certain that no one who has ridden in the NASCAR car has mistakenly thought they were renting a Taurus from Hertz.

Rick Pellicciotti Chief Pilot/Owner Belle Aire Aviation

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1342)

Date: 03/03/04 11:49 AM
Author: Tim Dawson-Townsend (no profile)
Subject: Guilty until proven innocent

It looks like in the FAA eyes charity and Part 91 operators are guilty until we prove ourselves innocent . . . (although the charges are unclear and we're not allowed to see any evidence against us.)

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1350)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

Forum - Community and Charity Events

Sample Operations Specifications Edit Delete

Sample Operations Specifications	Alberta Brown	03/01/04
ops specs	michael muetzel	03/02/04
RE: ops specs	Alberta Brown	03/02/04

Post new message in this thread

Date: 03/01/04 02:56 PM
Edited: 03/01/04 02:58 PM
Author: Alberta Brown
Subject: Sample Operations Specifications

This sample is specifically for Hawaii but for those of you who have never used an Operations Specification it may be helpful. The subject areas have a letter (B048 is below 1,500 feet). These operations specifications are controlled from FAA Headquarters. They can be done electronically completely or via mail if the operator doesn't have or doesn't want to use automation. Comments have not acknowledged that the FAA air tour regulations do include deviations. The format gets moved around here but you'll get the idea. I can also send via e-mail if you like.

B048. Air Tour Operations Below 1,500 Feet AGL HQ Control: 04/03/02 in the State of Hawaii HQ Revision: 000

The certificate holder is authorized to conduct Title 14 Code of Federal Regulations (14 CFR) Part 135 air tour operations below an altitude of 1,500 feet above the surface in accordance with the requirements of SFAR 71, Special Operating Rules for Air Tour Operations in the State of Hawaii, and the limitations and provisions of this operations specification.

a. Prior to conducting any air tour operations under this authorization:

(1) Each pilot must be trained and qualified in accordance with the certificate holder's FAA-approved training program and the provisions and limitations of the certificate holder's FAA-approved SFAR 71

Procedures Document.

(2) Each company flight instructor must have successfully completed an initial evaluation by the Administrator over all the site-specific locations prior to conducting its company SFAR 71 flight instruction.

(3) Each operator and pilot-in-command shall conduct or participate in at least one formal air tour safety meeting each 12 calendar months to discuss safety trends and SFAR 71 issues and procedures.

b. Aircraft requirements.

(1) If an aircraft displays registration markings smaller than twelve inches high or other authorized markings, twelve-inch high numbers or markings shall be affixed to the belly of the aircraft as authorized by the Administrator.

(2) Unless otherwise authorized by an approved minimum equipment list, aircraft operating under this authorization shall operate installed transponder equipment including Mode C, on a code as assigned by ATC, from takeoff until landing.

c. En route operating requirements.

(1) Flights shall not exceed a distance of fifty nautical miles from the shoreline of one of the major islands of Niihau, Kauai, Oahu, Molokai, Maui, Lanai, Kahoolawe or Hawaii.

(2) Flights will be conducted only during the period from official sunrise until official sunset. On overland transition segments, no flight will be conducted in Class G airspace where the flight visibility is less than 3 statute miles. No flight will be conducted on over-water transition segments in Class G airspace where the flight visibility is less than 1 statute mile.

(3) In Class G airspace, no flight will be conducted closer than 300 feet above, below, or horizontally from any cloud.

(4) Each pilot will maintain radio silence except as necessary for ATC communications, traffic and position reporting, and other safety-related requirements.

(5) In addition to the requirements of 14 CFR Section 135.183, for flights beyond the shoreline of any island in a single-engine land aircraft, the operator will ensure each person aboard the aircraft is wearing either

(a) A quick-donning life vest worn around his/her waist, or

(b) A non-quick-donning life vest worn so as to be ready for its intended use except for inflation.

d. Sites, transition segments, and over-water segments.

(1) Operations will be conducted only at those specific sites, transition segments and over-water segments described in the certificate holder's FAA-approved SFAR 71 Procedures Document.

(2) Overland transition segments will be flown at or above 1,000 feet above the surface and within 1 nautical mile either side of the centerline of the transition segment.

(3) Rotorcraft operations.

(a) Except when necessary for takeoff and landing, flights may be operated no closer than 1,500 feet from any person, structure, vehicle or vessel on the surface. Flights must maintain a minimum of 500 feet horizontal standoff distance from raw terrain.

(b) Except when necessary for takeoff or landing, carriage of passengers with a single-engine helicopter over water is prohibited unless the helicopter is operated at an altitude that would allow it to reach land and a suitable forced landing area in the event of an engine failure or it is equipped with FAA-approved helicopter flotation devices.

(c) Suitable emergency landing area selected by the operator must be within the normal auto-rotate gliding distance of the rotorcraft in accordance with the rotorcraft flight manual.

(d) Over-water transition segments are authorized for multi-engine helicopters and for single-engine helicopters equipped with FAA-approved helicopter flotation devices. All aircraft shall be operated at least 500 feet above the surface or at an altitude above the top of the height-velocity diagram, whichever is higher; and no closer than 1,500 feet standoff distance from land.

(e) For operations below 1,000 feet above the surface at specific sites authorized in the certificate holder's FAA-approved SFAR 71 Procedures Document, the following restrictions apply:

(i) Any time the aircraft is operated at less than 1,000 feet above the surface, including ridge crossing points, it must be in a position to reach a landing area designated in the certificate holder's FAA-approved SFAR 71 Procedures Document at a specific site or transition segment by the operator and accepted by the Administrator as being suitable for an emergency landing in the event of an engine failure.

(ii) Single engine aircraft shall be operated at least 500 feet above the surface or above the top of the height-velocity diagram, which ever is higher.

(iii) Entry to and egress from approved specific sites will be at the designated ingress and egress points at

not less than the specified minimum altitudes.

(iv) Pilots will make position reports at the designated checkpoints for each approved specific site, including aircraft call signs.

(f) Multi-engine aircraft operations below 1,000 feet above the surface:

(i) Any time the aircraft is operated at less than 1,000 feet above the surface it must be operated at or above single-engine recommended airspeed and at a weight that will allow it to climb, with one engine inoperative, at least fifty (50) feet a minute, to an altitude of 1,000 feet above the surface, or

(ii) If the aircraft is operated at an airspeed below the single-engine recommended airspeed, the aircraft must be operated in accordance with procedures set forth in the general operations manual and at a weight that will allow it to accelerate and reach the single-engine recommended airspeed while not loosing more than one hundred and fifty (150) feet of altitude.

(iii) All aircraft shall be operated at not less than a minimum of 300 feet above the surface or at the top of the height velocity diagram, whichever is higher.

(iv) Entry and exit at the approved sites will be at the designated ingress and egress points at not less than the specified minimum altitude or as described by the FAA-approved SFAR 71 Procedures Document.

(g) "Razorback" ridgelines may be crossed at a minimum of 200 feet AGL.

(4) Airplane operations.

(a) Except when necessary for takeoff and landing, flights may be operated no closer than 1,500 feet horizontal standoff distance from any person, structure, vehicle or vessel on the surface. Except for takeoff and landing, flights will not be operated below 1,000 feet above the surface.

(b) Over-water transition segments will be flown at least 1,000 feet above the surface and no closer than 1,500 feet standoff distance from land.

(c) Flights must remain within ½ NM radius of the approved site location, and 1,500 feet standoff from the terrain. Pilots will make position reports at the designated checkpoints for each specific site, including airplane call signs.

e. Other limitations and provisions for specific Hawaiian Islands.

TEXT01

TEXT99

1. Issued by the Federal Aviation Administration. 2. These Operations Specifications are approved by direction of the Administrator.

3. Date Approval is effective: Amendment Number: 4. I hereby accept and receive the Operations Specifications in this paragraph.

Date:

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1196)

Date: 03/02/04 03:18 PM
Author: michael muetzel (no profile)
Subject: ops specs

So what's your point, Alberta? Are you advocating ops specs for every charity event?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1284)

Date: 03/02/04 03:46 PM
Author: Alberta Brown
Subject: RE: ops specs

Mr. Muetzel,

The 3rd FAA response offered possible ways to keep vintage out of part 135. It included operations specifications. Several commenters said they were not familiar with operations specifications and wanted to see a sample. That was the point.

The 3rd FAA response was meant to generate suggestions. The final rule is not written or pre-

decided. Also, vintage was just a place to start. We realize there are operators using other than vintage.

Thanks

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1290)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

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Forum - Part 91 Sightseeing in accordance with 25 mile exception

Management Specifications in lieu of certification. Edit Delete

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Date: 02/22/04 06:35 PM
Edited: 02/23/04 02:49 PM
Author: FAA
Subject: Management Specifications in lieu of certification

Your comments have been helpful and have pointed out some unintended consequences of the proposals, particularly in the areas of vintage aircraft operations and charitable and community events. The NTSB was concerned that we have insufficient data on this group of air tour operators and we agree. They recommended that we should require all air tour operators to obtain a certificate in order to build a database of air tour operators.

Our traditional method of keeping data on operators has been through certification and issuing operation specifications. Many of you pointed out that you operate under circumstances (for

example, you use non-aviation fuel, etc.) that make a traditional certification impossible. We welcome alternatives that will satisfy the NTSB concern of data for tracking safety history and that are not as burdensome as certification.

An alternative to part 121 or 135 certification may be to require management specifications (similar to those that were designed for part 91 subpart K, Fractional Ownership) that would provide us essential data but require minimal administrative burden on operators.

Please remember that the proposed changes to part 136 would apply to all air tour operations, including those currently operating under the 25-mile exception and those flying for charitable and community events. Some of the proposed changes to part 136, including altitude and stand-off, cloud clearance, flotation, and helicopter performance requirements are discussed in the forum for part 121 and part 135 operations. We encourage you to participate in all of the forums that may affect you.

Do you believe that management specifications instead of certification and operating specifications would achieve the same level as safety as the proposed rule and impose fewer burdens on operators?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=689)

Date: 02/23/04 01:30 PM
Author: Keith (no profile)
Subject: RE: Management Specifications in lieu of certification

I'm sorry, but the "insufficient data" could be due to a LACK of problems with these operators??

Why do you need more data on these operators? What data is it you really require and why? Is this still the United States of America?

WHat is the problem addressed by this regulation in the first place?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=742)

Date: 03/03/04 12:16 PM
Author: Keith (no profile)
Subject: FAA PARTICIPATION???

More "lip service" and not much of that.

No participation by the FAA in this or other forums "discussing" this horrendous NPRM.

Thanks for letting us know how the agency REALLY feels about pilot input

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1359)

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Date: 03/15/04 09:50 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: Management Specifications in lieu of certification

Mr. Keith,

Please see previous responses.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1730)

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Date: 02/23/04 10:32 PM
Author: Steve Thompson (no profile)

Subject: RE: Management Specifications in lieu of certification

Traditional methods sometimes do not work.

In order to do air-tours an insurance company must know that this is being done, right? Get a law that says they must provide you with this kind of information. Now you will know who all the air-tour operators are, what types of aircraft are being used, and voila!

The FAA can then publish how many air-tour operators there are, how many hours they flew, how many tours they flew, and how many claims there were. Match all this up with the NTSB and you will then have FACTS and real statistics to show why this or that needs be done.

The first thing will be using that information to backup the termination, for cause, of the FAA employees that came up with this NPRM.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=812)

Date: 03/15/04 09:57 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: Management Specifications in lieu of certification

Mr. Thompson,

Insurance is a good idea. We have posted what part 121 and 135 require. The carriers need to show proof of insurance and it is the insurance companies that actually provide the information to the FAA. FAA Headquarters keeps track of the status and coordinates with principal inspectors.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1731)

Date: 02/26/04 01:50 PM
Author: Rick Pellicciotti (no profile)
Subject: RE: Management Specifications in lieu of certification

Is there a "white paper" or some kind of primer on these management specifications? I would like to study them before making a comment about them.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=950)

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Date: 03/15/04 10:09 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: Management Specifications in lieu of certification

Mr. Pellicciotti,

That's a logical request. Part 91, Subpart K recently allowed Management Specifications and the ability to operate in Part 91 instead of going into 121/135 with more extensive Operations Specifications. See Part 91, Subpart K and more specifically see 91.1015, 91.1017 concerning Management Specifications. Realize that there are many very sophisticated airplanes and companies in this new subpart entitled Fractional Ownership Operations. Many of you would be much smaller and perhaps need less. These specifications are an idea to track the existing part 91 air tour industry without moving it into 135 and doing it with the least burden.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1732)

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Date: 02/26/04 03:40 PM
Edited: 02/26/04 03:41 PM
Author: randall henderson (no profile)
Subject: RE: Management Specifications in lieu of certification

FAA said: --> We welcome alternatives that will satisfy the NTSB concern of data for tracking safety history and that are not as burdensome as certification.

I responded more fully in a different thread but I'd like to repeat part of my response here since it addresses this specific question. My suggestion is to hold off on regulatory changes until some RELEVANT data can be collected. FAA "traditionally" collects data via regulatory reporting requirements, I submit that simply adding some questions to the medical form would satisfy the requirement for data without imposing a significant burden on operators. E.g:

Total hours flown as part 91 sightseeing ____

Average number of passengers flown per sightseeing flight___

Make/Model/Year aircraft used in sightseeing flights 1) ___ 2) ___ 3)

Total hours flown as part 91 charity flights____

etc.

Not only can FAA look at these data, but also NTSB, EAA, AOPA ASF, and other industry groups WHO ALSO WANT TO IMPROVE SAFETY but who are also the ones who will be adversely affected by overburdensome regulations.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=962)

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Date: 03/15/04 10:11 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: Management Specifications in lieu of certification

Mr. Henderson,

Previously answered. The medical certificate option is a good idea. The medical form is not at all easy to change but we like your idea.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1733)

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Date: 03/02/04 03:57 PM
Author: michael muetzel (no profile)
Subject: RE: Management Specifications in lieu of certification

"Do you believe that management specifications instead of certification and operating specifications would achieve the same level as safety as the proposed rule and impose fewer burdens on operators?"

Let's see here. I'm holder of a Repairman Certificate for a single-engine fixed wing experimental airplane and fly it for charity events. Since there is no other person involved with this aircraft, I would be the Director of Operations? And Director of Maintenance? And Chief Pilot? And Fueler? ETC, ETC. So I don't really see any way that ops specs or management specs makes any difference, any change will add to the burden on this operator. Without a documented problem, why would you do that to me? Or to anybody else?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1294)

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Date: 03/15/04 10:15 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: Management Specifications in lieu of certification

Mr. Muetzel,

Many part 135 operators are also one person. The specifications for them are also pretty simple, written by the FAA and are electronic. The one person agrees to them when signing for them. There is no training manual since there is no one to train. There is no operations manual since no one would need to read it, etc.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1734)

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Date: 02/23/04 04:08 PM
Author: Bill Kline (no profile)
Subject: Motivations

This seems like an attempt to make it look like "We did SOMETHING". It is clear from the lack of data that this is a solution in need of a problem.

The real problem is the political influence [usually from non-aviation, high profile shrills] that trumps the those safety people who actually know what they are talking about.

How much money has been wasted on this dataless proposal by the faa that could have gone to something meaningful like accelerated certification of solid state gyro's, compression ignition engines [lower fuel flamibility],or some other meaningful push to achieve a real safety improvement?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=764)

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Date: 03/15/04 10:25 AM
Author: Alberta Brown (no profile)
Subject: RE: Motivations

Mr. Kline,

Please do read the dozens of previous responses including to you. We realize you wrote your comments 2/23, the first day of the Internet meeting.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1735)

Date: 02/23/04 04:53 PM
Author: Andrew Watkins (no profile)
Subject: Additional Administrative burden unnecessary

As a flight school owner in Watsonville, CA (WVI) www.ifrsolutions.com, I'm concerned that This new rule will not allow me an important avenue to promote my business. Flight training in the initial stages, is very similar to a scenic flight. The student is becoming familiar with the cockpit environment, and the instructor is doing all the flying.

I perform many scenic flights a year. From these, I generate a certain percentage of students.

If the proposed ruling goes into effect, you will have many part 91 operators who will simply call their operation 'training flights' which will end run the regulation anyway. Not to mention remove them from a 25-mile restriction.

I believe there will be no increase in safety due to the proposed rules, and only cause additional administrative burden, on an already overly burdened industry, and/or eliminate a significant percentage of businesses from the marketplace. This loss of business, I believe, will have a VERY significant negative impact on the aviation economy as a whole, which currently is struggling to survive.

In these times of economic weakness, we cannot tolerate any additional burdens, that will have little or no positive impact on safety.

Andrew Watkins President Instrument Flight Solutions, Inc.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=777)

Date: 03/15/04 10:35 AM
Author: Alberta Brown (no profile)
Subject: RE: Additional Administrative burden unnecessary

Mr. Watkins,

Thank you for your good comments. We pretty much agree with them. The first thing a student wants to do is fly over his/her house or see the home town from the air. Later the flight instruction gets more training focused. At the most bizarre an air tour company in the business of giving numerous air tours most days could give each passenger a souvenir logbook and hire only flight instructors to fly them. While we don't think that would happen, we also see the importance of protecting flight schools. We'd also like to protect the entire air tour industry although you wouldn't think so by the comments received.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1736)

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Date: 02/23/04 11:41 PM
Author: Jonathan Barber (no profile)
Subject: Lack of data

It would help us all to know what kind of data the FAA and NTSB is looking for. If all you are looking for is data, why not just ask us for it? We just may be safer than you think! Wouldn't it be a lot simpler to send a form to fill out than to change rules and drive companies out of business? I know the groups that do charitable airlifts would be more than willing to document their results so you would have data to process as opposed to not being able to do what we like to do, give people an enjoyable and exciting experience while contributing to a worthy cause.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=823)

Date: 03/15/04 10:36 AM
Author: Alberta Brown (no profile)
Subject: RE: Lack of data

Mr. Barber,

Good comments. Thanks.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1737)

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Date: 02/24/04 09:02 AM
Author: michael muetzel (no profile)
Subject: management specs

"Do you believe that management specifications instead of certification and operating specifications would achieve the same level as safety as the proposed rule and impose fewer burdens on operators?"

Cute. You posed the question such that any answer would be based on the idea that we must accept some new burden on the operators. I disagree with the very premise of your question, we don't need new burdens of any level.

There is no need for any new burden on operators, you have produced no data to suggest that there is any need for new rules of any type. You have produced evidence that the present rules are not solving the small problem of PT 135 sightseeing, but that is not a reason to change rules for anything other than PT 135 operators. Don't punish the successful.

Instituting management specifications for charity and community events is NOT going to make their lives easier. I bet one reason you have so little data on current charity and community events is because many of them don't know about the rules currently in place, so don't comply. Yet we don't have aluminum rain. This indicates there is no need for this NPRM.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=837)

Date: 03/15/04 10:42 AM
Author: Alberta Brown (no profile)
Subject: RE: management specs

Mr. Muetzel,

Please do read the postings completed since you wrote these comments. Your comment, "...reason you have so little data on current charity and community events is because many of them don't know about the rules currently in place, so don't comply" is appropriate. There is a real lack of knowledge about the rules from some of the pilots conducting the flights.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1738)

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Date: 02/24/04 09:54 AM
Author: David Jack Kenny (no profile)
Subject: Proposed air tour restrictions

Flight privileges should only be restricted if there's objective evidence of a safety risk. Part 91 air tour operators have largely escaped attention to date because their safety record has been excellent, better than that of Part 91 operations in general. In the absence of any evidence of a problem, the NTSB's concerns seem not only exaggerated, but misplaced.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=840)

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Date: 03/15/04 10:44 AM
Author: Alberta Brown (no profile)
Subject: RE: Proposed air tour restrictions

Mr. Kenny,

Please read previous postings. There is a problem.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1739)

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Date: 02/24/04 12:40 PM
Edited: 02/24/04 01:01 PM
Author: bruce randall koch (no profile)
Subject: sightseeing safety tools

I do not believe that the proposed rule will make sightseeing flight any safer, only more restrictive.I fly a WWII ex Navy trainer, at times as a 135.1 operator. I feel that the tools you need to keep sightseeing flight are already in place,AOPA,EAA,Warbirds of America,NATA,CAP,Type clubs, etc. These orgs. know and are all concerned with safety.For example,you cannot fly formation in any wavierd airshow in this country without a formation card, showing that you have taken an passed standardized training.I give this example not as a form of regulation but of knowledgable training.The FAA should know this best of all. Training and experience will make you safer pilots and mechanics(aircraft) Listen to the tools you have, there are too many types of aircraft, sights to see, etc to cover under this proposed rule.Making sightseeing flight more resticted will only reduce flying, not accidents. If you must regulate, do it by the size of the operation,why make a single pilot/single aircraft operater comply with the same regs as 20 ship ,50 pilot business.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=858)

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Date: 03/15/04 10:53 AM
Author: Alberta Brown (no profile)
Subject: RE: sightseeing safety tools

Mr. Koch,

You have good comments that come from your experience in the industry. Some of the "tools" we use to keep burdens low for individuals is the exemption process. The FAA doesn't like to give "blanket" exemptions because we don't know for sure who is using them. The exemption holders tell us they carefully train, track, and report on who is using them and how. If you have been reading comments and responses you should now understand that some of the exemptions we allowed for sponors are basically unknown to much of the users. We would like to use the least burden we can. To do any limitations in the actual rules may be the best way to go.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1740)

Date: 02/25/04 03:36 PM
Author: James T. Cheatham (no profile)
Subject: F.I.A.S.C.O.

Clearly, the entire aviation community seems to agree that this is a solution in search of a problem. perhaps the "new regulation department" at FAA is overstaffed. In my (imaginary) administration, it would be high on the list for budget cuts.

Offering the specification "lesser evil" option seems, to me, a subterfuge.

Regarding data: Am I to understand that a regulation creating a huge new administration burden and more operating limits on operators is being proposed simply because FAA does not perceive a problem, but wants to try to collect more data in order try to find one?

Presumably, if a problem is then detected, even more regulation would be enacted to solve the problem that apparently did not at first exist.

Last time I checked, NTSB accident reports always say what the purpose of the flight was. They also give information as to probable cause, pilot certification, time, etc. What "data" is the FAA going to get as a result of these limitations and unfunded mandates on operators? Tour operating hours, perhaps? That is a thin excuse for such a burden. Flying time estimates can be gotten more easily and efficiently than that.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=913)

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Date: 03/15/04 01:24 PM
Author: Alberta Brown (no profile)
Subject: RE: F.I.A.S.C.O.

Mr. Cheatham,

Please see previous response.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1741)

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Date: 02/25/04 05:12 PM
Author: Richard Drury (no profile)
Subject: Part 91

Since you claim the problem is mainly helicopters operating in the Grand Canyon and Hawaii, does it not make sense to go THERE and FIX it rather than shut down an entire industry of which you have no understanding or knowledge? This bureaucratic, one size fits all approach is what is known as "window-dressing." We have an ample to excess of rules and regs already in place and we abide by them. We already ARE professional. Since you do not know what it takes to run and operate a successful business, you need to understand that we MUST be professional, safe, ethical and honorable in order to survive in the competitive environment. We certainly do not need another government bureaucracy answering a problem which does not exist, and forcing us out of business. Yes, our passengers deserve standards - and we have them. What is different about us? The fact that we are SMALL, usually one person and one airplane, and it takes hard work and our professional standards to survive. Few of us have a bottomless pit of money from which to cater to bureaucratic whims. Again - go where the problem exists, if there truly is one - and fix it there!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=918)

Date: 03/15/04 01:31 PM
Author: Alberta Brown (no profile)
Subject: RE: Part 91

Mr. Drury,

Your comments have been responded to. Sorry that it takes so long to go through all the comments. We do know that you are all reading the comments of others and that most of you put identical comments in several places. We don't know what flying you do so can't respond directly on that. There is no intent to put anyone out of business and there never has been.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1742)

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Date: 02/26/04 03:46 PM
Edited: 02/26/04 03:47 PM
Author: Eric Gourley (no profile)
Subject: Management Specifications

In my response to the FAA's response, I made it very clear that I believe the existing regulations are more than adequate as they now exist. Further regulation will not demonstrably improve safety. Therefore is would be totally unnecessary to require management specifications. Why does the FAA and NTSB desire to create more paper work and regulation that is unfounded? I would submit that the small scenic flight operation gets its rides because it is small, intimate, and nostalgic. I do not see how management specifications and making small scenics look like an "airline" will help the industry. It may well turn customers away, and since there will be increased operational costs, the affordable ride will to soon become unaffordable.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=964)

Date: 03/15/04 02:20 PM
Author: Alberta Brown (no profile)
Subject: RE: Management Specifications

Mr. Gourley,

Your comments are good ones. There is a great deal of variety in the air tour industry. We can see that each commenter understood his/her own situation but did not understand the situation of others. Many do not look like an airline and never did. Others while still "small" by definition do run like an airline without being one. Lots of part 135 operators are small, operate with one pilot who owns the company, is limited to day VFR only in one single engine airplane. That type of operator usually has less flights than some of the air tour operators. We hope the dialogue during this Internet meeting has increased some understanding. We do want to be reasonable. It is very normal to not want more regulation. The point of a proposal is to let the public help develop the final.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1743)

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Date: 02/26/04 04:01 PM
Author: MARION HODGE (no profile)
Subject: ADMINISTRATION

We are a Part 135 operator and could comply with this regulation, but we would find it unnecessarily restrictive and cumbersome paperwork for the typical 1-hour scenic flight. In addition, since well trained flight instructors with thousands of hours do the scenic flights, we believe they are sufficiently qualified. In reviewing accident reports, I do not recall that scenic flights were a problem. Since the reported accidents last year numbered 11 and 8 were in Hawaii, it seems that your investment of time and money might be better spent improving the facilities in Hawaii to improve safety.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=969)

Date: 03/15/04 02:35 PM
Author: Alberta Brown (no profile)
Subject: RE: ADMINISTRATION

Ms. Hodge,

Your comments are valid. The 1-hour flight doesn't need tons of regulation. Some air tour operators conduct hundreds of flights and fly most days or at least every weekend, all weekend. Some do an occasional flight as a side-line to their main business of charter or flight training. Some do flights for a known charity. Some do flights for a good cause only they know about. Some operate under exemptions issued by the FAA. Some do medical airlifts. Some flights are more than one hour and some are four minutes. Some give 100% of the money/donation to charity. Some give a bit. Some operate about like your part 135 operation only more often. All of the above are created equal and operate under part 91 where a pilot may take a friend for a ride. The only additional restriction for the air tours is to remain within 25-miles. Part of the reason for the 25-miles was to keep pilots near their home airport where the conditions were familiar. Some air tour operators travel to different airports all around the country and yes, stay within 25-miles of that day's airport.

The accident rates have been responded to previously. All of the above flights, with some exception, would be recorded as "Part 91" if an accident occurred.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1744)

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Date: 02/26/04 04:03 PM
Edited: 02/26/04 04:25 PM
Author: randall henderson (no profile)
Subject: Far reaching consequences

The docket contains a number of comments from people who would be adversely affected by this rule. I

haven't see much along those lines in this thread yet. Let me offer one here, perhaps others will be interested in doing so.

My situation is this: I'm a PPSEL with IFR and Seaplane ratings, and 1200 hrs total flying time. I'm currently getting ready to move to a seaside resort community, and am getting bids on a hangar that would not only house my plane, but would be big enough to house at least one other and be used as a mechanics shop/FBO. I'm working on my commercial ticket and intend to start a business that would involve a combination of sightseeing and flight instruction. Since its a resort town, I'd depend on sightseeing flights for the majority of my business.

The airport has been there a long time but has seen little improvement over the years, and has never had an FBO, hangars, or other services -- I'd be the first. The airport would be much improved and enhanced by the presence of an FBO and hangar space.

This plan of mine has been in the works for a long time, and since I need a viable airport for it to work, and the airport didn't seem to be doing too well, I started more than two years ago becoming active about it, doing PR with the business community and city council. They responded by forming an airport committee which I serve on (even though I still live 60 miles away) and our work has resulted in encouraging responses from the city, including application for an FAA grant to make runway improvements. That's a HUGE turnaround -- before I got involved, the city was quite literally ready to CLOSE the airport. Now with my encouragement and PR and vision for an FBO and other improvements, they're gung-ho about it and are very interested in seeing this come to fruition. I've polled the local aviation community and found that there is demand for hangar space on the airport, and I eventually would like to build several to rent out, further improving the airport.

This sort of enterprise will not happen if I am required to comply with part 135 regulations, as I feel I would have to devote too much time on part 135 paperwork -- time that for me, a small one-man operation, needs to be spent on ensuring proper aircraft maintenance and pilot proficiency. Bottom line, if the 25 nm exception is rescinded, this would not be a viable enterprise.

The end result is that the airport would continue to be a sad, neglected place. This example is not made up, I'm very serious about it. And it shows that regulatory changes can have far-reaching consequences, beyond even just the affected operators.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=971)

Date: 03/15/04 02:46 PM

Author: Alberta Brown (no profile)
Subject: RE: Far reaching consequences

Mr. Henderson,

Thanks for your story. Your plans seem like a lot of fun and rewarding too. You didn't list anything that can't be done with or without 135. The least complex portion of part 135 doesn't have too much to it. We are also willing to keep the air tours in part 91 if we can do it logically.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1745)

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Date: 02/26/04 05:10 PM
Author: Phillip Edgington (no profile)
Subject: Sight seeing flights

I conduct sightseeing flights under the current FAA standards and FARs with no problems. I am VERY safe and don't understand why anyone would be of objection to changing the Current regulations. To mandate the same requirements as 135 would require is totally unnecessary. I only operate about 20 days or so a year as a sightseeing business. Therefore to meet the 135 requirements is not required. My operation and company would be forced out of business if the current requirements are changed. I cannot afford to me the 135 requirements with the same amount of flying we do.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=972)

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Date: 03/15/04 02:57 PM
Author: Alberta Brown (no profile)
Subject: RE: Sight seeing flights

Mr. Edgington,

Thanks for your comments. We wish we knew more about your 20-days a year sightseeing business. It doesn't seem that sightseeing could be your only business. Regardless, we are willing to keep you out of part 135 if we can come up with how best to do it. Part 91 was not a place for "business" to start off with and air tours were once few. Now air tours have become an industry carrying lots of passengers. If you'd like to respond more, please add your comments to the docket which is open until April 19th.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1746)

Date: 02/26/04 06:40 PM
Edited: 02/26/04 06:42 PM
Author: Alan Stephen (no profile)
Subject: management specifications

To those who have asked about management specifications,

The Fractional Ownership Rule establishes and defines "management specifications" in 91.1015. The objective is to create in Part 91 a functional equivalent to "operations specifications" issued to Part 121 and Part 135 operators. This is a valid concept in the effective tracking of fractional operations and the requirements in 91.1015 are quite extensive.

That said, 91.1015 is totally over-the-top when it comes to the typical vintage aircraft-for-hire operator. But in a much scaled down version, it might give the FAA a better understanding of our industry, what it does, how many airplanes, how many hours, pilot qualifications etc.

Ms Brown (FAA) makes a valid point that FAA cannot now know for certain what the true purpose of the flight was when a vintage aircraft is involved in an accident unless someone volunteers the information. Was it a recreational flight, was the aircraft engaged in aerobatics or aerobatic instruction, or was it a local flightseeing flight for hire under 91 pursuant to 119.1(e)(2)? I for one have no problem permitting such local barnstroming flights for hire of vintage aircraft continue to be operated Part 91 if the trade-off with FAA is some sort of annual reporting and some reasonable filing of qualifications that FAA then turns into management specifications that then becaomes a "contract" between FAA and the barnstorming operator. Underline REASONABLE!

For those who want to read-up on 91.1015, search the web under "fractional aircraft ownership

regulations" There is a website with the entire rule as it was published in the Federal Register. The format is first a discussion of the comments, then FAA's disposition of those comments. At the end of the document, FAA publishes the entire rule, paragraph by paragraph in sequential order. 91.1015 is about 50 pages back in the document.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=975)

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Date: 03/15/04 03:01 PM
Author: Alberta Brown (no profile)
Subject: RE: management specifications

Mr. Stephen,

Thanks. As we responded elsewhere, the Fractional Ownership specifications are too complex for most of these operators but on the right track as they could keep some of the air tour operators in part 91.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1747)

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Date: 02/27/04 11:28 AM
Author: Robert G. Lock (no profile)
Subject: Management Specs vs. Ops. Specs/Certification

I have read a story about how Fractional Ownership (Part 91 Subpart K) was drafted with input from a FOARC group. You can read it: http://208.243.114.31/featured/rulechg.htm. The subheading of the story is "The Product of Careful Comprimises." The point here is that there was involvement of those entities affected and thus comprimise as the end result, not controversy. NPRM 4521 was apparently drafted in 1998 (hence the code FAA-1998-4521). The fact that there are 3 different forums indicated the far-reaching effect of this proposal. My questions are:

a) IF 4521 was drafted in 1998, what happened to it for the past 5 years?

b) Would this 5 year dorment period not have been a good time to involve ARC or ARAC and listen to those affected entities in order to draw a comprimise on this controversal rule change?

I don't think ARC or ARAC involvement in this NPRM would have taken 5 years!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1001)

Date: 03/15/04 03:17 PM
Author: Alberta Brown (no profile)
Subject: RE: Management Specs vs. Ops. Specs/Certification

Mr. Lock,

There is nothing fast about rulemaking. Actually work on this rule started in 1995 when we got the NTSB recommendations. As previously explained in FAA Response #2 there is nothing wrong with ARC/ARAC. But sometimes they take lots longer and sometimes they come to no agreement at all. The people involved pay their own expenses including hotels and meals and car rentals all over the country and do it for a year or two.

Plenty has happened since 1998. The events of September 11th alone involved several high priority rules. There have been a few major airline accidents that resulted in a need for better black boxes, better inspection, better equipment, etc. There is no lack of work.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1748)

Date: 02/27/04 05:45 PM
Author: Matthew McConnel (no profile)
Subject: Management Specifications

Seems to me the NTSB is determined to burden the GA community with research they should be doing

themselves. If they want to know why a flight occurred they need to show cause for such information - ie. suspected rule violation of some sort. The last thing needed is more rule making and more paperwork for all concerned. The entire "25 mile sightseing" concept actually works very well and relatively safely at present. Leave it alone!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1037)

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Date: 03/15/04 03:18 PM
Author: Alberta Brown (no profile)
Subject: RE: Management Specifications

Mr. McConnel,

Thanks for your comments. Please also read the numerous comments posted to others.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1749)

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Date: 02/27/04 08:47 PM
Edited: 02/27/04 08:53 PM
Author: Robert R. Croy (no profile)
Subject: Objectiviy

I'm in my 80's without a valid physcial and miss flying immensely. A second Generation follows. My interest was kindled by a Flight in a barnstorming Ford Tri Motor in the late 1920's.

General Aviation needs to cultivate public interest in aviation, not the antithesis !!!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1048)

Date: 03/15/04 03:22 PM
Author: Alberta Brown (no profile)
Subject: RE: Objectiviy

Mr. Croy,

Thanks for your wisdom. There is no reason you can't still fly. Go with a friend. Not only the second generation follows but a third and fourth. We are all here because we love aviation and we all have a story about how we got here. We will try and be the least burdensome that we can be.

Thanks much,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1750)

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Date: 02/27/04 09:57 PM
Author: Jon Long (no profile)
Subject: a comprimise suggestion from an operator

I run a flight school/aircraft rental/sightseeing operation. Part 135 is simply not feasable for us due to the paperwork, time investment, etc. We are able operate just fine under Part 91 with Commercial Pilots who are on a drug testing program and airplanes that have 100 hr inspections in addition to annuals. We have operated over 5000 hrs without incident. If this rule is enacted, it will kill that part of our business...a part of our business that is worthwhile not only to us in a financial sense, but is beneficial to the community. We have introduced countless young people to aviation...many people have never been on an airplane before they fly with us. I have studied the NPRM, and I don't think that the data used in the NPRM supports the sweeping changes that the FAA proposes...especially given the limited scope of the accidents involved (in Hawaii, out of glide distance of land, etc.). Making all sightseeing operators comply with Part 135 is going overboard. I do have a comprimise suggestion: under part 135, operators are required to carry liability insurance. This helps to control the level of safety because the insurance companies evaluate the risk of their customers in more ways than the FAA ever could. I don't think that most part 91 sightseeing operators would have a problem with following a similar rule, being required to carry liability insurance. This way, the private sector can regulate itself without excessive beurocratic intervention.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1050)

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Date: 03/15/04 03:28 PM
Author: Alberta Brown (no profile)
Subject: RE: a comprimise suggestion from an operator

Mr. Long,

Thanks for your very valid comments. We are willing to work outside of part 135. You have likely read our other responses and know this already. Also, we posted several responses concerning insurance. Insurance was not proposed but was added as a discussion point. Several others think insurance is a good way to go too. One person is concerned with how much insurance might be required.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1751)

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Date: 02/28/04 09:28 AM
Author: Martin Eiler (no profile)
Subject: Managment specifications for data

The data used to initially instigate this nprm included accidents where 70% of the operations were already operating as part 135. Now it appears that the FAA is saying that although they have no real data indicating that Part 91 commercial air tour operations are a safety concern. They still feel a pressing need to implament some form of regulation on part 91 operations. It appears that the managemnt specification is intended to provide data to the FAA so it can prove to NTSB that the Part 91 operators curently provide an acceptable level of safety. This is the equivalent of the NTSB saying "you can't possibly be safe unless you have all the data to prove how safe you really are". Part 91 air tour operators conducting sight seeing flights within 25 miles are already required to do 100 hr inspections and use commercial pilots. Making them become 135 operators will put a good portion of them out of business. Which would mean that fewer people will have the oportunity to get a taste of what recreational flying is all about. Dropping the

135 requirement in favor of some reporting system for data collection is a much better concept. It is just unfortunate that the FAA is determined to placate the NTSB with some unnecessary rule change.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1058)

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Date: 03/15/04 03:32 PM
Author: Alberta Brown (no profile)
Subject: RE: Managment specifications for data

Mr. Eiler,

Thanks for your comments. Please do read our responses to others. Many flights are done with private pilots, not commercial pilots.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1752)

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Date: 02/29/04 07:58 PM
Edited: 02/29/04 08:21 PM
Author: steven morris (no profile)
Subject: My observations...

I normally do not wast my time responding to requests for information from the 'beaurocracy' as in most cases the decision has already been made and this 'request' is merely a formality so they can tell the American public they sought their input. Having said that and considering the importance to my livlihood I believe Shakespeare said it best with those famous words "Much ado about nothing." Before any solution can be arrived at there must be a clear and defined problem. The government has stated they want to increase safety for the flying public who take photoflights, sightseeing and intro flights using non-135 businesses / operations. There is no defined problem being presented here only the reference to several situations and the acknowledgement that no 'real data' has been collected and studied that supports the need for the proposed rulemaking language. A few exceptional cases are cited as the reason why

EVERY business should now be mandated to comply with regulations that will certainly put us out of business. While the impression is given that part 135 operations will solve this 'problem' it must be noted that part 135 operations are not guarantees of ultimate safety and are not immune to mishaps and fatalities. Instead of painting EVERY operation as being "BAD" and in need of correction I would suggest each organization should be treated on an individual basis. Should an organization begin having an inordinate number of problems or at worse a fatality, then the FAA has a duty to investigate and offer suggestions (changes in maintenance, refresher updates with the pilot(s), a temporary time period where certain information will be presented to the FAA to show they are improving their operation and rectifying their problems. If after a certain time period there is no improvement then the operator will be subjected to a higher level of administrative action. In contrast, I do not believe if one major airline was having internal organizational problems (not mechanical/parts problems) that caused problems or even fatalities the FAA would then SHUT DOWN or propose regulations for ALL of them to comply with nor do I believe the airlines would stand idly by with regulations that would ultimately cost more $$$ to comply with thereby reducing their profits. I firmly believe given the number of operators out there and given the extremely small number of incidents, this illustrates the consciencious effort these people are making, doing everything in their power to insure the safety of their patrons - their livlihood - their customers today and for tomorrow. The general aviation community is just now recovering from the post 9/11 tradgedy and given the estimates of the number of businesses that would now be out of business is this really the path government should be taking? For a moment, think of the amount of taxes lost (gas, property, sales and income) and the fact that these people will now be looking for jobs and until that time will more than likely be on unemployment for who knows how long. In conclusion, I believe the FAA is rushing forward to 'fix' a preceived problem with legislation that will do far more damage and ultimately do more harm to the aviation community. Rather, the facts, figures and true history should be placed in perspective to the overall picture and be analyzed. Should this 'real' evidence indicate a problem exists then rulemaking language can be drafted that would be made applicable to those operators that are causing the problem or are in need of FAA 'guidance'. Those operators who are conducting their businesses by the rules and making every effort to be safe will be exempted from this rulemaking and will continue to make a living by serving the public.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1135)

Date: 03/15/04 03:40 PM
Author: Alberta Brown (no profile)
Subject: RE: My observations...

Mr. Morris,

After all of that you didn't tell us what kind of flying you do or what about the rule would cause

you to go out of business. The decisions are not already made. Your very general comments have been responded to elsewhere.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1753)

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Date: 03/01/04 05:49 AM
Edited: 03/01/04 05:54 AM
Author: jeff jobe (no profile)
Subject: sight seeing flight

The concept of dropping scienic flights under 91 is the death to my operation. I do scenic flights and dropped my 135 because of the huge burden of 135 paper work and visits by the FAA to operate for my three months a year. Evertime the FEDs add rules and make requirements it allows another extortion fee or free flight time or gifts or courtesies to get along with those administrators. The 25 mile exceptions allows many unigue experiences and time building hours that has allowed a lot of aviation enthusists a way to share the adventure with others and build hours and help cover some costs. Damm you fed's I have been doing this for 15 years and limiting my travel to 25 mile to avoid your burdens. I even purchased property within a 25 mile corridor of some scenic beauty to avoid the FAA burden. In addition how do you do scienic glider rides or helicopter rides. Your FAA rules and egos have to ruin everything. You are ruining avaition advertures for a lot of people. Damn you.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1167)

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Date: 03/15/04 03:44 PM
Author: Alberta Brown (no profile)
Subject: RE: sight seeing flight

Mr. Jobe,

Sorry. We are willing to work with the possibility of your staying in part 91. Please do read our

responses to others.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1754)

Date: 03/01/04 09:18 PM
Edited: 03/01/04 09:23 PM
Author: Rick Pellicciotti (no profile)
Subject: What does the Administrator think about this NPRM?

My wife's March/April copy of "Aviation for Women" came today. In that issue, there is an interview with Ms. Blakey, beginning on page 24.

I would like to quote a couple of things that the Administrator said in the interview:

"I think it is important for anyone who works for government to know what it's like to make payroll, to have operating responsibility and to know what it's like to have your business affected by government decisions."

I don't believe that this NPRM was written in the same spirit as the comment made by the Administrator. This rule will clearly have devastating effects on hundreds if not thousands of businesses.

"We need to be data-driven. That's a strong goal of mine - to let the data drive us in order to achieve improved performance that is measurable and transparent to the public."

Clearly this NPRM was not written with this goal in mind. The FAA states in the NPRM and in several other places that they do not have data on the affected operations. They do not know how many there are, where they are, how much they fly or how many accidents they have.

This NPRM is not consistant with the Administrator's stated goals. The data is not present. How can the FAA act on it? Looking at the bigger picture, consider this statement from President Bush's State of the Union Message on January 20th:

"Our agenda for jobs and growth must help small business owners and employees with relief from needless Federal regulation, and protect them from junk and frivolous lawsuits."

How is this NPRM consistant with the President's statement?

Rick Pellicciotti Chief Pilot/Owner Belle Aire Aviation

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1228)

Date: 03/15/04 03:57 PM
Author: Alberta Brown (no profile)
Subject: RE: What does the Administrator think about this NPRM?

Mr. Pellicciotti,

The quote from the Administrator is a good one. It is true that FAA employees to know what it's like. Most FAA employees, including the Administrator, have worked in industry.

We have spoken may times about the data issue. Please see responses elsewhere. The NTSB can speak for themselves but they likely have lots to do and don't make recommendations just to irritate you.

We are trying to help small business now. It is not traditional to have an Internet meeting. It is certainly not traditional to get any kind of response from the FAA in writing minutes or days after you ask the questions and certainly not during rulemaking. The meeting ended and we keep trying to respond to you.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1755)

Date: 03/03/04 03:03 PM
Edited: 03/03/04 03:06 PM
Author: Erik Fulkerson (no profile)
Subject: Insurmountable barrier to market entry

If the proposed NRPM is made active, it will effectively preclude and bar entry into the market place for any start-up or early stage company seeking to conduct these type of operations.

Enchanted Air Adventures seeks to take people on educational adventure flights over Native American lands, providing both educational awareness, economic opportunity, and job training skill development for Native Americans.

These clearly uneccessary and overly burdensome regulations would create an expense and barrier to initiate operations.

The mission of our company is fundemental cultural preservation, education, and job opportunity diversification for reservation based Native Americans.

The FAA should be seeking ways to reduce these regulations, not create more.

It is nearly impossible for any start-up company to make it today as it is, why would the government try to impose even more restrictions that not only prevent economic and job growth, but actually could put out of business many exisiting operations thereby creating a negative economic impact greater than what is already being experienced by industry post 9/11.

It is requested this NRPM be cancelled and no further action be taken. Existing regulations are more than adequate.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1373)

Date: 03/16/04 02:26 PM
Author: Alberta Brown (no profile)
Subject: RE: Insurmountable barrier to market entry

Mr. Fulkerson,

You have a misunderstanding of the proposal if you believe it will bar entry of new business. Nothing about this proposal prevents you from applying for and receiving a part 135 certificate. If what you are saying is that it is too expensive or otherwise burdensome then you need to tell us what about it is too difficult for you. That is why this proposal has a comment period. If you make comment to the docket you should make your comment clear by telling us what your flights

involve to include, what type of aircraft you use, the qualifications of your pilots, how your maintenance is done, how often you operate, etc.

Although you did not say so the FAA must assume that you are holding out to the public and receiving compensation for your Enchanted Air Adventure which is an air tour over reservation lands. The FAA regulates the air space over such lands. We have an obligation to the public to know who is offering air tours, the type and maintenance record of the equipment they are flying, and the experience level of the pilots involved. We proposed a certification process but will certainly consider other forms of compliance such as an operational specification that identifies the standards you are required to comply with. Thank you for participating.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1769)

Date: 03/04/04 03:58 PM
Author: Will Fox (no profile)
Subject: FAA NPRM 4521 does not make sense

I do not believe that there is sufficient justifiation for this proposed rule. The data supporting this has been presented well in previous emails so I will not reiterate it here. It appears that the FAA is trying to address a specific problem associated with a few helicopter tour operators with a broad brush regulation that will have significant unintended negative consequences on safe and legitimate part 91 operations. As a CFII I believe that operations consistent with part 91 insure safe operation of tour operations and further general rule making is not required. The FAA should deal specifically with unsafe operations and not implement a rule across the board that is not supportable with solid data and that will have a negative economic impact on hard working tax paying citizens. If the FAA needs data to determine the unsafe operations, all they have to do is look at where the incidents and accidents are happening. If they want to prevent future accidents, they should focus their funding and efforts on training pilots to make better decisions, since 75% of the accidents result from poor decision making. In fact a task in the private pilot PTS in this area would be an excellent idea.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1460)

Date: 03/15/04 04:08 PM
Author: Alberta Brown (no profile)
Subject: RE: FAA NPRM 4521 does not make sense

Mr. Fox,

Thanks for your comments.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1756)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

Forum - Part 91 Sightseeing in accordance with 25 mile exception

Sample Operations Specifications Edit Delete

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RE: FAA NPRM 4521C	Alberta Brown	03/15/04

Post new message in this thread

Date: 03/01/04 03:01 PM
Author: Alberta Brown
Subject: Sample Operations Specifications

This sample is specifically for Hawaii but for those of you who have never used an Operations Specification it may be helpful. The subject areas have a letter (B048 is below 1,500 feet). These operations specifications are controlled from FAA Headquarters. They can be done electronically completely or via mail if the operator doesn't have or doesn't want to use automation. Comments have not acknowledged that the FAA air tour regulations do include deviations. The format gets moved around here but you'll get the idea. I can also send via e-mail if you like.

B048. Air Tour Operations Below 1,500 Feet AGL HQ Control: 04/03/02 in the State of Hawaii HQ Revision: 000

The certificate holder is authorized to conduct Title 14 Code of Federal Regulations (14 CFR) Part 135 air tour operations below an altitude of 1,500 feet above the surface in accordance with the requirements of SFAR 71, Special Operating Rules for Air Tour Operations in the State of Hawaii, and the limitations and provisions of this operations specification.

a. Prior to conducting any air tour operations under this authorization:

(1) Each pilot must be trained and qualified in accordance with the certificate holder's FAA-approved training program and the provisions and limitations of the certificate holder's FAA-approved SFAR 71 Procedures Document.

(2) Each company flight instructor must have successfully completed an initial evaluation by the Administrator over all the site-specific locations prior to conducting its company SFAR 71 flight instruction.

(3) Each operator and pilot-in-command shall conduct or participate in at least one formal air tour safety meeting each 12 calendar months to discuss safety trends and SFAR 71 issues and procedures.

b. Aircraft requirements.

(1) If an aircraft displays registration markings smaller than twelve inches high or other authorized markings, twelve-inch high numbers or markings shall be affixed to the belly of the aircraft as authorized by the Administrator.

(2) Unless otherwise authorized by an approved minimum equipment list, aircraft operating under this authorization shall operate installed transponder equipment including Mode C, on a code as assigned by ATC, from takeoff until landing.

c. En route operating requirements.

(1) Flights shall not exceed a distance of fifty nautical miles from the shoreline of one of the major islands of Niihau, Kauai, Oahu, Molokai, Maui, Lanai, Kahoolawe or Hawaii.

(2) Flights will be conducted only during the period from official sunrise until official sunset. On overland transition segments, no flight will be conducted in Class G airspace where the flight visibility is less than 3 statute miles. No flight will be conducted on over-water transition segments in Class G airspace where the flight visibility is less than 1 statute mile.

(3) In Class G airspace, no flight will be conducted closer than 300 feet above, below, or horizontally from any cloud.

(4) Each pilot will maintain radio silence except as necessary for ATC communications, traffic and position reporting, and other safety-related requirements.

(5) In addition to the requirements of 14 CFR Section 135.183, for flights beyond the shoreline of any island in a single-engine land aircraft, the operator will ensure each person aboard the aircraft is wearing either

(a) A quick-donning life vest worn around his/her waist, or

(b) A non-quick-donning life vest worn so as to be ready for its intended use except for inflation.

d. Sites, transition segments, and over-water segments.

(1) Operations will be conducted only at those specific sites, transition segments and over-water segments described in the certificate holder's FAA-approved SFAR 71 Procedures Document.

(2) Overland transition segments will be flown at or above 1,000 feet above the surface and within 1 nautical mile either side of the centerline of the transition segment.

(3) Rotorcraft operations.

(a) Except when necessary for takeoff and landing, flights may be operated no closer than 1,500 feet from any person, structure, vehicle or vessel on the surface. Flights must maintain a minimum of 500 feet horizontal standoff distance from raw terrain.

(b) Except when necessary for takeoff or landing, carriage of passengers with a single-engine helicopter over water is prohibited unless the helicopter is operated at an altitude that would allow it to reach land and a suitable forced landing area in the event of an engine failure or it is equipped with FAA-approved helicopter flotation devices.

(c) Suitable emergency landing area selected by the operator must be within the normal auto-rotate gliding distance of the rotorcraft in accordance with the rotorcraft flight manual.

(d) Over-water transition segments are authorized for multi-engine helicopters and for single-engine helicopters equipped with FAA-approved helicopter flotation devices. All aircraft shall be operated at least 500 feet above the surface or at an altitude above the top of the height-velocity diagram, whichever is higher; and no closer than 1,500 feet standoff distance from land.

(e) For operations below 1,000 feet above the surface at specific sites authorized in the certificate holder's FAA-approved SFAR 71 Procedures Document, the following restrictions apply:

(i) Any time the aircraft is operated at less than 1,000 feet above the surface, including ridge crossing points, it must be in a position to reach a landing area designated in the certificate holder's FAA-approved SFAR 71 Procedures Document at a specific site or transition segment by the operator and accepted by the Administrator as being suitable for an emergency landing in the event of an engine failure.

(ii) Single engine aircraft shall be operated at least 500 feet above the surface or above the top of the height-velocity diagram, which ever is higher.

(iii) Entry to and egress from approved specific sites will be at the designated ingress and egress points at not less than the specified minimum altitudes.

(iv) Pilots will make position reports at the designated checkpoints for each approved specific site, including aircraft call signs.

(f) Multi-engine aircraft operations below 1,000 feet above the surface:

(i) Any time the aircraft is operated at less than 1,000 feet above the surface it must be operated at or above single-engine recommended airspeed and at a weight that will allow it to climb, with one engine inoperative, at least fifty (50) feet a minute, to an altitude of 1,000 feet above the surface, or

(ii) If the aircraft is operated at an airspeed below the single-engine recommended airspeed, the aircraft must be operated in accordance with procedures set forth in the general operations manual and at a weight that will allow it to accelerate and reach the single-engine recommended airspeed while not loosing more than one hundred and fifty (150) feet of altitude.

(iii) All aircraft shall be operated at not less than a minimum of 300 feet above the surface or at the top of the height velocity diagram, whichever is higher.

(iv) Entry and exit at the approved sites will be at the designated ingress and egress points at not less than the specified minimum altitude or as described by the FAA-approved SFAR 71 Procedures Document.

(g) "Razorback" ridgelines may be crossed at a minimum of 200 feet AGL.

(4) Airplane operations.

(a) Except when necessary for takeoff and landing, flights may be operated no closer than 1,500 feet horizontal standoff distance from any person, structure, vehicle or vessel on the surface. Except for takeoff and landing, flights will not be operated below 1,000 feet above the surface.

(b) Over-water transition segments will be flown at least 1,000 feet above the surface and no closer than 1,500 feet standoff distance from land.

(c) Flights must remain within ½ NM radius of the approved site location, and 1,500 feet standoff from the terrain. Pilots will make position reports at the designated checkpoints for each specific site, including airplane call signs.

e. Other limitations and provisions for specific Hawaiian Islands.

TEXT01

TEXT99

1. Issued by the Federal Aviation Administration. 2. These Operations Specifications are approved by direction of the Administrator.

3. Date Approval is effective: Amendment Number: 4. I hereby accept and receive the Operations Specifications in this paragraph.

Date:

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1199)

Date: 03/01/04 10:35 PM
Edited: 03/01/04 10:36 PM
Author: Joseph R. Maridon (no profile)
Subject: OERATIONS SPECIFICATIONS

I am one who travels to various fly-ins and airshows. Somtimes on short notice or where the weather looks good. Biplane rides do not sell well in poor weather. Anyhow the thought of developing anything like the sample provided would discourage me from trying and does the FAA even have the resourses to support this? When I look at the effort invloved already to satisfy some of the fly-in sponsers and the hosting airport agency requirements the added burden of operations specifications would keep me at home.

Presently I can go to anywhere and offer rides under the existing FAA rules. That would go away.

I will say it again. The present rules work fine when followed. We do not need this NPRM. As others have suggested to the FAA get the data first then lets work on any problems areas if they even exist.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1232)

Date: 03/02/04 08:45 AM
Author: Alberta Brown
Subject: RE: OERATIONS SPECIFICATIONS

Mr. Maridon,

We realize that some of you travel and some to the extent that every weekend finds you at a different airport. We should be able to develop operations specifications from Headquarters that apply to you nationwide and would be recognized by our inspectors.

Thanks.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1248)

Date: 03/01/04 11:09 PM
Author: Thomas L. Jack (no profile)
Subject: Time for some common sense

Why cant the FAA just get the big picture and knock off this obsurd rule change that makes no sense whatsoever. Why do you bow to the likes of people like Hilary Clinton who knows nothing about aviation. She and her cohorts need to stay out of things they dont understand.Its time that the government remembers they work for us the taxpayers and not the other way around.I fail to see the need to take a checkride in my Waco when most of your inspectors cant even fly a real airplane with a tailwheel. I speak with alot of experience as I've been taking Part 135 and 121 checkrides every 6 months for over 30

years. A VFR checkride would be redundant dont you think?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1235)

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Date: 03/02/04 08:52 AM
Author: Alberta Brown
Subject: RE: Time for some common sense

Mr. Jack,

It is possible that this rule could go away. But what if it doesn't? This Internet exchange is a chance you seldom if ever get. It is in addition to the normal process. Your experience is vast. You could help your industry.

Thanks

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1249)

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Date: 03/02/04 09:00 AM
Author: Alberta Brown
Subject: RE: Time for some common sense

Mr. Jack,

It is possible that this rule could go away. What if it doesn't? Most rules do not have the opportunity for such input. It is in addition to the normal process. Your experience is vast. You could help your industry. After 30 years of flight checks you know that the FAA often combines checks. For example, a part 135 check can be combined with a flight instructor renewal. It is necessary for the inspector to know ahead of time but combinations are not impossible. Redundant checks serve nobody.

Thanks

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1251)

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Date: 03/02/04 09:21 AM
Edited: 03/02/04 03:53 PM
Author: Ryan Short (no profile)
Subject: RE: RE: Time for some common sense

Alberta,

Why can't more specific answers be given in response to some of the questions asked, especially as it might affect flight schools and other smaller operators.

Maybe some phone calls or actual meetings with operators so there can actually be a more reasonable discussion?

I know of at least 4-6 operators in my area who might be affected that DID NOT know that this forum even existed. You can't expect hard-working American citizens to ALL have computer access, and to have time to check AOPA and FAA's websites every week. With the slump that many of them have had after 9/11, some of them are already struggling to survive without these kinds of added trouble. What's more, if you REALLY care about their businesses, then you need to make the effort to SHOW that you care. The FAA must have some sort of idea who the flight schools, and other operators are in their area, and must know at least some idea of how to contact them even if that meant a simple phone call, or flyer in the mail. That is the least that businesses in the private sector have to do if they want someone to know what's going on.

Also, please don't be offended, but your above replies are frankly quite disturbing... You indicate that you think that Mr. Jack should "help your industry". Well, it seems to me that his idea of helping his industry is for these rules NOT to be put into effect. Is your position that the only constructive comments on this forum are the ones that offer acceptance or compromise with the FAA position?

Another thing that disturbes me about the above posts is the intimation that this online

forum is a privledge, rather than a DEFINATE neccesity (which should be followed up with face to face meetings with those who will be affected by it). This is most annoying. Do you remember where you live? This is the United States of America. Our country was founded on principles of freedom that include the right to representation and petitions and redress of grievances. This is fundemental and if the FAA cannot remember this, than we are in BIG trouble as a nation.

I do recognize that your posts may be portraying the general FAA opinion rather than your own, so please don't take my comments personally, just understand that many folks are very frustrated.

Ryan

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1256)

Date: 03/15/04 04:55 PM
Author: Alberta Brown
Subject: RE: RE: Time for some common sense

Mr. Short,

I haven't been back to this string since March 2nd. Some strings take over 2 days each. Before March 5th about seven more comments came in in this string. Thanks for your comments. They are kind compared to many as you know. We are pleased to respond to you.

Many many responses have been posted since March 2nd including on the weekends. We asked to let the responses continue so that we could get to more of you. You would be shocked to know how many the "we" involves.

Many responses since March 2 have been very specific, even painfully specific. The fact that we are even willing to give written response this way says something about how much we do want to get to the root of the rule and eliminate so much frustration about it. If you have read all the responses you know that much of the

problem is a lack of understanding. Most operators know their own operation without knowing what else is going on in the air tour industry. Many are so angry that they can't even tell us what they do and how the rule impacts them. They only say they hate the rule and leave it at that. Some have shown us that they don't know the existing rules and are not qualified to do what they do.

We know some likely didn't know about this forum. Maybe some didn't know about this rule. See our post about Public Meetings. There have been maybe 1,000 phone calls since the NPRM was published. We also gets dozens of e-mails a day. In addition the docket is open. Here is the problem - during rulemaking there are laws about what government employees can say and not say about a proposal. We are not allowed to give information to any person that is not also given to all the public at the same time. This meeting on the Internet is an attempt to be public and discuss alternatives without breaking the law. Phone calls and e-mails can only be general. For example, we can say how to get to the docket or how to file comments or when the docket closes but not what the final rule will say even if we know which we don't.

It would be easier to just stop responding. At some point we'll have to. In the meantime we trust you and others have learned at least a little. We have learned too and that's good.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1757)

Date: 03/02/04 09:34 PM
Edited: 03/02/04 10:06 PM
Author: Joseph R. Maridon (no profile)
Subject: Operations Specifications

Ms Brown, thanks for your response. However the more this goes on the more frustrated I get. Are you suggesting someone in FAA Headquarters is going to set down an write up a set of Op. Specs. that I can use anywhere in the U.S.A? What input would I have to this process? Or am I going to have to write this document for Headquarters approval? I can not even begin to imagine what this all encompassing document would look like. Unless of course we could agree that it would simply be the existing Part 91 rules that have served us well nation wide. Where is the evidence that Op. Specs are needed for those of

us operating by the 25 mile exemption?

I have to agree with other responders that to even address the suggestions coming from the FAA on this NPRM only adds fuel to the fire and gives it some credence of credibility and I do not want to do that. It needs to be withdrawn until data is collected that clearly shows a problem, if there is one, and then we will all have something we can help fix.

Everyone of us understands the importance of safety and the responsibility to our passerngers. That is the human and moral side of what we do. Another reality is if we can not operate safely the insurance companies will put us out of business. If data is properly collected and it shows a need for more rules it is in our collective best interest to address it and fix it. I would be willing to provide the benefit of my experience to such an effort.

The frustration I have is I do not know what the FAA is trying to fix. I am only fighting to keep my biplane ride operation from being shut down by what I and others in the business see as baseless over regulation.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1312)

Date: 03/15/04 05:49 PM
Author: Alberta Brown
Subject: RE: Operations Specifications

Mr. Maridon,

If your biplane operation needs to be shut down, there is nothing in this proposal that will do it. Please say in the docket, if you haven't already, what you do with the biplane(s). Tell us how often you operate, what certificates your pilots have, how your maintenance is done, and what about the rule you think will put you out of business. We have read the docket but there are so many of you in this meeting there is no time to research which person is operating what. We are trying to answer as many as possible before this gets shut down.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1758)

Date: 03/04/04 09:37 AM
Author: Junk mail hater (no profile)
Subject: Is this a full employment ploy or just a bad idea?

Wow! Having read the NPRM and this thread, I am struck by the fact that both sides appear to be well meaning, but are not of the same mind. The quantity (and quality) of the NPRM indicate that the FAA has thought alot about the topic, but clearly doesn't understand. Rather than go off on a tangent here, I would like to focus on the nature of the document.

I think everyone can appreciate that the FAA would like safer skys. They're actually not unsafe, but following the "if some is good, more is better" logic, safety could be improved. unfortunately, the logic is flawed.

In this, and many other cases, safety can only be improved if the operators want it improved. How does one improve on a ZERO incident safey record? There isn't a lot of motivation. On the other hand, if the motivation is to get pilots to send money supporting a political candidate that has better sense than to allow this type of regulation to go forward. I think this will be very effective. Remember, this is an election year and there are candidates that want money.

What other possible motivation could there be for this kind of behavior?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1410)

Date: 03/04/04 02:11 PM
Edited: 03/04/04 02:12 PM
Author: Ryan Short (no profile)
Subject: RE: Is this a full employment ploy or just a bad idea?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1448)

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Date: 03/04/04 02:14 PM
Author: Ryan Short (no profile)
Subject: RE: RE: Is this a full employment ploy or just a bad idea?

Seriously, I doubt that it's an employment ploy. I think that it's just a bad idea someone had (someone who accidentally got hired, can't be fired and doesn't understand the industry). I'd hate to think otherwise, because that would mean some form of corruption that would need to be dealt with.

Ryan

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1449)

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Date: 03/05/04 11:51 AM
Author: Thomas L. Jack (no profile)
Subject: Re. to common sense

Several years ago I wanted to renew my CFI. The FAA refused to give the checkride in my North American AT-6 and suggested I rent a Piper Cherokee. I had no intention of teaching in any other plane but mine. Their reason was none of them had any AT-6 experience. At the time there was a great need for formation training and Warbird training. In this modern pushbutton computer world we must not forget the need to embrace the history that got us here. This is what we will lose if this rule goes into effect.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1536)

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Date: 03/15/04 05:56 PM
Author: Alberta Brown

Subject: RE: Re. to common sense

Mr. Jack,

FAA inspectors cannot be current in every make/model on earth. Each inspector needs to be able to conduct multiple checks. The public may not see a "great need" for formation flying by general aviation since warbirds are no longer used in war. The FAA is happy to work with vintage airplanes.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1759)

Date: 03/05/04 01:01 PM
Author: bob moore (no profile)
Subject: FAA NPRM 4521C

NO NEED FOR NPRM, PRESENT SYSTEM WORKS.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1542)

Date: 03/15/04 05:56 PM
Author: Alberta Brown
Subject: RE: FAA NPRM 4521C

Mr. Moore,

Thanks

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1760)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

Forum - Part 91 Sightseeing in accordance with 25 mile exception

FAA Response - Insurance Edit Delete

FAA Response - Insurance	Alberta Brown	03/05/04
No Availability for Part 135 Sightseeing Insurance	Harry Hirschman	03/05/04
RE: No Availability for Part 135 Sightseeing Insurance	Alberta Brown	03/12/04

Post new message in this thread

Date: 03/05/04 10:57 AM
Author: Alberta Brown
Subject: FAA Response - Insurance

INSURANCE

Some have asked what the insurance requirements are in part 135. The requirements are DOT rules, not FAA. The FAA requires proof that you have insurance before issuing economic authority. The proof comes to FAA via the insurance companies.

135 on-demand: Parts 298 and 205 205.5 3rd party $300,000 property $100,000 each passenger $ 75,000 or $75,000 per passenger times 75% of the number of passengers if more than one passenger. Usually one million is the minimum an insurance company will write.

135 scheduled, 121, and 129 are more with $300,000 each passenger.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1528)

Date: 03/05/04 01:43 PM
Author: Harry Hirschman (no profile)
Subject: No Availability for Part 135 Sightseeing Insurance

Aside from the insurance requirements, there is an issue around availability of insurance for operations under the proposed regulations.

I have checked through our broker with all available insurance markets and they WILL NOT write insurance for sightseeing operations under Part 135. Unless they change their policies this alone would shut down the air tour industry.

Upon further investigation of what it would cost to insure my type of company and aircraft under Part 135 as a charter company instead of an air tour company, the prices quoted were more than three times the premium we now pay.

The insurance industry definitely knows a thing or two about risk. Their actuaries have PhD's in statistical analysis and the success or failure of multi-billion dollar financial services companies rests on the soundness of their risk assessments.

The cost of insurance is therefore an excellent proxy for the safety of a given type of operation and the insurance industry is clearly indicating that air tours are safer under FAR Part 91.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1548)

Date: 03/12/04 02:24 PM
Author: Alberta Brown
Subject: RE: No Availability for Part 135 Sightseeing Insurance

Mr. Hirschman,

Thank you for your good comments. Your research is appreciated.

The insurance industry already does insure sightseeing in part 135. All of those operators who conduct sightseeing flights everyday at the Grand Canyon and in Hawiiai have insurance in accordance with part 135. They have been operating for years.

The FAA did not propose proof of insurance in the NPRM. The possibility of requiring insurance was offered for those air tour operators in part 91 who told us they already have insurance and are therefore equal to part 135. Some asked how much insurance part 135 requires. So, we posted the information.

We too have our share of PHD's doing statistical analysis and risk assessments.

We will consider all suggestions to make this rule possible for you and others.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1729)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

Forum - Part 91 Sightseeing in accordance with 25 mile exception

FAA Response - Public Meetings Edit Delete

FAA Response - Public Meetings Alberta Brown 03/06/04

Post new message in this thread

Date: 03/06/04 06:04 PM
Author: Alberta Brown
Subject: FAA Response - Public Meetings

FAA RESPONSE – PUBLIC MEETINGS

The FAA holds a face-to-face public meeting on some rules and has done so for many years. The majority of rules do not involve such meetings. This proposal involves the whole nation including Alaska and Hawaii. Where would be the best place to meet? Some have suggested a "series of meetings". If we held a series of meetings in say Boston, New York, Chicago, Los Angeles, Honolulu, etc. each of you interested in attending would have to get to one of them. They are held during normal working hours Monday through Friday. If you operate in rural areas and have to work most days, which many of you have told us you do, that could be a problem.

Have you attended face-to-face public meetings? One that comes to mind had one person in the audience. We think he worked in the building and was on break. Others have quite an audience. We never know how it will go. Normally the rulemaking team of four attends and at least one other FAA employee who actually conduct the meeting. We usually have to hire a contractor to arrange the logistics of travel, booking hotel rooms, renting a meeting room, providing microphones, chairs, tape recorders, copy machines, etc. Everything said has to be transcribed. The cost for all the travel, per diem, and other expenses of the meeting comes from our budget. The meeting usually lasts a couple of hours or less depending on how many want to present prepared comments. Speakers stand at a microphone and read. The FAA listens. The FAA may interpret intent concerning something in the NPRM if specifically asked.

Once the comment period closes the FAA team gets together and comes up with a final rule considering your comments to the docket and any public meetings. The team product goes through coordination

within the FAA. Then it goes to the Department of Transportation. Then it goes to the Office of Management and Budget. Then it comes back to the FAA to be prepared for the Federal Register. Then it goes to the Federal Register. Then it gets published. Anyone reviewing the document may request changes so it goes back and forth. All of this is for rules that don't overlap the interests of other agencies. If more agencies are involved, it takes longer. It may take years before you see any FAA response in writing about the rule.

The virtual public meeting on the Internet was done to try and reach those who couldn't attend a face-to-face public meeting; to try new ways to reach the public; and to save money; and to come up with a better product. It is optional and done in addition to any traditional process. It is 24 hours a day, 7 days a week. This is new for us too. Some things about it we hope to improve on. You're overwhelming participation made it impossible to respond to all of you within the time limit of the meeting. Therefore, we will continue to respond for a while even though the meeting has ended. A very few have said that not everyone has access to the Internet. The ones who said it did have access. We found that most do have access either at home or at work. Even coffee houses have access now although for a fee that would be far less than transportation to a specific city. Additionally, access is available at public libraries for free. Everyone is this country has access to a public library.

The docket is still open until April 19th. Comments to the docket can be sent via the Internet. They can also be mailed from any public mailbox. We think we can reach everyone who wants to participate. We haven't said we won't hold public meetings and don't fear meeting face-to-face.

Everyone has money problems and so do we. Each face-to-face meeting (one location), in round numbers, runs up to $30,000.00. The cost of the virtual public meeting, in round numbers, is about $4,000. It's your tax money.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1607)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

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Forum - Part 91 Sightseeing in accordance with 25 mile exception

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Date: 02/27/04 04:33 PM
Author: Alberta Brown (no profile)
Subject: 3rd FAA Response

3rd FAA Response

VINTAGE AIRCRAFT Many of you have been operating vintage airplane rides under the 25-mile sightseeing exception. This exception is not specific to vintage airplanes but generally applies to sightseeing flights, an undefined term. With the growth of the air tour industry over the last 15-20 years, the FAA has become increasingly concerned with the air tour segment. One FAA goal is to have a uniform definition for these flights. We have chosen to use the term "commercial air tour" to designate the type of flight that truly is a sightseeing flight. The definition of "commercial air tour" as proposed in this rule, contains a sightseeing component – a purpose must be sightseeing. To determine whether a purpose is sightseeing, then one must look at the factors listed in the definition (proposed 136.1).

Considering the postings during this public meeting, and the comments submitted in the docket to date, we acknowledge a possibility that at least some of the vintage airplane operators are not actually conducting commercial air tours as defined in the NPRM. If the 25-mile exception is eliminated, you have no provision that allows you to operate as other than an air carrier.

Mr. Robert Lock has posted a good starting point in the 2nd forum (part 91 sightseeing) that is supported by Mr. Alan Stephen and perhaps others. We have taken these suggestions and made modifications that we would like discussion on. First, here are some clarifying points. We deleted "revenue" since the FAA does not have revenue authority. We changed the term "aircraft" to "airplane". We want to limit the discussion to U.S. manufactured and original manufacture. The number of flight hours may be an issue. We show some of your airplanes being operated more than 100 flight hours a year. With flights a few minutes long these flight hours equate to a large number of passengers. Should vintage airplanes

operating well above your industry average be treated the same as those of you with drastically fewer hours and what should that time limit be?

We want your discussion specifically on the following language:

You are not considered to be a commercial air tour operator and would be permitted to operate under part 91 with certain conditions if

You operate one or two airplanes and

Each airplane meets one of the following

Was manufactured prior to December 31, 1946 by a U.S. manufacturer for use by the U.S. military (This means the actual airplane not just a make/model of the airplane. A reproduction of a 1945 airplane manufacturer in 1990 doesn't work.)

Or

Has a single piston-powered engine and an open cockpit

Or

Has a single piston-powered engine and 2 or less passenger seats

Or

Has a single piston-powered engine and is bi-wing

Or

Has other than a standard category airworthiness certificate

AND

Are operated for sightseeing flights totaling fewer than 100 flight hours per calendar year

Once it is determined that you are not conducting commercial air tours you would

Show proof of insurance (how much?)

Report to an assigned FSDO (including those of you who travel all over the country)

Satisfactorily complete an annual flight check as mandated by FAA

Operate in accordance with operations specifications as developed by FAA

Please note, the above suggestion is designed to help focus the discussion on some particularly helpful comments that have been received. It is not a new proposal. Any new proposal would be issued through the Federal Register. Any language discussed in this public meeting is not final.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1030)

Date: 02/28/04 10:32 AM
Edited: 02/28/04 10:36 AM
Author: Jack McCloy (no profile)
Subject: RE: 3rd FAA Response

Alberta Brown,

Please address the following issues pertaining to your comment.

Does the 'one or two' aircraft rule apply to only aircraft used for rides or to all aircraft in the owners fleet?

Why the vintage aircraft exception? What makes a modern 4-6 place US or foreign built aircraft less safe than a vintage airplane. All part 91 aircraft are maintained to the same standards regardless of age. Pilots are qualified by class and type not by the year the aircraft was built. You have also eliminated the Ford and Stinson Tri-motored aircraft by limiting the number of engines unless it was manufactured for the military. Why is the Ford or Stinson less safe than a Beech 18/At-11?

What makes a 1960 Cessna 150 a safer airplane than a 2003 Cessna 172?

Why limit the hours flown to 100? Is 8.3 hours a month enough to maintain proficiency as a pilot for commercial operations? With a 100 hr limit you are effectively requiring the aircraft to only be inspected once per calendar year.

There is no data that indicates there is a safety issue with part 91 operators. The data also indicates that in the majority of the part 135 accidents, the aircraft were operating in violation of current regulations. It would appear to me that education and enforcement would be more prudent than more regulation.

I urge you to eliminate this rule until such time that there is data to support a deficiency in the current regulations.

John S. McCloy III

Director of Aircraft Maintenance

Fantasy of Flight

Polk City, Florida

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1065)

Date: 03/02/04 09:09 AM
Author: Richard L. Hall (no profile)
Subject: RE: RE: 3rd FAA Response

This seems like a good approach for compromise in this situation. When I was a child, I was given a short airplane ride for a charitable cause. This spurred me to love flying, which I pursued by attending USAF pilot training and then flying military aircraft for a number of years. The EAA Young Eagles program has an outstanding safety record over the past 10+ years while they gave rides to one million young people.

Many people who offer rides, such as the CAF, Collings Foundation, EAA, and others, are operating vintage aircraft that are well beyond their intended useful life. To my knowledge, they have not experienced an accident in their operations giving "rides" to people within a local area. Most accidents involving vintage aircraft have involved only the crew.

These vintage aircraft are lovingly and painstakingly maintained to provide an educational experience for younger generations and to allow "the greatest generation" another

opportunity to visit and perhaps fly on an aircraft that they might have crewed during WWII. To remove this opportunity for education and reunion would be an injustice, as would denying the public an opportunity to take a ride in the local area if it suits them and they are familiar with the aircraft operator.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1253)

Date: 03/02/04 11:17 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: 3rd FAA Response

Mr. Hall,

Thank you for your sincere comments. The FAA has no intent to stop/ground charity flights.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1261)

Date: 03/02/04 11:12 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: 3rd FAA Response

Mr. McCloy,

The intent was airplanes used for conducting air tours. Many of you have flight schools and/or part 135 operations where sightseeing is only a portion of your business. Others do nothing but sightseeing.

The vintage issue was a place to start. We realize this rule applies to other than vintage. We do not look at one make/model as being more safe or less safe than another make/model. We are looking for alternatives.

A 100 hour cutoff is again only a suggestion to start conversation. More hours or less hours or no cutoff may be better. Nothing is final.

It is possible the rule could go away but if it doesn't we give you the opportunity now to help develop it. If the rule does continue the "do nothing" option isn't helpful and this Internet chance will have gone by.

Thanks

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1260)

Date: 03/02/04 02:17 PM
Author: Jack McCloy (no profile)
Subject: RE: RE: 3rd FAA Response

Ms. Brown,

You asked for "your discussion specifically on the following language", that is what I was trying to start. If you are proposing to exempt 'vintage aircraft', I wanted to know why? I was under the impression that the safety of our passengers was the issue for this rule.

Yes, I do believe there is room for improvement in the current regulations, but not to the extent of this NPRM. I think most of us agree that some form of passenger floatation device should be required on extended over water flights and that all passengers should be properly briefed on emergency procedures. In my opinion the 25 mile rule distinguishes between a 'sightseeing air tour' and a 'flight experience'.

I think we all agree that there needs to be a way to collect data on numbers of hours and passengers flown, but does that require a regulation? Isn't this something the FSDO could handle? We are only trying to make a living with our airplanes and

share our love of aviation with the general public. We are not outlaws (yet) please don't treat us as such.

I was under the impression that this forum was supposed to be a medium for the parties concerned, to ask questions and have those questions answered if possible. It has not turned out that way, this is nothing more than a message board for those of us with a passion for aviation who still feel the FAA can be persuaded to do what is good for the country.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1278)

Date: 03/04/04 09:53 PM
Author: George Andrew Coats (no profile)
Subject: RE: RE: 3rd FAA Response

Our Museum can currently use Part 91 sight seeing flights to offset the expense of operating and maintaining historic aircraft, and allow the public a unique perspective on civil aviation history by paying to actually ride in such aircraft. The suggested revision to the proposed rule discussed in this thread suggest that World War II and pre-war vintage military aircraft would be allowed to continue to operate under the current Part 91 sightseeing rule. This creates an arbitrary distinction which would be harmful to our Museum's vintage civil aircraft operations. Why would sightseeing in a 1943 civilian certificated airliner pose a greater risk than sightseeing in a World War II bomber? Why would sightseeing in a 1958 vintage airliner or military aircraft pose a greater risk than sightseeing in a 1938 military aircraft?

Most vintage aircraft, such as those operated by our Museum, could not feasibly be operated under Part 135. The proposed rule change would significantly harm our Museum and its efforts to keep historic civil aircraft in airworthy condition. Conversely, the requirements of the insurance industry address many of the safety concerns discussed in the meeting without placing the vintage aircraft operator under the impossibly onerous burden of Part 135. To the extent there is any concern about members of the public mistaking a Part 91 sight seeing flight for a Part 135 flight, pre-flight disclosure language explaining the difference between the two could eliminate any such confusion.

In short, a rule which harms charities, education efforts, and people dedicated to preserving

aviation history, absent any compelling justification to do so is a bad idea. We would request that the proposed rule change be abandoned in its entirety. Drew Coats The 1940 Air Terminal Museum Houston, Texas www.1940AirTerminal.org

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1495)

Date: 02/29/04 09:55 AM
Edited: 02/29/04 10:03 AM
Author: Thomas Harnish (no profile)
Subject: RE: 3rd FAA Response

To come up with a uniform definition for sightseeing and air tours is a goal that can't be met: it's not a uniform beast. There are six passenger Cherokees, five passenger vintage biplanes, 24 passenger balloons, two-passenger 'ultralights,' and even gliders doing sightseeing. There are single engine piston helicopters and there are twin-engine turbine copters. There are piston Cessna 421s and turbine Twin Otters and radial Beech 18s and Ford Tri-Motors. There are flights over long open stretches of water and/or mountains and flights that never leave the traffic pattern. There are companies that have no competition and there are companies that operate in a highly competitive market. What makes you think that one set of rules should apply to all of them--even if you *could* come up with one definition? (And, as has been said repeatedly, what makes you think that new regulations in lieu of enforcement are needed at all?) If a definition of sightseeing and air tours is desirable the place to start is with record keeping, with facts, and with analysis--not with regulation.

You mention that you've considered the comments of Robert Lock *et al*, but I can't find the modified version (of what?) you refer to that deletes 'revenue' and also now uses 'airplane.' Could you post whatever it is in its reworded entirety here?

You show *some* airplanes being operated more than 100 hours a year? You can't make a business out of sightseeing if you fly less than 100 hours a year. But then you suggest that if vintage airplanes are operated more than the industry average (whatever that is) it might not be safe? Why not? They're inspected every 100 hours and held to the same standards as any other airworthy aircraft. You aren't suggesting that the existing FARs for maintenance are inadequate too are you?

Why does the number of aircraft we operate make any difference? If you're worried about risk you might ponder why insurance rates go down for multiple aircraft, not up. For that matter, why

is an open cockpit vintage aircraft safer than one with a canopy? Or why is a Travel Air with seats for two passengers as a safe as Stearman with room for one passenger but somehow not as safe as a New Standard with seats for four--they're all biplanes with the same powerplant and construction? Or tell us why an aircraft that doesn't have a standard category airworthiness certificate would be allowed to fly under Part 91? (Actually, we think that's an excellent idea given how robust YAKs, AN-2s, and P-51s are, for example, but that's another discussion).

By the way, they aren't bi-wings, they're biplanes.

When was it decided that the 25 mile limitation was going away? We're still dumbfounded by the fact that someone seems to think that an aircraft that flies only in good weather (there's no reason to go sightseeing if you can't see the sights), takes off and lands at the same airport, and flies over the same terrain no farther than 25 miles from home, flight after flight, needs to be subject to the same regulations as an aircraft that takes off any time day or night in virtually any weather and is bound for anywhere. What facts and analysis have shown that the 25 mile limit conept is a bad one?

We already have to show proof of insurance to California PUCO and to every company whose employees we fly (including the CEO of TransAmerica Insurance and their entire Board of Directors, among others). Our company policy mandates annual proficiency checks...and numerous other operational standards that far exceed the FARs, by the way. And although we operate under Part 91 we have an Ops manual that the San Diego FSDO approved and reviews biannually. It's disturbing that you don't seem to know that many sightseeing and air tour companies do.

It's off the topic, but a plug here anyway for the the FAA folks on the front line--and they know us well enough to know we aren't trying to butter any one up by saying this--the biggest contribution to safety after our own hiring, training, maintenance, and operations standards are the folks at the San Diego FSDO. Actually, they helped us formulate our standards. They've shown us the way, patted us on the back when we do well, and spanked us when we screw up. And we have a spotless 12 year safety record as a result. We most certainly are not anti-FAA...just anti-ill conceived, anti-ill thought out, anti-ill supported regulation that may make what we do *less safe* not more safe.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1116)

Date: 03/02/04 11:55 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: 3rd FAA Response

Mr. Harnish,

Your first sentence sums up just a portion of the difficulty with this rule. The rest of the paragraph is familiar to us. We are putting out possible alternatives. Tell us which one definition or multiple definitions would work for you. If the rule does go final we will develop a better rule with your suggestions than without them.

About 100 hours ... many companies do sightseeing in addition to lots of other types of flying. For those conducting nothing but sightseeing, 100 hours may not be a good number. Maybe it's not a good number for any of you. We do know that at least some companies conduct more than 100 hours of sightseeing per year. What would work for you?

No make/model is safer than another. We just wanted to start conversation on possibilities.

You are correct. Biplane is the proper term.

Thanks for the good words about San Diego FSDO. If you have already worked with the FSDO and already have company policy that far exceeds the FARs this rule should be easy for you.

Not all companies operate in California. Showing proof of insurance to the FAA was a possible alternative. How would showing proof of insurance to other than the FAA help here?

This is an opportunity for you to help your industry as well as yourself. If the rule is cancelled, then it is. What if it isn't? It sounds like you have lots of experience that could be helpful.

Thanks

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1266)

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Date: 03/02/04 07:17 PM
Author: Thomas Harnish (no profile)
Subject: RE: RE: 3rd FAA Response

I can't define sightseeing or air tours (nor can you) without knowing what those businesses and operations look like. I can certainly think of approaches for finding out, and it seems, without much thought, that a taxonomy that includes type/size of aircraft, terrain, and competitive environment would be a place to start. There are undoubtedly other dimensions.

Are you so isolated from "the real world" that you can't understand why thousands of pilots and hundreds of companies who have been told their livelihood will be taken away are responding to your request for help with, "Go to hell?" Asking for our help would probably have been well received if it had come *before* the NPRM, not after. Nevertheless, I for one remain willing to help...but not until the NPRM is dead and buried and a viable plan is set forth for doing the analysis necessary to properly formulate changes if it turns our they are required. Same reaction, by the way, to the make/model issue and your assertion, "we just wanted to start conversation." You can't yell "fire" in a theatre and then say it was just because you wanted to liven things up a little.

I submit that 100 hours...or any other number of hours is not a measure of anything except the number of hours. 100 sixty minute flights may be safer than 600 ten minute flights, for example. But, to be redundant, without data there's no way to know and neither you nor I nor anyone else can make a judgement on *what* the proper metric should be.

I'd love to see the folks in Booz, Allen & Hamilton's Transportation Division, for example, take a crack at assessing who/what sightseeing is, and what the best measures of safety are. *Then* some decision could be made about what kinds of record keeping should be instituted to assess a company's and the industry's future safety. Once the data is collected *THEN* the FAA could propose rule changes to make sure those elements of safety are optimized.

Showing proof of insurance to anyone doesn't prove a thing, I suspect, except that someone has a piece of paper. In any event, and I may be wrong here, but I'm not aware of any other arena where the FAA regulates a company's fiduciary responsibilities.

You set up a straw man, we burn it to the ground, and then you tell us this is a

chance for us to help ourselves and our industry. Forgive me, but is your opinion of the business and intellectual ability of the people who are responding to the NPRM and participating in this NPRM so flawed that you think we need a lecture on our responsibilities? You may not feel that way, Alberta, and if we met face to face to discuss these issue it might be apparent, but speaking entirely for myself I have to say that the view from here is that you/FAA have a flawed preconceived notion and a haughty attitude that we pilots just don't get it. This forum was bad a idea to begin with, and it may actually have made things worse. That said, I'd say most of us are eager for an open dialogue, and eager to do whatever we can to make this business safer and more successful.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1300)

Date: 02/29/04 09:53 PM
Edited: 02/29/04 10:01 PM
Author: randall henderson (no profile)
Subject: RE: 3rd FAA Response

I really don't like the direction this "meeting" is going. FAA is ignoring 99% of the comments, including many that are very well thought-out, and has sized on some suggestions that would minimize the impact on some percentage of the industry while leaving the rest out in the cold. Meanwhile the question of just what justification there is for any new rule continue to go unanswered.

Still, I'm not giving up. Here's my suggestion -- simply add the following to your list of exceptions:

The operation meets the exceptions outlined in FAR part 119.1(e).

FAA could say they made a new rule up and everyone goes away happy, no?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1144)

Date: 03/01/04 09:03 AM
Edited: 03/01/04 09:04 AM
Author: James Berger (no profile)
Subject: RE: RE: 3rd FAA Response

> I really don't like the direction this "meeting"
> is going. FAA is ignoring 99% of the comments,
> including many that are very well thought-out,
> and has sized on some suggestions that would
> minimize the impact on some percentage of the
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> list of exceptions:
>
> The operation meets the
> exceptions outlined in FAR part 119.1(e).
>
> FAA
> could say they made a new rule up and everyone
> goes away happy, no?

Please don't create any new rules. Don't fix what isn't broken. A new rule won't make aviation any safer at this level, except to price people out of aviation.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1172)

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Date: 02/29/04 11:09 PM
Edited: 02/29/04 11:46 PM

Author: Thomas Downey (no profile)
Subject: RE: 3rd FAA Response

Selling rides in Vintage aircraft for compensation IS holding out to the public for hire.

The public should expect that these aircraft are maintained in a safe condition.

And that is what they are already getting.

These aircraft are in mint condition and border on works of restoration art. There has never been one single accident in these vintage aircraft while on tour. To even bring discussion on them in this rule is assinine. In fact the FAA should be bending over backwards to HELP these operators by removing them from part 43 requirements, and allowing the up grading to modern equipment with out the present change 16 process on gaining authority to use safer equipment.

Vintage aircraft should not be grouped into the same rule as flight tour operators. "flight see" "Air Tour" there have been several serious accidents involving air tours in Hi. why does the whole industry of part 91 "Air tour" suffer?

Flight See operators operate at a very up scale tempo, logging many more hours than vintage air craft operators do. Vintage operators are more prone to airshow activities and on display more than they actually fly. We actually do more air show promotional flying than flying the public.

Your FAA wording on vintage aircraft is ridiculous, all VINTAGE AIRCRAFT were not built for military use. The Whole Stinson line of production aircraft prior to WWll would be left out of the regulation IF it stands as written, as would all the vintage WACO cabin class (because they are cabin type aircraft, with no open cockpits), pre-war Cessnas, Fairchild, Piper J series, and Taylorcraft would be left out also.

The rule is really biased as to what a vintage aircraft is.

To even mention the new production replicas and vintage look-a-likes is to confuse a new aircraft, and Experimentals with actual Vintage aircraft and it shows the ignorance of the rule writer on the subject.

"VINTAGE AIRCRAFT" should be definded as All aircraft built before 1950 which the manufacturer is no longer supporting.

There should be no mention of military, open cockpits or any other restrictive language.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1159)

Date: 02/29/04 11:22 PM
Edited: 02/29/04 11:24 PM
Author: Douglas R. Jackson (no profile)
Subject: RE: 3rd FAA Response

I hate to tell you this, but you, the FAA do not understand the specific operational issues of many of the specific aircraft you are intenting to legislate here: vintage and warbird type aircraft.

As but one example of this, the FAA cannot even give type rating rides in vintage and warbird aircraft because you have no one who is qualified to do such--these rides are all given by "civlian" designees. How in the world do you expect your local FAA offices to be able to effectively "approve" nor less intelligently review any possible operational data or other such rule proposals for the exemptions you are now bandaiding herein?

The existing methodology of personal responsibility, with FAA oversight of the annual maintenance of the aircraft, and certification requirements of the pilots, as worked wonderfully over the years. This has applied to all rides given by all types of aircraft, be it general aviation, vintage, warbirds, or whatever.

The public has been able to enjoy these small aircraft by being given rides--which make no mistake about it, YOU WILL LEGISLATE OUT OF EXISTENCE. This by the sheer volume of requirements and complexity of all of your proposals versus what the average pilot and aircraft owner giving rides will wish to bear.

Mark these words down--these proposals and counterproposals you are pushing WILL LEGISLATE MOST RIDES OUT OF EXISTENCE.

And all areas of general aviation will lose one its last methods or reaching out to the non aviation public. This by showing the non aviation public the joys and wonders of our world from the sky.

The big issue here is back to "where's the beef?"

The safety record in giving rides in non FAR 135/FAR121 type aircraft at charity and other events has been exemplary--far better than the exact type of operations (FAR 135 and FAR 121) that you, the FAA are wholeheartedly attempting to turn this type of operation into.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1160)

Date: 03/01/04 07:53 AM
Edited: 03/01/04 08:03 AM
Author: Jon B Roth, Jr. (no profile)
Subject: RE: 3rd FAA Response

I actually appreciate the open dialogue that is taking place here. I also apreciate the fact that I am responding to a living, breathing person, rather than a bureaucracy. For this opportunity, I am grateful.

That said, I am not at all grateful that I have to take my time to be here in the first place. I have made comments through the standard docket system and I expect them to be considered. I will not repeat them here, unless you feel that it is beneficial to my purpose of eliminating the NPRM. Don't get me wrong, I'm quite pleased at the opportunity to comment in this forum, I'm just upset that the NPRM is being proposed in the first place.

I make the following comments with regard to fixed wing aircraft only. I have neither qualification nor ability to comment on rotary wing, glider or balloon operations. To me, the following is clear: 1) The primary FAA purpose of this NPRM is to protect the public safety and reduce accidents and incidents. 2) While this is a lofty and worthy goal, the FAA lacks specific data on the number of part 91 sightseeing flights that result in accident or incident. They are not sure if this category has a higher, equivalent, or lower safety record than on other part 91 flights. They wish to find out. 3) There is a perception that increasing the prócedural standards (by requiring part 135 management) will improve the accident statistics. 4) There is a perception that sightseeing activities are equivalent to airline operation, and therefore require FAA control and oversight.

Have I missed anything? Now for the anlysis of each point.

1) Clearly this will be true, should the rule go into effect. The regulatory burden will force a large number of operators to cease offering their services. Fewer operations usually translates into fewer accidents. Goal met. Public safety enhanced. Note that public safety could REALLY be ehnanced by eliminating all part 91 operatons, not just sightseeing flights. But you've heard that one before.

2) Honestly, point 2 is commendable. If you suspect that sighseeing part 91 operations carry an unacceptable public threat then it is your mandate to collect necessary data to make an informed response. It is clear by your own admission, that you don't have the data that you need to take such a step. I am all in favour of FAA monitoring of part 91 sightseeing activities, to the extent that NO OPERATIONAL RULES ARE CHANGED WHATSOEVER until sufficient data is collected. After all, if you change the rules, how can you establish the baseline to measure improvement? If this means my having to register as a commercial sightseeing venture with my local FSDO and sending in an annual return of flights made, commercial hours logged, passengers flown, then that is fine too. Note, that in the entirely possible event that sightseeing part 91 operations acutally have a demonstrably BETTER safety record than other part 91 operations, or for that matter part 135 operations, then it is clear that further operational limitations are unwarranted. In fact it would be a wake-up call to consider additional operational regulations on the non-sightseeing flights and/or 135 flights to bring them up to a level of the non-regulated sightseeing flight safety.

3) Point 3 is pure hypothesis. It cannot be statistically tested without data obtainable in point 2 above.

4) Be careful with this association, especialy in the absence of data. Should an inter-city bus be regulated as a hackney taxi? Should a hackney taxi be regulated as a mini-cab? Should a mini-cab be regulated as a horse and carriage through central park? Should a horse and carriage be regualted as a cycle-rickshaw? (UK concepts, but they fit the situation) Should, therefore, Joe Bloggs the rickshaw driver, be subject to similar (but perhaps at a different level) regulation as British Airways? In the absence of data, I'm not sure.

Conclusion.

As an IA, I'm constantly asked to provide approved data to support repairs and modifications to aircraft. This is reasonable, and I accept it. But likewise, I hold you (as my employee) responsible to provide me with data indicating that there is a problem with my class of operations. I'm a rickshaw driver, not an airline.

Therefore, the only thing in this NPRM that I can accept is that the FAA needs to know more about the situation (I specifically did not say "problem"). This can be accomplished by simple registration and communication between the FSDO and the commerical pilots WHO ARE ALREADY CERTIFIED to perform this activity. When you have data that indicates a problem, I'll be glad to entertain regulatory improvements. Until then it is a waste of your time and mine.

sincerely Jon Roth Comm Inst, A+P, IA

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1170)

Date: 03/02/04 03:35 PM
Author: michael muetzel (no profile)
Subject: RE: RE: 3rd FAA Response

Jon Roth, you said it well. You have convinced me that no 'negotiating", no 'compromise position', is appropriate until we know just what is the baseline we need (OR DO NOT NEED) to fix. Thank you. I hope somebody else reads your input.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1288)

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Date: 03/01/04 06:49 PM
Author: Robert G. Lock (no profile)
Subject: RE: 3rd FAA Response

I have carefully reviewed the FAA's 3rd response. Some have accused me of "negotiating" to save a business. I believe nothing can be negotiated in this forum or on the docket. I floated out an alternative as the FAA requested and they replied. However only 3 FAA responses since the forum opened is not how I envisioned this would work. Based on what I read it's no wonder the FAA didn't want a public hearing. Let me address the 3rd response since I was the one who presented the alternative, but highly modified by the FAA. First, LEVEL OF SAFETY issue: 1) Show proof of insurance (O.K) 2) Report to an assigned FSDO (O.K). 3)Complete annual flight check as MANDATED by FAA (O.K, but my airplane only has 1 set of controls, and is any FAA person qualified & current in a biplane?) 4) Operate i/a/w Operations Specifications as developed by FAA (just received copy from HI & it's much longer than I expected. Do I get any input into document?) Let's see, does all this address the FAA's concern about Level of Safety? So let's say I abide by above rules. Now, what can I expect to do? I have single engine piston powered biplane. I can now: 1) "OPERATE FOR SIGHTSEEING FLIGHTS TOTALING FEWER THAN 10O FLIGHT HOURS PER CALENDAR YEAR." 2) "WITH FLIGHTS A FEW MINUTES LONG, THESE FLIGHT HOURS EQUATE TO A LARGE NUMBER OF PASSENGERS." 3) "SHOULD VINTAGE AIRPLANES OPRATING WELL ABOVE YOUR INDUSTRY

AVERAGE BE TREATED THE SAME AS THOSE OF YOU WITH DRASTICALLY FEWER HOURS & WHAT SHOULD THAT LIMIT BE?" So, let me get this straight. The FAA raised my Level of Safety to what they think they want, but they now restrict how many hours I can fly per calendar year and limit how many passengers I can carry! What country am I living in? And the final straw is for the FAA to say to me, "Should vintage airplanes operating well above INDUSTRY AVERAGE be treated...." The FAA doesn't have a clue what the INDUSTRY AVERAGE IS! The FAA doesn't have valid & factual data on any of us vintage folks. I think I have presented my case as best I can. I have my answer to an alternative solution. It won't work, just like NPRM 4521. The FAA need not respond to this because it doesn't make any difference any more! My last docket comment has just been filed. Ill never forget, "WHY DO WE WANT TO REGULATE YOU? BECAUSE YOU LOOK LIKE AN AIRLINE!"

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1220)

Date: 03/01/04 09:04 PM
Author: Jennifer Jacob (no profile)
Subject: RE: 3rd FAA Response

The annual checkflights for pilots flying charitable flights holds them to higher standards than flight instructors operating under Part 91, who only have to have a BFR and a FIRC. Who is going to bear the unnecessary burdon of these additional checkflights?

There appears to be a gray area and little difference between introductory flights, air tours, Young Eagle flights, Boy Scout aviation merit badge flights, etc. An unfortunate impact of the proposed rule is the harm done to future generations of pilots who will have to learn about aviation some other way. This is no small matter, as my husband is a flight instructor who had his introduction to aviation through an air tour in the 1980s, and has been flying for the last 20 years.

That said, I do see a role for 'the 100 hour inspection' of aircraft being used for charitable operations. One suggestion would be to limit use of aircaft used for charitable flights to allow these flights to be conducted within 100 hours from last annual or previous 100 hour inspection.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1225)

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Date: 03/02/04 11:23 AM
Author: Don Ballard (no profile)
Subject: RE: Thrill Rides are NOT Air Tours

Anybody to takes a ride in a vintage airplane or a ride hop at a fair or local airport is not doing so for the purpose of flighseeing. It is simply for the "thrill" of going up in a flying machine. Why do you want to piggback this segment with Part 136? Unless your intent is to destroy it all together. Perhaps we need a NPRM for a CFR Part 137 (Thrill Ride Operators).

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1262)

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Date: 03/03/04 12:07 PM
Author: Keith (no profile)
Subject: NO FAA Response

More "lip service" and not much of that.

No participation by the FAA in this or other forums "discussing" this horrendous NPRM.

Thanks for letting us know how the agency REALLY feels about pilot input

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1356)

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Date: 03/04/04 05:42 AM
Author: Jon B Roth, Jr. (no profile)

Subject: I retract part of my previous statement

I previously stated: "I actually appreciate the open dialogue that is taking place here. I also apreciate the fact that I am responding to a living, breathing person, rather than a bureaucracy. For this opportunity, I am grateful."

As the depth and breadth of FAA response has been woefully lacking, I retract the above statement. The "online" forum is not online. You are hiding behind the technology to allow you to elicit select occasional, select responses to select questions. This is not, therefore, an interactive session with the administrator.

In the UK (where I am sometimes based) (I am a US citizen and certificate holder) we have a thing called a Judicial Review, whereupon a magistrate can intervene and stop a government process which is not proceeding according to proper protocol and permits a judical investigation into the proceedings.

I beleive that is call for in this case.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1399)

Date: 03/04/04 10:14 AM
Edited: 03/04/04 10:36 AM
Author: Thomas Harnish (no profile)
Subject: Online Town Meetings Don't Work

Because several people told me they'd had trouble logging on to this forum I volunteered to post any opinions that were emailed to me.

Over a period of 4 days, and it's only 7am today, I've received 10 such comments.

If this sample is representative, then only 10 percent of the people who wanted to comment have been able to. Even if the sample is highly skewed, and there is only *one* person out there for every one of us online then **this forum did not succeed** in allowing public access.

And that assumes that the technology was used properly to begin with, which it wasn't. A forum is supposed to be a place for open discussion. There has been meager interaction with the FAA, and

then only to issues and points one bureaucrat saw fit to respond to.

This has been more akin to the FAA erecting a giant anti-flying billboard in a pilot ghetto, and then the pilots promptly covering it with graffiti. And if it the angry mob, incited by the insensitive and inaccurate message, could have torn the billboard down and destroyed it, they would have. No real discussion took place, and certainly better understanding of the issues didn't result. We can only hope the FAA learned that this isn't an effective way of allowing public discussion...especially after the fact. It might actually work as a way to obtain input *before* the fact, if active participation by both the FAA and pilots is achieved.

An on-line public meeting run the way this one was not only worthless, but may actually have made the situation worse. I think it's safe to say that the pilot's consensus is that the FAA has a preconceived notion and is more interested in giving us a chance to vent than having any real dialog. I have enough faith in government. misguided though it may be, to believe that wasn't the intent.

In any event, when a hypothesis is tested and the answer is "no" it still was a good experiment. The online town meeting was an experiment and it has proven not to be an effective way to generate discussion. At least we learned that.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1415)

Date: 03/04/04 11:34 PM
Author: Erich Roeder (no profile)
Subject: RE: 3rd FAA Response

FAA, Please leave vintage aircrafts out of this. Rides provided by warbird museums are in aircrafts professionally maintained and operated. Do you have data showing these aircraft are involved in a number of tour related incidents? I have not heard of any. The ability to conduct these rides not only provides the lifes blood (cash) for these organizations to keep history flying, but more importantly, allows new generations to see hear and touch history.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1502)

Date: 03/05/04 01:55 PM
Author: Craig Peterson (no profile)
Subject: RE: 3rd FAA Response

I find it shocking that the FAA would make such a draconian proposal with so little data!

One example which should totally shut down this proposed rule:

You are much (at least 10 times) more likely to have a FATAL accident in one hour of driving than you are if you fly one hour on an Air Tour.

How many kids have future dreams that are ignited by a one hour ride in a car?

How many kids have future dreams that are ignited by a one hour ride in a plane?

You can prevent ALL accidents ... By making sure NOBODY FLIES (In which case, I will become a citizen of another country).

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1557)

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Date: 03/05/04 03:55 PM
Author: Rodger Petersen (no profile)
Subject: RE: 3rd FAA Response

2 or less passenger seats?? Brings up an interesting visual... "Would you like to be duct taped to the wing or spring for the optional bungee cords."

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1586)

Date: 02/27/04 11:17 PM
Edited: 02/27/04 11:22 PM
Author: Joseph R. Maridon (no profile)
Subject: Comments on 3rd FAA response

I operate a 1942 Waco UPF-7 that fits one of the "or" requirements with its single piston engine and open cockpit. It has three seats but that does not exclude it from this consideration.

Sounds like we are making some progress here.

What difference does it make if I operate one, two, or three, or more airplanes? What if I operate two and have a third as a backup?

I do not understand the 100 hour per year limitation. What makes me more unsafe if I fly more than 100 for hire hours in a year? There would still be a requirement for a 100 hour inspection. This would put a limit on the number of for hire ride hours but no limit on the total hours flown per year. What basis suggests the 100 hour limitation? I hope someone does not think we are qetting rich quick in this business and so what if we were? What does that have to do with safety? Another consequence of this 100 hour limitation would be to price the rides high enough so the market would limit the hours. That sounds good to me. Fly less for more but I do not believe those of us operating vintage airplanes are in it just for the money. I am also confused about the sightseeing definition and how it will affect any rulemaking. I fly my passengers to a very scenic area 12 miles from the airport. Would this classify me as a commercial air tour operator? This area has relatively little air traffic. The only other practical alternative is the practice area used by local flight schools. It is not scenic but is not the safest place for these rides and only adds to the congestion in the practice area. Anyhow what difference is it if the purpose is sightseeing or to just experience flight in an open cockpit biplane? Is a sightseeing flight more or less safe than just a ride? I can see no difference what the purpose of the flight would have on safety.

I carry insurance and would be willing to provide proof. Input from the insurance industry is needed here. Once we start talking about more than one million total it may not be avaliable in the market place.

I would be agreeable a requirement to report to my local FSDO. The requirement should be to only have to report to one FSDO for operation anywhere in the country.

To satisfactory complete an annual flight check seems to be a reasonable requirement. This should take the place of the bianual flight review.

The last item of operating in accordance with operations specifications as developed by the FAA is difficult to comment on with no indications what these may be. I am one of those who travel. How would

that be addressed? Would I have to get specific operations specifications for every area I planned to operate? That would make a barnstorming trip an administrative challenge.

If safety is the driver for this rule making let's focus on that and keep it simple. Reporting to the FSDO, carrying insurance and the anual filght review make sense. Otherwise is there any data to suggest that following the Part 91 rules is not adaquate for this type of operation?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1052)

Date: 02/28/04 12:20 AM
Author: Eric Gourley (no profile)
Subject: 100 hour limit.

No. No. No.

You are being selectively responsive to only what you see as the end result. One option of a "proposed" rule making is to drop the proposal (not your end result). Obviously you have ignored any of the comments saying existing regulations are safe. Instead you zero in on your agenda. Sorry, this is not a forum.

I repeat, the NPRM will not increase safety and is totally unwarranted.

Can you actually prove that operators flying in excess of 100 hours per year are less safe?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1054)

Date: 02/28/04 09:19 AM
Author: Gary L Lust (no profile)
Subject: our options

Hey fellas, lets cut to the chase. It is apparent from Alberta's "suggestons" that the FAA is cognizant of the absurdity of their proposal, and perhaps starting to backpaddle. Is there among you a knowledgeable

attorney who can advise us as to the feasibility of enlisting the AOPA, EAA, AAA, and any other advocacy group, as well us us, the affected parties, in a class action to get an injunction to halt this outrageous proposal before it is too late? While we engage in this silly "forum" the clock is ticking.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1057)

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Date: 02/28/04 09:48 AM
Author: Joseph R. Maridon (no profile)
Subject: Reproduction Aircraft

I do not operate one of the reproduction aircraft that the FAA refers to in their 3rd response, however excluding these aircraft makes me question the whole intent of what is going on here. If safety is truly the issue why would these aircraft built to a 1930's design in a modern factory with modern material be any less safe than the original 1930's built airplane?

I have tried to keep an open mind but it is difficult not to believe that the ultimate agenda here is to shut us down. If not now, in the future by continualy tightening the noose until we die from over regulation.

If the FAA develops a data base as many have suggested and that shows a true need for additional requlation I will support it. That data base would show where, if any, the rules would need to change. If required it would hopefully not be this heavy handed shot gun approach.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1060)

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Date: 02/28/04 10:04 AM
Author: Robert G. Lock (no profile)
Subject: FAA's 3rd response

Ms. Brown, Thank you for your response and willingness to explore other options with us. I want to spend some time to see exactly how our operation fits into your suggested points for discussion. First, I used "revenue flight hours" to describe the ACTUAL flight hours where passengers were in the airplane, and to separate the "ferry time" to-and-from an event. Each of our airplanes operate about 400 to 500

hours per year, but some of that flight time is used getting to-and-from an event, and with a cruise speed of only 70 mph, ferry time can be substantial (and with head winds it can REALLY be substantial). I should reiterate that all of our flights are within a 5nm distance from the departure airport, at an altitude of 1,000' to 1,500' agl, at an airspeed of 60-70 mph, so we are always in visual contact with the airfield. Another discussion point here would be to define what is a vintage airplane? We can set dates of manufacture, but I might suggest looking at the approval date of the Type Certificate. Look at how this would work. There are many Waco YMF-5 airplanes in our business that are of recent manufacture. However their Approved Type Certificate is ATC 542 and it is dated 9-30-39. There are several aircraft of "modern" construction that have the same configuration as an airplane that was originally manufactured in the '30's and '40's, and the initial ATC is still valid. In my opinion, this might be an excellent way to identify a "vintage airplane." My docket comment #1534 addresses "airworthiness" and "certification" issues. I'm working on your discussion points and will post some comments as I collect my thoughts. Thank you for considering my comments.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1062)

Date: 02/28/04 11:39 AM
Edited: 02/28/04 11:42 AM
Author: Jeffery P. Hansen (no profile)
Subject: Ths public is the real loser from this NPRM

It seems that the main target of this rule change are large sightseeing operations near national parks and other scenic areas for which sightseeing is their primary business. However, there are many other operators that will be affected as well. Besides the vintage aircraft group, there are also many flight schools that in addition to flight training, offer scenic tours of the local area. While sightseeing is certainly a component of such rides, for most people it s the thrill of riding in a small plane that is the primary draw. Often it is a parent with a child who has an interst in aviation with the rides given by experienced flight instructors. The kids always come back with smiles on thier faces.

For most flight schools, the sightseeing component is generally a small portion of their business. For these operators who are generally operating on a shoe-string budget already, obtaining a 135 soley for the purpose of conducting the sightseeing flights would not be worth the trouble or expense. As these flight schools are typically the only operators offering such sightseeing flights in the area, this sort of service would simply cease to exist. The real losers of this would of course be the public and the kids who dream of flying.

I still believe that the NPRM as it stands has not been sufficiently justified. As I stated in a previous post,

there is no statistical basis for this rule change. However, I do understand the need for some oversight and recordkeeping. Why not require sightseeing operators to register with the FAA and report anually the number of sightseeing hours flown. Providing proof of insurance is also not unreasonable (who in their right mind would fly without insurance anyway).

Providing airplane rides to the public has been a part of this country's history for generations. It fosters good will between the aviation community and the public. When people seeking to fulfill their dream of flying in a small plane are turned away, they are going to begin to see their local airports as nothing more than a source of noise. Is this really the future we want?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1069)

Date: 02/28/04 12:46 PM
Author: keven sandquist (no profile)
Subject: NPRM - 4521

Why is there yet anotner effort to impose more regulation on the public that is not needed and only further limits freedom? I would rather see our government insure the freedoms and rights that many of us served in the military to preserve. Charity flights that contribute to non profit organizations are not airline activities. Only an obscure view point could find additional regulation on these flights required. The rules that govern our lives do not need to more obscure than they already are.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1075)

Date: 02/28/04 05:54 PM
Author: Ryan Short (no profile)
Subject: Proposed changes

First, the more I read, the more I am tending to think that this forum is more of a joke and a token effort at compliance with rules for rulemaking, but in the unlikely event that my saying something will make a difference I will post anyway.

In your 3rd response you have stated:

QUOTE - "You operate one or two airplanes and

Each airplane meets one of the following"

This is beginning to sound more reasonable (I still oppose the whole thing.) for vintage aircraft operators, but it still would not be helpful for MOST flight schools. Many of whom operate far more than 2 aircraft. For instance, let's say you wanted to take a dad, mom, and the kid who's interested in taking flying lessons up in a 172 with a 350 hour instructor. Would that still be ok? It doesn't sound like it. Please address the issue of why a 300 hr flight instructor is safe to teach someone how to fly, but not safe enough to fly a passenger around in a scenic area for 20 minutes or so in a neat aircraft. I still think that if there is to be any new regulation at all. It should be along the lines of REASONABLE insurance requirements, good aircraft maintanence proceedures (flight schools already have to do this), and pilot proficiency, with maybe some placards and such that let the public what a stupid risk they're taking to fly... (that's a joke). Then, if they want to, it's their own risk, just like it's their own risk to drive down the street in a car. Still, I'm opposed to it, because I think that individuals with commercial certificates should be allowed to do it as well if they are following safe proceedures.

Ryan

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1087)

Date: 02/28/04 08:26 PM
Author: Thomas Harnish (no profile)
Subject: RE: Proposed changes

There are more and more comments here about flight schools doing sightseeing rides.

At the risk of sounding subversive, as co-owner of a full time sightseeing operation it makes me very unhappy to see a flight school load three folks up in a 172 and head out for parts unknown...sometimes including a stop for lunch. And after 11 years in the business we know these aren't isolated events.

The flight instructor isn't part of a drug testing program (at considerable administrative burden and expense), the company doesn't carry sightseeing insurance (also at considerable expense), and limited--if any--flight instruction takes place.

We know a fam hop is an important way to induce someone to consider starting flight training, and we're definitely in favor of that. But the flight violates the FARs and makes for a very un-level playing field for those of us that play by the rules.

Something isn't right about this common practice. Still, the point--which has been made repeatedly here--isn't that additional regulation is need. It boils down to enforcement of exiting regulations.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1096)

Date: 02/29/04 10:59 PM
Edited: 02/29/04 11:10 PM
Author: Ryan Short (no profile)
Subject: RE: RE: Proposed changes

Thomas,

Just so you know, I'm not arguing that flight schools should break the FARs that already exist. The point of my previous post was that the proposed "solutions" (to problems that in my opinion are being created) would by their nature exclude almost ALL flight schools whether or not they were in compliance with current regs. Just read through that FAA proposal above and think about how it would affect those flight schools that you mention below in another post...

I am in principle opposed to the whole thing, and still hope that they will put the brakes on this thing. But if the FAA is going to do it anyway, then at least I've spoken up for the honest flight school's defence..

BTW, I went on at least two different flights with flight schools or part 61 instructors who took me up before I actually started for my PPL. Now, this is where I find that this whole thing is absurd in my mind: A sightseeing flight can be a form of instruction. Yeah, maybe you don't learn to fly the airplane at all in that flight, maybe you don't even get to touch the controls of the plane, but it does help one make up one's mind whether or not you actually like it. I know of folks who didn't like it, and that's fine, too. They still had the experience, and "learned" from it. Now techically, that might be considered a "sightseeing flight". But

to my way of thinking, that's just as instructional as the first time you actually land the plane or take the checkride. If you find you don't like flying in the first place, why shouldn't you be able to find out before you start sinking money into the deal?

Also, like I said before... I'm not advocating breaking existing FARs, however curious in their logic. I can agree that reasonable insurance is a fair way for the industry to regulate itself. Your statements about drug testing programs kind of mystify me. I really doubt that such testing really improves safety. I'd be more concerned about certain pilots I've heard talking that might drink too much than about any likelyhood of drug usage. I trust most of them to self-regulate themselves by the FARs, but would be much more concerned that if anyone was likely to have the "anti-authority" attitude and drink anyway, that FARs wouldn't stop them from doing it. At any rate, it's pretty much a hit-and-miss thing that violates the long-standing principle of law that a person is considered innocent until proven guilty. I'd bet that anyone who wanted to use drugs could probably find ways around the testing anyway, or wouldn't be concerned about following the rules to begin with. And what's to stop someone from passing a random test one month, and decide to start using said contraband the next month... You just can't test before every flight without giving up too much freedom. Also it's not fair to the 99% of other pilots who are playing by the rules.

Ryan

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1158)

Date: 03/01/04 06:06 PM
Edited: 03/01/04 09:27 PM
Author: Thomas Harnish (no profile)
Subject: RE: RE: Proposed changes

Of course I understand you weren't advocating flight schools should violate FARs...didn't mean to give the impression that I thought you were, sorry. And I certainly don't have any objection to flight schools doing sightseeing rides--they have airplanes and they have pilots. Keeping them both busy is what a successful business is all about. I do object to those who do it in violation of the FARs by not having the pilots drug tested and carrying appropriate insurance. And, for the

record, I recognize that not every flight school is guilty of this practice.

Concur that demo flights are an excellent way to help non-flyers appreciate the fun and utility of flying. I flew a lot of places with my Dad as a kid, many times just sightseeing, had the same experience you describe and decided to learn to fly. Now 40 years of flying and 10,000+ hours later I can say it was one of the best decisions of my life. Incidentally, as I mentioned elsewhere we send a former sightseeing passenger now prospective new student to local flight schools about once a week. About once a month we receive an email, note, or visit from someone that either just soloed or just passed their checkride. (If only we could keep the other 3/4 from dropping out somehow!)

Couldn't concur more about the drug testing. FAA drug testing does include alcohol too, by the way. I doubt the program has any measurable impact on aviation safety too--I've certainly never seen any stats that indicate it does. My gripe is that it's an administrative nightmare and expensive, and it's not right for (some) flight schools to circumvent the regulations and call a flight that is purely sightseeing an introductory hop. *That's* not fair to those who play by the rules.

In any event, let it not go unsaid that I remain adamantly opposed to the proposed broad brush regulations to solve an undefined, probably nonexistent, problem.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1218)

Date: 03/01/04 09:24 PM
Edited: 03/01/04 09:28 PM
Author: Thomas Harnish (no profile)
Subject: RE: RE: Proposed changes

Well, shut my mouth. We just received some updated material from the FAA drug czar and it indicates they had 11,000 positives between 1990 and 2001. On average 1000 people a year on the job tested positive for some form of drug (including alcohol). Guess I'd have to say that we probably *are* safer because those folks didn't climb in an aircraft.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1229)

Date: 02/28/04 11:12 PM
Author: Robert B Mincer
Subject: Revenue

Clarifying point? You "deleted 'revenue' "? From what? In what context? Now I'm confused. The FAA certainly lays claim to some sort of revenue authority in this proposed rule (along with existing rules). FAR 119.1(e) only exempts a 25-mile sightseeing operator due to the fact the flight is for compensation (or revenue). If I were not "holding out" for compensation, I wouldn't even have a need for a commercial pilot certificate. As a private pilot, I can give an airplane ride to whoever I wish and bust right through that 25 mile barrier, as long as "revenues" aren't more than the pro rata share of the operating expenses. If I ever become the philanthropist I someday hope to be, I could take out an add in the newspaper to give away "Free Airplane Rides" to anyone who wishes, under the same private pilot privilidges. My point is that in the scope of our scale of avaition, passengers are passengers. Why different standard of safety because someone is compensated is beyond me.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1107)

Date: 02/29/04 12:11 AM
Author: Ron Rex (no profile)
Subject: The FAA obviously hasn't thought this through

As Rob Lock points out, what safety difference is there between an antique biplane, and a new biplane built on an original type certificate from the 1930s? The fact that we even have to ask a question like this is discouraging. Not so long ago, there were folks at the FAA who had the kind of experience and background in General Aviation that would've made this whole "forum" discussion unnecessary. Basic knowledge on the part of Government of how this industry operates was a given. Well, not anymore! For example, the FAA apparently doesn't even realize the importance of a simple airplane ride in fostering enough interest in flying to keep our flight schools going and our airports viable. If this ridiculous proposal isn't dropped, we should indeed contact our Congressional reps for help.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1109)

Date: 02/29/04 10:14 AM
Author: Randy D. Miller (no profile)
Subject: RE: The FAA obviously hasn't thought this through

Exactly! We have reached the stage of the game where the people that "regulate" us have some general knowledge of what an Antique/Vintage aircraft is, and probably pre-conceived notion of what we do with them, but no basis in fact or ANY real world experience.

There was a point in time when the people in the FAA probably would have shelved this ridiculous NPRM even before it got outside their walls. As it's been said time and time again....there is simply no need for ANY additional legislation ESPECIALLY when the whole thrust of this proposal is built around some sort of "safety" issue and there is no factual data to show safety is lacking!

Here's the deal fellas.....We need to come together (and stick together) as a group before it's too late. We need to get our other operator/friends involved who maybe have no idea this discussion is occurring, or perhaps aren't computer savvy enough to participate. When this "virtual meeting" is over, we will have no more forums available to communicate and brain-storm as a group.

I, for one, will not let this heavy-handed government legislation pass without going down kicking and screaming. We need to start our own webgroup where we can continue the fight before it's too late. This would also allow us more time to contact members of our other organizations (National Biplane, AAA, EAA, Stearman, Waco etc) to let them know what is going on and to get them involved.

Are there any computer gurus out there who can suggest the best way to start a group such as this? We need to get everyone involved before the end of the week, and then we will be able to conduct our own forums and collectively contact Congress, AOPA. NATA etc. Any thoughts?

Randy D. Miller Vintage Aviation, Ltd.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1118)

Date: 02/29/04 09:30 AM
Author: Robert G. Lock (no profile)
Subject: FAA's 3rd Response

Ms. Brown, I concur with the FAA's proposal to establish an "entry" requirement for Part 91 operators. I believe there should be a registration with an FSDO and an annual report filed that is deemed appropriate by the Administrator. As for an annual flight check, that can be arranged. The airplane I fly only has one set of controls, so assume the FAA representative would watch me do take-off/landing and air work from terra firma. I have questions about a source of data concerning "Operations Specifications as developed by FAA." I am hopeful that these specifications would be with my input due to the age of the Approved Type Certificate of the airplane (1929) and conformity to data that is very limited in scope. The Approved Type Certificate was granted in accordance with data contained in Aeronautics Bulletin 7A, which originated in 1927, revised in 1929 and again in 1934. I concur with Mr. McCloy's comment that 100 hours of operation would be detremental to pilot proficiency and would, in effect, require the airplane to have a major inspection only once a year. The 100 hour inspection would be the Annual Inspection. It would seem to me that if an operator was assigned to an FSDO, said operator would be subject to oversight in maintenance and flight issues. Many full-time operators would need to operate at least 200+ hours just to make expenses. The airplane I operate flies 400+ hours per year. If you are talking fewer than 100 revenue flight hours per year, then obviously that won't work. The expense of operation is just too great. You see, I believe there needs to be a separation of revenue flight hours and ferry time. Is there another term we can use to describe revenue flight time because the FAA doesn't want to use the term "revenue?" If the airplane I operate flies 400 hours per year,then it receives 4-100 hour inspections (1 being the Annual Inspection). It would receive 16 twenty-five hour inspections and would be inspected daily before flight. I have developed "Critical Areas of Inspection", to conform to criteria being developed for "AGING AIRCRAFT." All this and including routine maintenance to airframe & powerplant. Thank you for considering my comments. I'm still at work developing responses on your other comments. Robert G. Lock, e-mail: waldo997e@aol.com

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1115)

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Date: 02/29/04 12:21 PM
Edited: 02/29/04 12:22 PM
Author: Robert B Mincer
Subject: RE: FAA's 3rd Response

Mr. Lock, I concede considerable deference to your options, in view existing your operation, where mine is merely in the planning phase. So, perhaps you can explain what the FAA has yet been unable to do. Reporting to an assigned FSDO will satisfy which particular charge of the FAA, and how? I believe it would only serve to collect data which will later be used to finally shutdown the sightseers if this PRM doesn't do it. I think it's wishful thinking to assume the flight check will be in your own plane with a Fed standing on the ground watching. I also think the "Operating Specifications" will likely be a nice heap of beuroecratic dung that will go far beyond your input. On more thing, if you think you can't make expenses with 100 hour a year (any way you figure revenue) then how could someone be expected to do it with 2 planes? What is it about your operation that you truly believes needs more oversight? It appears to me that you might be seeing the writing on the wall with the FAA coming to "help" and your trying to cut your losses...understandable, but my thinking is more along the lines of those who seek other sources of help, such as my elected representatives, AOPA, EAA and the likes. Thus far, the FAA has been non-responsive (to put in nicely) to the issues brought up in both this meeting and the comment period.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1122)

Date: 02/29/04 07:25 PM
Author: Robert G. Lock (no profile)
Subject: RE: RE: FAA's 3rd Response

Mr. Mincer, I respect your response regarding my response to FAA's 3rd response. We have all called "loud & clear" for this NPRM to be removed. Only time will tell what happens to this debacle. Let me pose a question to the FAA. This NPRM was drafted in 1998, lay somewhere for 5 years, then dragged out, no doubt modified and posted. The best way(in my opinion) to create a document like this was through ARC or ARAC. FAA, 5 years would have been plenty of time for ARC or ARAC to have gathered input from those affected. I agree, the best thing that could happen is for complete withdrawl of 4521. Is it going to happen? Your guess is as good as mine. In the mean time, why not float out some alternatives that might work. I agree with you and Mr. Harnish, the FAA needs to enforce existing regulations, particularly Part 135 nonscheduled operators. My operation doesn't need oversight or "operating specifications." However, if this kept me out of "Air Taxi" then I for one would be willing to at least explore to see if it could work. We all wanted "live" public hearings; that was soundly rejected. This online forum thing isn't the answer. I know for a fact that FSDO's cannot deal with the excess load and don't want to

talk about it unless it passes. But at least I'd be willing to explore and examine any possibilities to keep operating. You ask about AOPA and EAA. Don't know what they are doing, but might be doing something we don't know about. At least I'd like to think that. I am certainly not happy about EAA being so silent publically on this issue. From my perspective, this issue is so large and affects so many that it warrented ARC or ARAC involvement. Somehow, the statement made in FAA's 1st response will live with me for a long time - "WHY DO WE WANT TO REGULATE YOU? BECAUSE YOU LOOK LIKE AN AIRLINE." I for one do not want to wait to see if FAA removes 4521. None of us are AIRLINES. Aside from complete withdrawl, as we have all called for, I'd certainly like to hear your alternatives. We can swap e-mails if you like: waldo997e@aol.com

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1132)

Date: 02/29/04 11:00 AM
Author: Richard Audette (no profile)
Subject: Chnages to Part 91?

Why not discuss individual FAA concerns with specific operators or operations and then make any "Needed" changes to Part 91 where applicable? Lumping operators/operations such as a previous administration did in an effort to reduce Part 135 accidents may have worked for that scenario but is entirely a different animal here. We are going to push parts of Americana out the door unneccissarily if we are not very careful. My Dad was a B-24 Mechanic in England during the second World War and as a child I grew up going to air shows where these rides were part of the show, they provided inspiriation, not simply a "Ticket" on an airline type business, not just "Transportation"!! FAA please go slow with your efforts here.

Richard Audette

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1119)

Date: 02/29/04 02:21 PM
Author: Gary L. Lust (no profile)

Subject: FSDO capabilities

Response to Thomas Harnish: Those of us in the business recognise there are illegal operations being conducted (scenic flights without a drug-testing program, or exceeding the 25 mile limit, and illegal charter flights) by disreputable operators. That is regrettable, not the point of this discussion. There are many flight schools who do conduct scenic flight operations legally, and use that as a source of revenue, in addition to flight instruction.

Response to Rob Lock: I know and respect your operation and the constructive suggestions you have made. However you seem to be in a mode of negotiating with the FAA particulars applicable to your operation. Keep in mind that many in the vintage ride business, and most in the FBO/ flight school business are not full time at it, and do not intend to make their entire living by selling airplane rides. This NRPM has much broader consequence than the impact on a full time vintage ride operation.

Question for Alberta: If the intent, as stated, is to require every operator currently providing scenic airplane rides to acquire a part 135 certificate; or those operators, such as myself, who are already part 135, but offer rides in a vintage aircraft under part 91, to request 135 Op Spec approval for that aircraft, what do you calculate to be the impact on the FAA-FSDO offices around the country. You are making the rule. You should be expecting every scenic ride (AIR TOUR) operator,FBO and flight school in the country that is not currently part 135 to make application for such (you have stated you do not intend to drive anyone out of business), and these entities should expect prompt commpiance from their FSDO personnel. Have you discussed this with the FSDO inspectors who will be so imposed upon?

I agree with the comments of Randy Miller. This proposal is over the top, and requires legal action. Where are the AOPA, EAA, AAA and our other advocates? The clock keeps ticking.

If we get no satisfactory resolution to this, I recommend that ALL of the above mentioned affected parties IMMEDIATELY apply to their local FSDO office for a 135 certificate.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1124)

Date: 02/29/04 03:44 PM
Author: Thomas Harnish (no profile)
Subject: RE: FSDO capabilities

Yes, Gary, it *is* actually the point of this discussion, one of them anyway.

If the FAA is concerned about safety the most direct way to improve it is to enforce existing regulations and thus eliminate the disreputable operators who do not have an attitude of compliance that permiates their operation and results in accidents.

I certainly would agree, however, that the many flight schools who conduct sightseeing flights within the regs are not the point. They have our full support and encouragement, and at least weekly we send those flights schools enthusiastic sightseeing passengers who want to start flight training.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1126)

Date: 02/29/04 08:24 PM
Author: Robert G. Lock (no profile)
Subject: RE: FSDO capabilities

Mr. Lust, I am willing to exlore any possibilities that will keep the business going and to stay out of Part 135. I find the FAA's 3rd response to be very restrictive, but want to see how it might work with us. Perhaps other operators want to see if any of the FAA proposal would/could be made to work. If you or others have alternatives to the 3rd response, I'd be most interested to hear (read). I'm not in this to represent all other operators; they can represent themselves much better than I can. We all have called for the removal of 4521. I am willing to at least explore how this proposal would work for us. As I mentioned to Mr. Mincer, this NPRM could have had ARAC or ARC involvement, but apparently had NO input from any industry people who would be affected by 4521. It's unfortunate. Look at: http://208.243.114.31/featured/rulechg.htm. This is how controversial rulemaking should take place. You are absolutely right when you state that this NPRM has "much broader consequence." I couldn't agree more. But ARC or ARAC intervention is NOT an option with the FAA at this time. Too bad for all of us!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1138)

Date: 02/29/04 10:05 PM

Author: Eric Gourley (no profile)
Subject: Giving into any part of the NPRM

Obviously Robert Lock has far more at stake than many of us responders. I do not have a scenic ride business. I do fly for a Part 135 company. I have been responding because of principle. There is no sensible explanation or need for this new regulation. It is unfortunate that Robert Lock and a few others have decided to suggest compromise solutions to the FAA in order to stay in business. Isn't this a bit of arm twisting on the part of the FAA? I believe this is exactly what the FAA purports to do. It wants responders to respond line item for line item. This is tragic, for it not only implies that the NPRM is acceptable, but it also misses the main point entirely. This is not a necessary NPRM. An option is to drop it due to unanimous disagreement. The NPRM as I read it is totally unacceptable and without justification. I urge other responders to avoid micro-responding because it implies they have conceded that the NPRM is a done deal. It may well be, and many of us may have wasted our time. I will sleep better knowing that I tried.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1147)

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Date: 03/01/04 01:44 AM
Author: Ghery S. Pettit (no profile)
Subject: RE: Giving into any part of the NPRM

Eric is absolutely correct. This entire NPRM is unneeded (lack of data showing a need from the FAA = lack of need for the NPRM) and should be dropped in its entirety.

Ghery S. Pettit PP-ASEL

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1166)

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Date: 03/01/04 07:57 AM
Author: Robert G. Lock (no profile)
Subject: RE: Giving into any part of the NPRM

Eric Gourley, I agree with you that the NPRM should be pulled entirely. I floated an alternative and look what happened. Ref: 3rd FAA Response,"If the 25 mile exception is eliminated, you have no provision that allows you to operate as other than an air carrier." But isn't it interesting that the FAA offers oversight (report to FSDO, complete annual check flight,operate I/A/W ops specs developed by FAA). Can I do this? Maybe. But look further. The FAA proposes increased oversight (it can't handle what it has now) but still limits fewer than 100 flight hours per calendar year. Then they state "with flights a few minutes long these flight hours equate to a large number of passengers. What is the use of proposed oversight when you can only fly 100 hours per year. 100 hours = one Annual Inspection in one year! Egads! Further, "should vintage airplanes operating well above industry average be treated the same as those of you with drastically fewer hours, or what should that time be?" What in the heck is "industry average" anyway. If they have no data on us then how can they develop any kind of valid "industry average." It's rediculous! It's more than that, it's incomprehensible! I inquired as to flexibility from the FAA, and this is what we got! The agenda is "WHY DO WE WANT TO REGULATE YOU? BECAUSE YOU LOOK LIKE AN AIRLINE." I floated an alternative and look what came back. Something that is as inflexible and non workable as the NPRM. Now we know what the FAA thinks about alternatives! I'd like to know the FAA's definition of a "vintage airplane." I rest my case. Thans for your comment. Hopefully someone within FAA will pull this outrageous thing!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1171)

Date: 03/01/04 10:02 AM
Author: Douglas Jeanes (no profile)
Subject: sight seeing tours

I work for a museum that provides sightseeing flights for hire. We perform several hundred per year for the last 10 years. Our's are ussually limited to less than 10 miles. We have had one inflight cylinder failure, and a couple of "Let's go back and get the other airplane" type of incidents in approx 2,000 rides. We have a maintenance PMI that checks our operation just like the flight schools. If you use the reason in your first response."Because you look like an airline. A passenger decides to go on an airplane (why doesn't matter). The airplane operator wants money (donations are money). The passenger is happy if part/all of that money goes to a good cause but wants to go on an airplane anyway." The same would apply to flight schools and FAA check rides. Selling rides dates back to the first days of flight. How many people got their first ride in this manner? You probably did. I haven't seen any reasons for this reg. only that it "Looks like it's needed". That's not the role of the FAA. You should be showing justification in numbers and where the accident rate is, not I think. If the gov. all worked by the "I think" method,

there'd be an intern with a blue dress under every gov. desk. Blue Skies, Doug Jeanes

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1177)

Date: 03/01/04 03:37 PM
Edited: 03/01/04 03:39 PM
Author: Ryan Short (no profile)
Subject: FAA's unfairness...

I would like to know what efforts the FAA made besides the short link on their web page to contact those who might be affected by this proposal. It would seem to me that they ought to be aware of what might happen to them. I just conducted a personal survey of several flight schools, helicopter operators, and other reputable folks in the area, and NOT ONE of them had any idea that this was going on. I doubt that most of them check the FAA's webpage on a weekly basis and most of them probably don't even check AOPA as often as I do. You might think this just that they don't care, but I don't think so. Most of them that I know of are busy trying to feed families and keep on top of the paperwork the FAA already requires. I think that this is shameful. Whatever happened to our representation in government? It shouldn't just be token. It was intended, and should be truly representative, not just of those of us who also happen to use computers a ton.

It would seem to me that if the FAA truly desired input, and feedback from those who might be affected, and truly DOES NOT WANT TO PUT FOLKS OUT OF BUSINESS, that they should take the time to contact the flight schools and other operators that they know about.

Ryan

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1203)

Date: 03/01/04 07:47 PM
Author: Steve Thompson (no profile)
Subject: RE: FAA's unfairness...

It is my experience that 2/3rds of people in aviation are *NOT* knowledgeable of personal computer operations.

Let me give an example: A certain flight school decided to change its airplane scheduling system from a manual one to one requiring some type of computer interface. They had to make a few exceptions and allow for a phone interface using a menu system. It took months to get things to work smoothly.

And so the FAA has come to the idea that all affected pilots, flight schools, etc. will be looking at their [FAA] web site to know that this NPRM is now online with an "interactive" forum.

Not all these people in aviation have a background involving computer usage, and expecting them to is a far stretch vis-a-vis ignorance of the law is no excuse.

Steve Thompson

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1221)

Date: 03/01/04 04:12 PM
Author: Ronald S Morgan (no profile)
Subject: Fixin the system

The system isn't broken. Please don't try to fix it. Taking off and landing at the same airport is not an airline operation. Keep GA aviation GA. Thanks

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1207)

Date: 03/01/04 04:54 PM
Edited: 03/01/04 05:21 PM
Author: Keith (no profile)
Subject: FAA Response?

No response at all by the "powers that be" in the last three days of this "meeting"?

More and more I see this is a "feel good" for the FAA, thinking they are "eliciting comment" when in fact, no one is reading this and it will be deleted at the end of the week. I predict the NPRM will be implimented with no further "noise" from the "little people".

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1211)

Date: 03/01/04 06:03 PM
Edited: 03/01/04 06:04 PM
Author: Randy D. Miller (no profile)
Subject: Question to Ms. Brown

Ms. Brown,

The more I read your responses, the more I wonder if this legislation has less to do with some perceived "safety" issue, and everything to do with the FAA wanting more information on what is going on in the 25 mile exception area. If this is the case, why don't we just cut to the chase and admit that you want to know who/what is flying these passengers and what our qualifications are for doing so.

As stated before, we are all Commercial rated pilots and have proven that we are capable of flying passengers for hire in our aircraft of choice. We also have to meet minimum safety requirements for insurance purposes, and we also have to stay current with BFR checks to maintain our First/Second Class Medicals.

Is "safety" the real issue here, or are you just wanting more data on a segment of individuals that you admit you know nothing about?

Please advise.

Randy D. Miller Vintage Aviation, Ltd.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1217)

Date: 03/01/04 06:25 PM
Edited: 03/01/04 06:34 PM
Author: Jim Reed (no profile)
Subject: Avation's Doom

THIS COULD HAPPEN AT YOUR AIRPORT.. THINK NOT.. READ ON... JIM REED, CFII, ASMEL ASES, AP, IA, REAB, IGI, AGI, ASC and an eternal Student Pilot.

NO.... NO.... NO.. No more new rules or regulation are needed. The segment of general aviation that uses single engine aircraft is all ready overstressed here in the DC ADIZ FRZ CLass B environment. A PHONE CALL FROM HOME LAND SECURITY COULD CLOSE YOU DOWN TOO.. YOU COULD BE IN THE SAME SITUTATION AS WE ARE HERE in the DC area .... AT 2w5

At our local airport 2W5, our business is down 90 percent.. Yes, 90 percent. Let me tell you how it affected my operations: The DC 3 are in much worse shape that we are...

1: I was and active air-show pilot for 18 years. Along comes reulations to take my acro practice area away. Then, the ADIZ comes along and requires me to squalk and communicate, neither of which work well because of ATC's locations of transmitters and the lack of RADAR coverage in this area.. Yes, the lack of RADAR coverage.. Bottom line, My expensive home built PITTS is useless to me and is for sale.. and of course, I am out of the airshow biz.. 2. I am a CFII, and teach primary and advanced students... Here in the DCA, FRZ, ADIZ environment, Here we are required to file a flight plan to fly... Period.. to fly, yes, file, even to fly in the traffic pattern.. I and my sutdents spend countless hours on the phone, often 30 minutes waiting for Leesburg FSS to answer the phone. At that site we file a flight plan. Then if the folks over there don't loose the flight plan, which often happens, we call POTOMAC TRICON to get a discrete squalk and a frequency to contact them on once in the air and immediately after take off. Useally, it takes 3 hours to give a one hour flight lesson to a primary student.. How long do you think that student is going to hang around.?. I charge him or my time for the lesson. Of course, he dissapears and never comes back.. Bottom line, I am out of business as a primary flight instructor. 3. I am an Avionics tech.. A majority of my clients used to fly in to 2W5 from out laying areas. (Outside of the ADIZ) You have no doubt heard about being intercepted by F whatevers and Blackhawlks. Guess what folks.. These guys that used to fly in here have found a shop somewhere else to have avionics repairs and TRANSPONDER certifications. Basically the ADIZ airspace is a not fly zone for them. Bottom line,, the very expensisve shop is all but dead. 4. I inspect electrical power lines in a 100 mile radius of 2W5.. You know what? I have to have waviers to fly in the FRZ that have to be renewed every 90 days.. I have been flying for 43 years out of this airport. I have to have FBI background check every 90 days for renewal of the FRZ waiver.. That's not all folks, I have to go through the ADIZ and FRZ flight plan madness mention in (# 1) above. Then while flying very low have to stay in contact with POTOMAC.. Image that, 200 feet most of the time and staying in touch with a tranmitter 50 miles away.. not to mention the XPONDER coverage.. As important as electrical power is to the national security, I still subjected to this

madness... I CANT BE TRUSTED. 5. I am an A & P and an IA. Are you gettting the picture now? Yes, you've got it.. Not much biz going on here.. Those coustomers out there are just not interested in coming into the ADIZ and being intercepted by BIG BROTHER and loosing their licence.. Yes,, Loosing there flight privledges.. FDSO is dictated by homeland to take action against the violator. The loss of license is the outcome. No matter how innocent or honest the mistake.. Not once, that I am aware of have they caught a BAD guy.. I am sure that would have made national news.... 6. As a commercial pilot, I hop rides, take photos, and various other activites that are affected by the FRZ ADIZ.. Yep,, most of this segment of my business has dissapeared as well.. It in not profitable to spend the time to go through all the hoops just to fly for 30 minutes or so.. I am basically out of business in the area.

Comments about the proposed rules to put us under part 135.. or something similar to that..

IF EXPANDED TO INCLUDE THE ENTIRE COUNTRY IT WILL COMPLETELY KILL GENERAL AVIATION IN THE US AS WE KNOW IT. THIS MADNESS IS A FEEL GOOD THING FOR THE HOMELAND SECURITY AT THE EXPENSE OF GENERAL AVIATION AND OUR BASIC RIGHTS AS CITIZENS..

WE have sufficient rules now that goven the operations of Part 91 operators. No more rules are needed.

They have chosen general aviation because we are the only licensed segment that they can control. WHAT if they controlled all of the commuters to DC ? I have vans that I am allowed to drive right down in the middle of DC and never have to call anyone to notify them of my plan... I never have to call anyone to get permission and approval. I never have to contact anyone before I drive to downtown DC.. yea,, even right by the Washington monument, White House ,, or anywhere else I want to go.. NO QUESTIONS ASK.. ???? Imagine that.. I have that FREEDOM.. at the moment, that is.....

NOW maybe, if this madness was expanded to all vehicles on the highways, phone calls, clearances and such,, the system would implode. We would then have lots of support.

But, the fact is,, WE, the general aviation community have no voice,, we are too small..

Feel free to pass my comment along to anyone that is interested...

Damn glad most of my flying is behind me... I am now 68 years old.. Because the future looks real dim.. Jim Reed.... retired Civil Service

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1219)

Date: 03/03/04 11:18 AM
Edited: 03/03/04 11:18 AM
Author: Jon B Roth, Jr. (no profile)
Subject: RE: Avation's Doom

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> At our local airport 2W5, our
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> is behind me... I am now 68 years old.. Because
> the future looks real dim.. Jim Reed....
> retired Civil Service

WOW, and I used to think that things were bad when I lived in ITALY (and they WERE bad there).

Now I'm living in Sweden and we actually DO have free skies here.

condolences Jon

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1346)

Date: 03/01/04 09:14 PM
Edited: 03/01/04 09:16 PM
Author: James B. Kirk (no profile)
Subject: FSDO out of loop

I contacted the SC FDSO for statistics on Sightseeing accidents and deaths related to, prior to sending in a reply to this. (Friday, morning 27 Feb). Their #2 man called me, a real surprise to me (Saturday morning 28 Feb)and had no idea that that the HOME Office / FAA-DC had come up with such a NPRM. He's asking me why such a thing should be proposed and even said the regs are already here as they are. Talk about the right hand not knowing what the left hand is doing! By the way he didn't know of any accidents by sight seeing aircraft,off the top of his head. CPL A-SEL/SES /MEL / CFI / A&P / AI (40 years)

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1226)

Date: 03/01/04 09:34 PM
Author: Rick Pellicciotti (no profile)
Subject: RE: FSDO out of loop

Yes, I had to give a briefing to my FSDO as well. They knew nothing about it.

Rick Pellicciotti Chief Pilot/Owner Belle Aire Aviation

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1230)

Date: 03/01/04 09:17 PM
Author: Gary L. Lust (no profile)
Subject: agree with Jon Roth

I greatly appreciate the thought and effort that has been put into this by Rob Lock at trying to come up with a compromise, and also appreciate his frustration by a lack of reasonabe response from the FAA. (limit an operation to 100 hours per year? What sense does that make?)

I don't think compromise is the solution. I agree wholeheartedly with the comments of Jon Roth. Let the FAA come up with some data before trying to introduce this outlandish proposal. I'm sure we would be willing to register with our FSDO as a ride operation and furnish an annual report.

Within the last year I received a kindly worded notice from my FSDO stating their goal of improving relationships as providers of service to us, their "customers". My inspectors complain of overwork and inadequate funding to the extent that they cannot visit my operation for inspections and checkrides, but expect me to travel 300 miles to them for a checkride. Within the last week I read of a new FAA policy to reduce unnecessary and inappropriate regulations, soliciting recommendations in that regard. How so you reconcile these communications with what is going on here. Does one arm of the FAA have any idea what another is doing?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1227)

Date: 03/02/04 01:06 AM
Author: Eugene Bibber (no profile)
Subject: NPRM 4521

This NPRM needs to go back where it came from. There is no need to fix what isn't broken. Where are the statistics that make this necessary? Does the FAA want to kill GA? I agree with some of the other respondants that there ought to be a web site where we can be updated on the evil doings of the FAA in a timely manor instead hearing about things like this thru the grapevine. It seems like whenever I hear about these things from EAA or AOPA it's already past. I don't want to have to put my antique airplane on a 135 certificate just to take someone for a scenic flight. The FAA issued me commercial and ATP certificates. Is that not enough to prove that I can safely fly an airplane? Now I will have to maintain Op Specs to carry passengers in and out of the same airport? That's just plain absurd. If the FAA wants us to be safer pilots why not put this time and money into Flight Service and ATC? This seems a bit overkill, like killing a fly with a 20 pound hammer. Take this NPRM and put it back where it came from,never to see the light of day.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1237)

Date: 03/02/04 01:12 AM
Author: John Seibold (no profile)
Subject: NPRM 4521

I am the owner and developer of a private general use airport called Grand Canyon Valle Airport (40G.) The airport was built as a reliever airport for Grand Canyon Airport (KGCN) during my ownership of Scenic airlines in Las Vegas. After I sold Scenic in 1993 I decided to keep the airport open as a service to private pilots visiting the Canyon and also to continue to provide a reliever for the tour operators using KGCN. As anyone can tell you, private general use airports don't make money. We help offset the cost of operating the airport by periodically sponsoring events which include giving rides in our Ford Trimotor and other antique aircraft. We also sponsor an annual event jointly with "Planes of Fame Museum" and offer rides in warbirds. These events are popular and draw aviation enthusiasts from all over.

Compliance with NPRM would increase the airports current deficit beyond what I can afford and another airport will likely close…. not because of land values or noise issues but because of the FAA's intended re-regulation.

Since no statistics relating to the safety of these airplane ride operations exist, why not find out first before making such drastic changes in the regulations? The typical regulator mentality, of one-fits-all rules, will do far more collateral damage than whatever unknown improvements in safety can be expected.

Respectfully,

John Seibold President, Grand Canyon Valle Airport

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1239)

Date: 03/02/04 10:39 AM
Author: Jack McCloy (no profile)
Subject: Lack of FAA Participation.

I find it very disturbing that Ms. Brown would start this thread and not post a single follow up or reply comment. This is why we wanted face to face meetings. This proves the FAA's stand on this matter, we are getting lip service and nothing more. It's time to circle the wagons.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1257)

Date: 03/02/04 03:34 PM
Author: Gary Lee Lust (no profile)
Subject: Question for Ms Brown

I and others have raised this issue before, with no response. Have you sought input concerning this NPRM from the FSDO personnel, who will be saddled with the responsibility of implementing such? If

evry operator currently offering scenic flights under part 91 applies for a 135 certificate (as you wish), what will be the impact on these FSDO employees?

It is my perception (I could be wrong) that rule-making employees of the FAA are deskbound types, probably sitting in a windowless room plugging away at their computer terminals, and probably not pilots, and probably with little experience in the real world of aviation. Correct me if I am wrong. FSDO inspectors, on the other hand do get out, on occasion, and know, or should know, the commercial operators in their district, not only Part 135 operators, but flight schools, etc., and at least try to have their fingers on the pulse of aviation activities in their district. If any FAA personnel possess knowledge and insight of what the alleged problems are, and how to fix them, it would be these folks. It would appear that your main goal is, or should be, to merely achieve a higher level of monitoring of local commercial flights (Scenic or "air tour"), and that these folks are the ones who can help you through a reporting system much less involved than the NPRM calls for. (When I discussed this NPRM with my FSDO inspectors in December they knew virtually nothing about it).

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1287)

Date: 03/02/04 06:10 PM
Author: Claude H. Woodhull (no profile)
Subject: 3rd FAA Response

Who shall have timely oversight of a 13 week season. The FAA can't monitor the existing 135's in a timely manner. Much less a breif season from Memorial Day to Labor Day.

Any certified aircraft should be allowed to operate part 91 sight seeing. Providing they have a sight seeing waver on the aircraft insurance.

Other than a couple of recent hires at the FAA I know a very few competent FAA examiners to evaluate vintage aircraft operations.

Someone who is attempting to ward off the high cost of aircraft ownership. By utilizing it in a sight seeing operation will only acheive success by having the very best maitatainance.

Make this ill conceived unessesary MPRN go away.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1298)

Date: 03/03/04 02:27 AM
Author: Randy D. Miller (no profile)
Subject: This is a complete joke!

So, another days goes by on this "forum" and no "official" FAA response since Ms. Brown posted her last set of comments on Friday February 27, 2004.

Ms. Brown, there are specific posts directed to you with very specific questions being asked of you. Why do you select only the posts you wish to respond to?

Are you listening to any of us? Your NPRM must be withdrawn in its entirety. There can be no other solution.

If this is indeed a forum, where is the FAA input? I cannot believe that you let several days go by without addressing the questions posed to you. Maybe that is why EAA, AOPA etc. have not participated in this event. They know it's a waste of time, and now I understand why they are absent. This thing is nothing more than a message board set up so we can vent our frustrations, with no "official" response being required.

I encourage everyone who has posted a message on this site, to save a copy of all your posts before March 5, 2004 and send these in to the official FAA Docket system where they have to be recorded and addressed. I feel that all our efforts here will be in vein if the next few days proves to be anything to be like the last few days.

Flood the FAA with your posts on this message board and let them "hear" us. This virtual meeting isn't helping our cause.

Randy D. Miller Vintage Aviation, Ltd.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1326)

Date: 03/03/04 10:58 AM
Edited: 03/03/04 11:18 AM
Author: james c. buchanan (no profile)
Subject: what insurance companies think

I posted a previous message requesting the FAA to show data supporting the problem this rule is supposed to fix. Mere "concerns" are not enough.

I would, however like to make a point of note that an insurance rider to carry passengers for sightseeing rides as defined in part91 from my underwriter is only about $500.00/year for my plane. Insurance companies are notorious for using any excuse to justify a rate increase and use exhaustive stastics to back it up. If this is all the additional risk of taking paying passengers for rides in my part91 regulated airplane costs, then what must the insurance companies think? Looks like they don't see much of a problem exsisting and neither do I. I have not gathered my own data but you can rest assured that my insurance company has.

Most people are not aware of these proposed changes and I can say that universally everyone I have told about this does not approve. I hope you are aware that for every person commenting in this meeting, there are countless others that either don't participate in this sort of computer based thing or don't even know about it who are very opposed to making any changes to the part91/25mi. rule. This also seems apparent by the overwhelming number of negative comments as compared to those in favor of the new NPRM.

James C. Buchanan Comm. ASMEL/SES A&P/IA

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1338)

Date: 03/03/04 03:51 PM
Edited: 03/03/04 03:53 PM
Author: Randy D. Miller (no profile)
Subject: Selective FAA Response - Read This Ms. Brown

Has anyone noticed that when Ms. Brown "responds" to any post it is either to someone who has agreed (in full or in part) to something she has written or to the NPRM itself?

How convenient it must be to be able to sort through all these posts, and just selectively reply to the ones that are buying into this utter nonsense and igore the rest!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1374)

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Date: 03/03/04 04:18 PM
Author: Keith (no profile)
Subject: RE: Selective FAA Response - Read This Ms. Brown

Amazing there is ANY reply at all. How many employees are we paying for at the FAA? and we have ONE responding on a "when I feel like it and when I like the question" basis?

Perhaps there is more of a need to revamp the FAA itself. Perhaps the FAA has outgrown any usefullness it may have had in the past and has become nothing but a bloated, unresponsive government agency.

dont' like that "proposal"? I doubt anyone at the FAA will deam any of this worthy of response anyway. Their minds are made up. Call your congressman.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1377)

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Date: 03/03/04 09:24 PM
Edited: 03/03/04 09:29 PM
Author: Jim Jones (no profile)
Subject: People are dying to protect freedoms the FAA wants to take away

I find it quite disturbing that our young people fight and die to preserve freedom, while the FAA fights to take it away. It is quite clear from the NPRM, and associated FAA responses, that totally none of the personnel from that organization have even the slightest notion of what they are proposing. From the justifications they give, however shallow they be, it is clear these people actually think they are doing the right thing. Yet, I see no evidence of first hand or even second hand knowledge of the freedom they wish to destroy. I would like to know how many of the FAA personnel working on this NPRM have actually taken a ride in a vintage plane. How many of them have ever seen the eyes of a young child after their first airplane ride over their town? How many of them even care about preserving our aviation heritage

and sharing it with new generations? What proof, what facts, what motivation do we see here that prompts such a misguided effort? What, in this NPRM, justifies such an action that outweighs the wisdom, knowledge and wonder that is passed along with each and every flight?

No, all I see is an organization that sits in cubicles inside the beltway and looks at ways to justify its existence. If the excitement in a childs voice or the glow in the eyes of a thankful parent after an airplane ride were gold I'd be a millionaire many times over. There is no price on sharing the wonder of flight. It's that wonder and excitement that the FAA is trying to take away. The public will be the real losers in all of this. And the FAA thinks it is doing the public a favor.

The FAA could do us all a favor and drop this notion of a "general aviation airline". How many FAA people carpool to work? Shouldn't they be regulated like a taxi cab?

God Bless America.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1392)

Date: 03/04/04 08:13 AM
Author: David Peters (no profile)
Subject: FAA NPRM 4521

Based on the FAAs statistics that Part 91 flights are safer than Part 135 flights, I see no advantage to adding undue limitations on flights. The Young Eagles effort would be dealt a severe blow. This effort is helping to keep aviation alive by introducing our youth to something near and dear to many a pilots hearts and continue the pipe line of potential pilots.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1405)

Date: 03/04/04 09:12 AM
Author: james c. buchanan (no profile)
Subject: Ms. Brown please respond

Ms. Brown

I would like to propose a new starting point and get your response please. I suggest NO changes to the existing rules regarding passenger rides. I justify this by a real lack of evidence provided by anybody that a problem or even potential problem exists to warrant a change in the FAR's. I, for one, will be one of the people that will no longer be giving rides if this thing passes. Please let me know what you think about this "no changes" thing.

I'm sure you will respond since this is a meeting with FAA present and not just people that support my point on this.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1407)

Date: 03/04/04 09:22 PM
Edited: 03/04/04 09:27 PM
Author: Joseph R. Maridon (no profile)
Subject: FRUSTRATED

This is my last opportunity to comment. We are going on tour this weekend. I am frustrated by this whole process. We are getting limited response from the FAA and when we do, we get; what do you think of 100 hour per year limitations, how about only letting vintage airplanes continue under the 25 mile rule with some unkown operations specifications, etc, etc. None of which have any bases in fact. They appear to be ramdom offerings to get us to buy into something. Continuing to respond to any of these suggestions only adds some measure of credibility to this NPRM as others have pointed out. My last input is to recommend to withdraw this NPRM.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1490)

Date: 03/04/04 10:24 PM
Author: Mitchell L Williams (no profile)
Subject: Very Disappointed

I am very disappointed in the FAA's lack of participation, poor performance, and arrogant attitude in this on-line public meeting. I can see NO position outcomes from this NOPR, and suggest it be totally dropped.

Adoption of this NOPR will be the Death Knell of General Aviation.

Mitch Williams Chickasha Wings INC

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1498)

Date: 03/05/04 07:10 AM
Edited: 03/05/04 07:33 AM
Author: Robert G. Lock (no profile)
Subject: Final thoughts

Well, this is the final day of the "forum." Did anybody learn anything? These are my final thoughts. If the FAA had agreed to face-to-face public hearings it would have taken a couple law enforcement people and a Sgt. At Arms to keep order, based on FAA's performance answering questions. The FAA only answered "certain" questions and avioded most questions that would "pin them down." There is NO factual data in which to base this NPRM, yet they still stand behind the "estimated" or "guesstimated" data in that lousy GRA Study. The FAA writes about "vintage" airplanes, but will not define what "vintage" means to them. The FAA responds to an alternative suggestion I proposed, but has me conform to new Level of Safety standards, then says I can fly 100 hours per year and carry only "X" number of passengers. The term "industry average" is used. What in the world is "industry average" and how could they come up with a number when they have no data. DOES THE FAA NOT GET THE PICTURE HERE?

FAA, you can now spin the outcome of this forum in any, but to me it didn't prove a thing, except you don't know anything about us (and still don't). You picked the WRONG time to experiment and I hope you learned a lesson (but I doubt it). I have attended several FAA public forums at IA Renewal programs. One was in Reno, NV and was given by an FAA lawyer from Washington, D.C. His topic was MEL's After a short time his presentation so incensed the attendees that he had to be escorted from stage by FSDO people and a 30-minute "cooling-down" period was declared. CAN YOU JUST IMAGINE WHAT WOULD HAVE OCCURRED IN A PUBLIC HEARING ON 4521 WHEN THE FAA ADDRESSED ONLY A FEW SELECTED QUESTIONS?

So we typed comments to a computer screen while the FAA sat in white concrete windowless offices,

staring at computer screens and trying to justify a proposed rule that was drafted by the poorest of statistical data. Inflated and bogus data! The result? Absolution frustration, to the point that I no longer provided comments to this ridiculous charade. My comments continue on the Docket, 9 of them as of this date. Numbers 10 & 11 are going in soon. It is so very obvious to me that whomever drafted 4521 had their heads packed in sand. How the FAA thinks it can create such a far reaching rule change based on ESTIMATED and INFLATED data is absolutely absurd. In fact it is shocking.

My career in aviation began as a mechanics helper during the last years of the CAA. The statement in those days carried weight, "I'm from the CAA; how can I help you." I don't think I need to write what I think about the FAA today. I know a hand-full of FAA people that are still actually "helping." I emphasize HAND-FULL.

In closing, I will never forget the chilling words written by FAA. 1) WHY DO WE WANT TO REGULATE YOU. BECAUSE YOU LOOK LIKE AN AIRLINE. 2) IF THE 25 MILE EXEMPTION IS ELIMINATED, YOU HAVE NO PROVISION THAT ALLOWS YOU TO OPERATE AS OTHER THAN AN AIR CARRIER. I hope someday to meet the people who drafted 4521, but I'm sure they don't want to meet me. Those FAA people who are associated with this NPRM are safely behind concrete walls, probably staring at computer screens wondering what a VINTAGE airplane is & why there are so many upset people out there! I LEARNED THAT THE FAA DOESN'T KNOW WHAT THE HECK IS GOING ON WITH US. SHOW ME YOUR FACTUAL DATA. SHOW ME WHERE THERE IS A NEED FOR PART 91 OPERATORS TO CERTIFICATE I/A/W PART 135 & COMPLY WITH PART 136. THE FAA NEEDS TO START EXERCISING OVERSIGHT TO PART 135 NON-SCHEDULED OPERATORS WHO ARE CAUSING PROBLEMS. ENFORCE EXISTING RULES. FAA LAWYER'S WHO HAVE LITTLE OR NO BACKGROUND IN SIGHTSEEING/FLIGHT EXPERIENCE OR EVEN AIR TOURS OBVIOUSLY DRAFTED 4521. I KNOW SOMEDAY, SOME FAA PERSON WILL RAMP CHECK ME AT AN AIR SHOW AND SAY, "SO YOU'RE THE GUY WHO WROTE ALL THAT STUFF AGAINST NPRM 4521. LET ME DEMONSTRATE WHAT I CAN DO TO YOU!" But, maybe, just maybe I might hear, "THANKS FOR WHAT YOU DID. 4521 WAS A BAD IDEA IN THE FIRST PLACE."

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1507)

Date: 03/05/04 08:47 AM
Author: Wyatt Bell (no profile)
Subject: RE: Final thoughts

Great thoughts Robert.

I'm thinking of buying an old Boeing 757 (no longer built) and loading it up for a flight around the patch at 1,000 feet for a sightseeing operation! I won't go more than 10 miles! After all, the FAA now says we all look alike!!!

What do think? 10 bucks a passenger and no peanuts!! That's an extra 50 cents!!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1512)

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Date: 03/05/04 08:49 AM
Author: Wyatt Bell (no profile)
Subject: RE: RE: Final thoughts

Whoops!!! Turbine, 1,500 is the lowest. We're all the same almost!!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1514)

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Date: 03/05/04 10:49 AM
Author: Rick Pellicciotti (no profile)
Subject: RE: Final thoughts

Well said, Robert. It seems from reading what few posts that Ms. Brown has made that the FAA doesn't understand the difference in how we would feel if we had been given the opportunity to dialog with the FAA and work on any positively identified problems in advance of a NPRM rather than being backed into a corner and put in a defensive position.

I have said it before, the local FAA FSDO personnel are great in my area. When there is an issue, we can meet face-to-face, discuss it and come to some satisfactory solution 95% of the time. We have been denied this opportunity in this instance and we are understandably upset about it.

Rick Pellicciotti Chief Pilot/Owner Belle Aire Aviation

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1524)

Date: 03/05/04 08:40 AM
Author: Wyatt Bell (no profile)
Subject: FAA Interpretation

I would like to point everyone to a Court of Appeals case decided in 1999. It is located at:

http://pacer.cadc.uscourts.gov/common/opinions/199906/98-1051a.txt

In this case the FAA was going to require all Alaska guides and lodge operators to become certified under Part 135 after ruling for many years that Part 91 operations were valid when the aircraft was used in conjunction with the business service.

This may be one way to pursue a challenge to the NPRM under consideration should it be promulgated.

As I've posted herein several times, I'm as concerned as the FAA and, I'm sure, as my fellow aviators are with safety of flight. And I'm sure we all concur we want to weed out the bad apples and apply rules when the "data" supports an area where we can all see benefits from the rule.

The VFR rule which requires us to have 30 minutes of fuel in addition to the fuel required to the destination is common sense. We have "explicit data" demonstrating the need for this rule. In fact, if you read the NTSB reports, it absolutely breaks the spirit to see those pilots still injuring and killing because they fail to follow this simple rule!

Under the proposed NPRM neither myself nor any of my fellow aviator respondents find this kind of "explicit" data for rulemaking!

But in the cases cited it is not the bad apple, but rather maintenance difficulties and design issues that stand out in the given data. Engines that quit, overwater operations with no life preservers or floats and most vivid is most are under Part 135.

This regulatory zeal must be kept in check! Freedoms are precious.

Life has risks and it appears from my reading of the NTSB data (and I've read them all for the past 5 years)that Part 91 flightseeing hasn't shown any significant risk.

Taildraggers were considered a risk. The FAA passed a commonsense rule which requires those not having flown a taildragger to get an endorsement. Read the NTSB reports and you'll see on average about 2 groundloops a month still occuring!! This is "vivid and exact data"!!

Where is the data for this rule we keep asking?!?!

God bless America!! and especially her free aviators!!!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1511)

Date: 03/05/04 11:02 AM
Author: Steve Winters (no profile)
Subject: Part 91 Sightseeing Flights

I made a response several weeks ago and have been reviewing many of the responses since then. It seems to me that most of the conversation is centering around vintage planes and limiting tours to 100 hours per year. I operate a sightseeing business (for the past 7 years) and fly tours in a 1962 C-182. I would like to see discussion be broader and include total sightseeing operators. If the intent is to limit businesses to 100 hours per year flight time under Part 91, it is the same as putting us out of business. There is no basis at all for this figure. The FAA doesn't have specific statistics to back up any of the claims that Part 91 operators are not as safe and by limiting the hours they fly will make them safer?? A pilot stays proficient by the number of hours they fly. As others have stated, it seems to me that before any new regulations can be imposed, there should be specific data to support and justify the action. Gather the data and then see where the problem lies, if any.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1529)

Date: 03/05/04 03:06 PM
Edited: 03/05/04 03:39 PM

Author: James B. Kirk (no profile)
Subject: The END is NEAR

I have watched this site since the chat started. I appreciate all that have let their opinions and feelings be aired. There should have been a lot more participation, I still think that very few pilots know about the ruinous nature of this NPRM.

I am in north central South Carolina, a small, but once prosperous textile town. I ride the local folks, which are friends and family from my native area, this is no tourist area. These people want to experience flight and see what their homes, fields, churches, ball fields, ponds, lakes, river and even cemetaries look like from above. This is a blue collar area and over the last 15 years I teach fewer and fewer to fly. For most customers this is there first flight in an airplane and quite a few have told me that they have never been on an airliner. I do get about 2 to 3 students a year from these rides and that barely makes me keep my Cessna 152 in operation. I am lucky all my planes (4) are paid for. I learned to fly in 1963 after taking the same type of ride, it cost $2.00 for 30 minutes.

I can not believe that any one that gives rides at Grand Strand, Myrtle Beach, Georgetown, Charleston, Walterboro, Beaufort, or Hilton Head Island in South Carolina has not participated. I can only assume that they are unaware. This will effect them and all operators at the other 61 airports in South Carolina that offer a flight experience, no mater whether from VINTAGE, ANTIQUE, WW II - PT, BT, or AT, and 1950 - 2004 utility, normal cat. aircraft fixed or rotary wing.

I asked the SC FSDO for accidents and fatalities during sight seeing / airplane rides during the past 10 years. (See FSDO out of Loop) I was called by Mr. Dave Anderson of the FSDO as to why I needed thes statistics and told him about the NPRM, which no one at the FSDO knew about. Sorry, I did not get any further contact from SC FSDO with actual figures.

I have safely operated under all the CFARs as they now are. Some of my standards are higher than the FAAs on my floatplane rides my passengers have always had waist type PFSs on prior to entering the floatplane and all floatplanes have shoulder harnesses no mater the age of the plane.

We are better than an AIRLINE. We are always on time, have never lost anyones baggage, and have never landed at the wrong airport, yet.

Thank you: Rick Pelliccotti / www.belaireaviation.com / Memphis, TN

James B. Kirk / CPL A-SES/SEL/MEL /CFI-II 40 years experience. 10,000 + hours in aircraft under 12,500 lb. 3,000 + hours tailwheel, 2,000 hours floatplanes

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1570)

Date: 03/05/04 03:54 PM
Author: William Kelley (no profile)
Subject: You asked for recomedation for this NPRM

You asked for specific recomendations relative to this NPRM. Here are my recommendations.

Drop the requirement to switch to Part 135 completely. Make the following changes to Part 91 sightseeing operations and charity flights

Drop the number of charity events limitations, it is arbitrary, possibly unconstitutional and makes no sense. Either a pilot meets the standards required for a type flight operation or he doesn't.

Drop the 500 hour requirement back to 200 hours for charity flights.

Drop the current drug testing requirements for charity flights. One of the doctors who does this drug testing has stated the the number of positves among flight crews was so small as to be insignificant.

Develope a simple and inexpensive way to collect data on these flights. Data on charity flights could be collected from the pilots medical form or a web site could be created to collect the information from the pilots and or event operators.

For commercial Sightseeing flights a simple form submitted by the tour operator annually would surffice. If more timely information is requried reporting over the internet would also be good mechanism.

Expand the 25 mile limitation to 50 miles. Add a provision under which a sightseeing operator could apply for an exception to the mile limitation for his/her operation.

Keep the limitation on landing only at the airport of departure.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1585)

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Date: 03/05/04 04:57 PM

Author: Plane Ride Info (no profile)
Subject: RE: You asked for recomedation for this NPRM

This sounds like a reasonable way to go.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1599)

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Date: 03/05/04 05:11 PM
Author: Frank A. Franta (no profile)
Subject: NO FAA response

Due to the fact there are few if any replies to arguements contrary to the FAA position, it becomes obvious the FAA administration has settled upon their course of action and is allowing all of us to "rant". An empty, illusionary, venue to express our frustrations, to which there is no recourse for us.

Since this is how the game within the FAA is played, we all need to go a step above and write our elected officials. Not the ones within the beltway, but the ones at your local level: Governors, Attornies General, etc. Your cry should be for their investigation into the justification our Washington DC agencies have for the violation of their oath of office as it relates to the constitution. Why Congress should allow an agency such as the FAA to create rules, laws, regulations or propose restrictions which affect the very private property liberties guaranteed by our Constitution.

Because we are so few in number compared to the "flying public" so often identified as those who these regulations are formed to protect, we need to distribute fliers and information pamphlets at airshows, FBO's, Aviation schools, internet sites related to general aviation.

This funneled reply/rant channel to this agency does not appear to being listened to. Responses contrary to the agenda are, most probably, deleted. Those somewhat in favor are saved and used to justify the actions pre-ordained in the concept phase of these proposals.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1600)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

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Forum - Part 91 Sightseeing in accordance with 25 mile exception

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Date: 02/22/04 06:20 PM
Edited: 02/22/04 07:15 PM
Author: FAA
Subject: Other ideas that would establish an equivalent level of safety.

Our traditional method of keeping data on operators has been through certification and issuing operation specifications. Many of you pointed out that you operate under circumstances (for example, you use non-aviation fuel, etc.) that make a traditional certification impossible. We welcome alternatives that will satisfy the NTSB concern of data for tracking safety history and that are not as burdensome as certification.

We are trying to improve oversight of this group of operators and ensure that a proper level of safety is met. However, we recognize that part 135 may not be the best method of reaching this goal. We would like to hear specifically what in part 135 is unworkable for your organization and why, and how you would recommend achieving an equivalent level of safety for these smaller operators.

Do you have other suggestions that will achieve a level of safety that is equivalent to the proposed rule and will impose fewer burdens on operators?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=688)

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Date: 02/23/04 09:40 AM
Author: Jim Lonergan (no profile)
Subject: RE: Other ideas that would establish an equivalent level of safe

Keep things just the way they are. If it is not broken dont fix it. If you say it is broken then let us see the data. I have a 1942 Stearman that we use to give rides under part 91. My FSDO told me I will not be able to use this plane under part 135. I will be out of business and that is just wrong.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=699)

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Date: 02/23/04 11:36 AM
Edited: 02/23/04 11:47 AM
Author: brien Lillquist (no profile)
Subject: RE: Other ideas that would establish an equivalent level of safe

From what I have seen it is about time to change things. Their are those on the edge of safety that need to be put out in the cold and this might be the only way to do that.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=720)

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Date: 02/23/04 11:23 PM
Edited: 02/24/04 12:01 AM
Author: Rick Pellicciotti (no profile)
Subject: RE: RE: Other ideas that would establish an equivalent level of

> From what I have seen it is about time to change
> things. Their are those on the edge of safety
> that need to be put out in the cold and this
> might be the only way to do that.

Brien, I think it is not very helpful to post messages such as this. If you have seen specific instances where Part 91 exemption operations have been dangerous and you can show that the proposed rule change would have prevented the accident from happening then state it. If you cannot provide facts to back up your claims, then your claim is as empty as the FAA accident data statistics themselves.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=817)

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Date: 02/23/04 01:18 PM
Author: Keith (no profile)
Subject: RE: Other ideas that would establish an equivalent level of safe

Its already been said, but this is a solution in search of a problem.

The FAA's suposed "evidence" is a list of accidents, the vast majority of which occurred under EXISTING 135 RULES. In other words, (7 of the 10 I believe) of the 10 accidents "justifying" this rule, 70% of the operaters WERE ALREADY OPERATING UNDER A 135 CERTIFICATE. How are you increasing safety when the accidents you cite would not be affected on iota by your new regulations.

THere is NO justification for this rule and it should be immediately discarded.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=740)

Date: 03/02/04 12:57 AM
Author: Bruce Coulombe (no profile)
Subject: RE: RE: Other ideas that would establish an equivalent level of

As a private pilot (fixed wing) operating in Hawaii and mixing with tour helicopter traffic on a regular basis, I would offer that only the revisions that directly relate to previous accidents need to be enacted in any rule change.

Aside from controlled flight into terrain, low rotor rpm, and inadvertent IMC, the recurring justifications presented by the FAA relate to flotation devices and passenger briefing. Perhaps personal flotation gear coupled with appropriate briefings would address the major concerns. Helicopter flotation might be a requirement only for off-shore operation.

I believe there are problems with SFAR71 minimum altitudes in Hawaii that should not be applied unilaterally. With consistent cloud bases at 2000 AGL, the 1500 ft rule combined with the 500 ft below clouds requirement concentrates traffic to an unsafe and narrow altitude band.

For operators complying with the 25 statute mile exception, I don't think they should have to make the quantum leap to Part 119/Part135. If any change is to made at all, perhaps something like the single pilot operation rules might make more sense, but without the pilot number limit.

I'm not a commercial operator, so I'm not familiar with their financial challenges, but I can say that compromise on the FAA's part is a better alternative than potentially destroying the air tour industry and diminishing the trust between the pilot community and regulators.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1236)

Date: 02/23/04 03:21 PM
Edited: 02/23/04 03:24 PM
Author: Jeffery P. Hansen (no profile)
Subject: RE: Other ideas that would establish an equivalent level of safe

While I am a strong proponent of safety, I believe that the proposed rule change is unjustified and unnecessary. By doing a search of the NTSB records for Hawaii, using keywords of "SIGHTSEEING", "AIR TOUR", etc. it is possible to recover the complete list of accidents (not just those cited in the NPRM) over the period of the study. From this list, the following observations can be made:

* Of the pre-SFAR 71 accidents,
    + All but 6 were already operating under Part 135.
    + All but 2 were in rotorcraft.
    + About half resulted in no worse than minor injuries.
    + About half were precipitated by equipment malfunctions.
    + Two accidents involved the same aircraft, N1103N.
* The pre-SFAR 71 air tour accident rate of 3.46 cited in the NPRM is actually lower than the nationwide Part 135 accident rate of 3.51 cited by the Bureau of Transportation Statistics for the same period.
* The number of airplane accidents increased from 2 to 3 after the implementation of SFAR 71.
* The conclusions drawn in the NPRM are not statistically valid.
    + No meaningful statistical analysis is given in the NPRM.
    + There is no compensation for the overall nation-wide decrease in accident rates over the course of the study. According to the Bureau of Transportation Statistics, the nationwide accident rate for Part 135 operators in the 1990-1994 period was 3.51. This fell to 2.46 for the 1995 to 2000 period. The same factors that contribute to this overall decrease (improvements in technology, etc.) can also be expected to affect the Hawaii air tour operators independent of the implementation of SFAR 71.
    + The NPRM attempts to extrapolate accident data that pertains primarily to rotorcraft to all categories of aircraft.
    + The sample size is too small to be meaningful. Even without compensating for the overall decrease in accident rates, a likelihood ratio test of the statistics given in the NPRM indicate a failure to satisfy even a 90% confidence test that the SFAR 71 caused a reduction in the accident rate. Most people use a confidence level of 95% to justify a policy change.

Given the failure to show statistical significance, the flawed attempt to extrapolate helicopter accident data to other categories, and the high costs to operators of implementing the proposed rule change, I believe that there is no justification for making any rule changes at this time.

With regards to the charity airlift issue, the NPRM gives no data at all to justify the increase in required pilot experience. A search of the NTSB database for "charity" after 1990 results in only two

records, only one of which was actually a "charity airlift". This accident occurred in a Cessna 172 on 8/30/2003 and was non-fatal (2 serious injuries and 1 uninjured). Assuming this data is correct, the fact that there has been only 1 accident in over 14 years clearly indicates that charity airlifts are being conducted safely and that an increase in pilot time requirements are neither justified nor warranted.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=754)

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Date: 02/24/04 05:32 AM
Edited: 02/24/04 05:32 AM
Author: Jon B Roth, Jr. (no profile)
Subject: RE: RE: Other ideas that would establish an equivalent level of

An extremely interesting and well put assessment.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=833)

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Date: 02/24/04 11:33 AM
Author: Steven Dale (no profile)
Subject: RE: RE: Other ideas that would establish an equivalent level of

This is the best argument I have seen against any changes in the current regulations. If the current regulations are not being enforced, how will any more regulations help?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=853)

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Date: 02/27/04 04:58 PM
Edited: 02/27/04 05:00 PM
Author: Michael Beare (no profile)

Subject: RE: RE: Other ideas that would establish an equivalent level of

I support Mr. Hansen's very articulate and complete answer. Please base future regulations on statistical significance, facts and where they are relevant to increase safety of the flying public. Quite obvious but: More regulation is not equal to better regulation.

"Given the failure to show statistical significance, the flawed attempt to extrapolate helicopter accident data to other categories, and the high costs to operators of implementing the proposed rule change, I believe that there is no justification for making any rule changes at this time."

If SFAR 71 is doing the job in Hawaii, keep it over there.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1032)

Date: 02/23/04 04:09 PM
Author: Jason Pendergraft (no profile)
Subject: RE: Other ideas that would establish an equivalent level of safe

First of all I think, from the numbers I've seen, that an equivalent level of safety is already being met. Others here have shown this to be true with statistical data from the NTSB.

Now as far as ways to increase oversight, here's a couple of ideas for debate.

How about a requirement for pilots giving tours under the 91 exemption to identify themselves to their local FSDO, and perhaps show the number of flights on a periodic basis. This would allow the FAA to better track the actual amount of operations happening under this part. This would only be required if the pilot flies sightseeing flights for revenue.

Or how about requiring some sort of very basic recurrent training for such pilots?

These are a couple of ideas off the top of my head, that I can think of that allows the FAA more oversight and information on these operations. I don't think we need anything quite so drastic as the proposed NPRM.

I, as a flight instructor, love the ability to give a short tour whenever the need arises. This has proven to be a great tool to introduce new people to aviation, and has also generated several new flight students.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=765)

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Date: 02/23/04 09:34 PM
Edited: 02/23/04 09:39 PM
Author: marti shallbetter (no profile)
Subject: RE: Other ideas that would establish an equivalent level of safe

Living at a small resort in northern Minnnesota and keeping a seaplane for rides is what makes us different from every other Resort around. I can't begin to count how many first time rides or birthday present rides I have given. I have never tried to justified aircraft ownership why because someone gave me a ride as a young teenager and that led to me soloing on my 16th birthday 38 years ago. Now it's my turn to give something back. I stay in my little circle and I pee in a cup.

I think one change is necessary and that's for all FAA employees be pilots. I also wonder how many of us will get personal visits because we spoke out.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=801)

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Date: 02/23/04 10:17 PM
Author: Steve Thompson (no profile)
Subject: RE: Other ideas that would establish an equivalent level of safe

Perhaps the FAA needs to get legislation passed such that insurance companies must inform the FAA who is doing air-tours. Some of the several States do something related to this; they require the insurance companies to tell them when someone has dropped their coverage.

Insurance companies have BIG computers. They have the ability to send the data to the FAA in any format. The cost they will have is the programming time necessary to comply with this law (what, $250K one time with $20K recurring?).

Will this kill off the Part 91 tour operators, shutdown a few schools and kill off FBOs ? Probably not. Will it get the data FAA needs? Probably will.

Simple solution. Gets the FAA and NTSB the actual data needed to back this NPRM. Meanwhile, this NPRM needs to be tabled.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=808)

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Date: 03/04/04 02:03 PM

Author: Joseph Tuminello (no profile)
Subject: RE: RE: Other ideas that would establish an equivalent level of

Steve Thompsons comment is correct. The accident data for this activity exists in the files of the insurance companies. The fact that the insurance companies continue to provide affordable insurance to the operators speaks for itself. If the activity were too risky they would not underwrite the insurance. The insurance companies have the data and have made a decision based on it. The government is unnecessarily interfering with free enterprise with no data to back itself up.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1446)

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Date: 02/23/04 11:59 PM
Edited: 02/24/04 12:00 AM
Author: Rick Pellicciotti (no profile)
Subject: RE: Other ideas that would establish an equivalent level of safe

The FAA has a successful history of working with aviation organizations to prevent problems and improve safety. Part 103, Light Sport Plane/Sport Pilot and Airport Watch are just a few examples of this.

If there is a perceived problem with Part 91 exemption operators, why doesn't the FAA work with them through the various aviation organizations, first to identify the problem (if one exists) and second to find a resolution?

As a vintage biplane ride operator, I belong to AOPA, EAA and NATA. I am sure that any one of these organizations would be willing to help us and FAA to attain operational data, write Advisory Circulars, establish training guidelines and other things that are deemed necessary. Do we really need such broad brushed rules that are difficult to understand and even more difficult to enforce?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=825)

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Date: 02/24/04 11:39 AM
Author: Steven Dale (no profile)
Subject: RE: Other ideas that would establish an equivalent level of safe

From the accident data quoted it makes sense that to get the equivalent level of safety you should require part 135 operators to operate under part 91. Part 91 seems to be the safer operation looking at your data!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=854)

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Date: 02/26/04 07:37 AM
Edited: 02/26/04 07:40 AM
Author: James Strickland (no profile)
Subject: RE: Other ideas that would establish an equivalent level of safe

Like a lot of other government activities trying to fix something that isn't broke.The data provided doesn't justifiy the new rule. 3 accidents in how ever many hours? Sure there were accidents by 135 operators and a lot has been done to correct that,but why punish the little guy for the big guys mistakes. We all take our flight reviews and physicals.If everyone is required to go under part 135,guess I'll have to go on welfare because the insurance triples and there's no way to make it pay. I'm all for improving safety but like the TSA you trying to kill another part of general aviation. I'm still waiting for my bail out from 9/11 Another BIG guy problem and the little guy suffers.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=935)

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Date: 02/26/04 10:22 AM
Edited: 02/26/04 02:50 PM
Author: Rob Lock (no profile)
Subject: RE: Other ideas that would establish an equivalent level of safe

I find it interesting that the phrase "level of safety" was mentioned by the FAA in their comments posted 2/24/04. When asked about FAA-1998-4521, this very same statement was uttered at one of the ceremonies of the 100th anniversary of flight at Kill Devil Hills this past December by our Administrator, the Honorable Marion C. Blakey. It is obviously the opinion of the FAA that each person who purchases a Part 91 flight in any type of aircraft is entitled to the same type of safety and/or oversight as those people who purchase a ticket and board a Part 135/121 airline.

It has been pointed out on the public docket that the only 2 areas where safety can be affected are maintenance and piloting qualifications.

Maintenance: The only difference between Part 91 and Part 135 regulations is that service bulletins MUST be complied with for Part 135 operations, and for part 91, they are highly suggested, but not mandatory. For just about 100 percent of the vintage aircraft operating under the Part 91/119.1(e)(2) exception, there are NO service bulletins. Therefore, one cannot argue the case that these aircraft would be any more mechanically safer for Part 135 operations than they already are under Part 91.

Pilot qualifications: Anyone who is flying rides for hire holds either a commercial or ATP rating and is highly scrutinized for competency initially, and annually thereafter by the insurance industry. Their requirements far exceed any regulation currently published by the FAA. What can we do to increase safety in this arena? We are flight

checked every two years. Perhaps, we should be flight checked annually? I'd be happy to take a tailwheel endorsed official from my local FSDO flying, if in fact there is one.

How far does the FAA want to go in the exercise of leveling the playing field when it comes to a "level of safety"? It has been clearly pointed out on the public docket, through the FAA's own flawed statistics, that there is no problem, only a PERCEIVED problem from the Administrator on down to the authors of NPRM FAA-1998-4521.

My recommendation is that the FAA create an AIR TOUR CERTIFICATE that is earned annually by the inspection of the aircraft, pilot(s), paperwork, and insurance. It is prohibited to operate an automobile without proper insurance, and I suggest every operator flying rides for hire under the PART 91/119.1(e)(2) exemption, be required to carry adequate coverage, including the "flying rides for hire" add-on listed on their policy. This requirement may eliminate those operators who fly 10 hours or less per year. Secondly, have each operator register with their local FSDO and submit annual flight hours. Lastly, this AIR TOUR CERTIFICATATE must be displayed in a prominent location for those passengers who are eagerly awaiting their flight to understand that the FAA has inspected that particular operator and has found them to be "operating in accordance with FAA published standards". Might this create a "level of safety" for those who are paying for a flight experience, while at the same time, NOT force 700 people out of business by having to endure the nightmare of Part 135 certification?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=938)

Date: 02/26/04 11:47 AM
Edited: 02/26/04 11:49 AM
Author: Jim Brooks (no profile)
Subject: RE: Other ideas that would establish an equivalent level of safe

We operate a small (6 airplanes 4 CFIs) Flight School on the Coast of Maine. In season, many tourists use us for a scenic tour of the coastline. We exclusively use CFIs as pilots. Though scenics do not represent a large part of our business, we depend on the income to help with our fixed expenses.

The 25 mile limit for a scenic does not make sense as it is even safer than Flight Instruction as the CFI is flying the airplane.

Doing away with scenics or making the paperwork and approval burdensome will only add to the difficulty of making a profit teaching people to fly. A good many small Flight Schools have gone out of business because the insurance industry already has us on the ropes. We could use some help from the FAA and this proposal is no help at all.

Best Regards,

Jim Brooks

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=941)

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Date: 03/01/04 02:58 PM
Author: Rick Pellicciotti (no profile)
Subject: RE: Other ideas that would establish an equivalent level of safe

Since the accident data for Part 135 seems to indicate that their accident rate is higher than the Part 91 operators wouldn't it be a mistake to have Part 91 operate at an equilvalent level of safety?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1197)

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Date: 03/02/04 07:07 PM
Edited: 03/02/04 07:10 PM
Author: Allan Hatz (no profile)
Subject: RE: Other ideas that would establish an equivalent level of safe

Our FBO applied for a 135 certificate for a one aircraft (Piper Lance) operation over 2 years ago and we still don't see us getting our certificate in the near future. So if the FAA wishes to have a high level of safety, pass this proposed rule, no flights no chance for an accident. You can't get a higher level of safety than that. Al Hatz

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1299)

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Date: 03/03/04 12:05 PM
Author: Keith (no profile)
Subject: Thanks for the "dialogue"... FAA NOT PARTICIPATING

More "lip service" and not much of that.

No participation by the FAA in this or other forums "discussing" this horrendous NPRM.

Thanks for letting us know how the agency REALLY feels about pilot input.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1354)

Date: 03/04/04 12:15 PM
Author: Nicholas J. Mirales (no profile)
Subject: RE: Other ideas that would establish an equivalent level of safe

Rather than create the unnecessary expense and administrative burden proposed by the NPRM, the FAA should establish a program to periodically visit part 91 commercial air tour (sightseeing) operators to review pilot currency (medical certificate and Biannual Flight Review), aircraft airworthiness (annual/100 hr maintenance inspection) and compliance with the drug testing policy. The drug testing/reporting requirements of part 135 (which already applies to part 91 commercial sightseeing (air tour) operators) already provides the FAA with information to the identity and locate all part 91 commercial air tour (sightseeing) operators. As FAA safety inspectors routinely request copies of the aforementioned information form part 91 commercial air tour operators when they attend air show and fly in events, the impact to most operators would be minimal. The FAA should also create an Advisory Circular to recommend safe sightseeing practices. This program would demonstrate that extra efforts are being made by the FAA to ensure that these operations are safe and in compliance with the existing Federal Air Regulations.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1437)

Date: 03/04/04 02:50 PM
Edited: 03/04/04 02:51 PM
Author: Rick Pellicciotti (no profile)
Subject: RE: RE: Other ideas that would establish an equivalent level of

Well said, Nicholas! I have suggested this exact same approach several times. Other have suggested things very similar to this.

Who else will join Nicholas and me in suggesting that this is the way the Part 91 issue should be handled?

Rick Pellicciotti Chief Pilot/Owner Belle Aire Aviation

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1452)

Date: 03/04/04 09:24 PM

Author: Mitchell L Williams (no profile)
Subject: RE: RE: Other ideas that would establish an equivalent level of

I agree with Nick. The FAA and Part 91 sightseeing operators would be well served if the FAA just enforced the current rules. The FAA knows who the pt91 sightseeing operators are from the drug/alcohol compliance registration. Just give us a visit to check our pilot ratings/currency, 100hr insp., airworthiness, and other pt91 compliance issues.

I think adding more rules (such as pt135) do not add to safety - more money spent on paper and less on airplane/pilot. This additional overhead would cause us to re-evaluate the economics of our operation.

Mitch Williams - Chickasha Wings Inc

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1491)

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Date: 03/05/04 04:48 PM
Author: Thomas Harnish (no profile)
Subject: FSDO staffing for 135 certification

Several months ago we started down the path toward 135 certification. We were just told the FSDO staff involved has been cut in half abd that we could expect the process to take twice as long as a result.

Doesn't bode well.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1598)

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Date: 02/23/04 10:01 AM
Author: Wyatt Bell (no profile)
Subject: Type of Operations

The FAA cites accidents which occur with "tour operators". It would appear the FAA is viewing "all" operations via this "tour operator" lens, and which is futher qualified as being in Hawaii based upon the cited SFAR and accident histories.

No presentation of data is supplied for other types of operations. For example, not one example of a "historic aircraft" accident is supplied and what these proposals would do to enhance safety in that regard!!!!

The data just isn't there.

Most individuals who are providing charity or local sightseeing flights are using their own airplanes in which they have invested and oversee the maintenance. In contrast to the "tour operator" business where an "entity" is the owner and maintainer of the aircraft, a different level of concern and safety come into play.

In "tour operator" flights as set-forth in the Hawaii accident profiles, the pilot is "not" the owner of the aircraft and would most likely not be involved in the maintenance decisions. Whether safety has been compremised over cost becomes the issue.

It is apparent from the cites that reliability becomes the issue. A pilot/owner overseeing the maintenance of an aircraft is much different from an "entity" just trying to make a profit.

The FAA needs to filter this and analyze the data correctly.

You will be putting out-of-business the most safety-minded of all!!!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=705)

Date: 02/23/04 10:22 AM
Edited: 02/23/04 10:23 AM
Author: Robbie Walker (no profile)
Subject: Equivalent safety is ALREADY established...

We all want safe flight. The current standards are working perfectly well while keeping costs down for everyone. I haven't seen any data that suggests that these exemption sightseeing flights are any less safe than non-exempt flights. If these flights were unsafe, insurance companies would not cover the operators. This whole process seems like a further intrusion into the lives and livelihoods of millions of people for no valid reason.

The proposed change will have little or no benefits at a tremendous cost. The smaller operators who are the backbone of general aviation will be forced out of business due to the increased cost of onerous regulation. The increased costs will put sightseeing flights out of the reach of lower income people. This proposed rule change is discriminatory.

I hold a private ticket but I hope to attain my commercial ticket and fly sightseeing flights here in Myrtle Beach in a few years. I feel that these changes will further regulate flying out of the reach of the general public. The whole term "general aviation" will become meaningless. The only people with access to aviation will be elite, rich business owners.

Regulation is necessary, but the regulations currently in place are working perfectly well and there is no need to change them. Flying is safe, particularly flying with small owner operators.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=707)

Date: 02/23/04 11:18 AM
Author: Curt Drumm (no profile)
Subject: SAfety already in place

Unless there is specific data that indicate there is a problem, it appears that it's not broken and doesn't need to be fixed. With these new proposals, it would shut down most FBO's from taking part in one of America's great aviation heritages....a family simply going for an airplane ride. My first flight experience was a seaplane ride when I was 5...now, 40 years later I'm a commercial pilot and seaplane instructor. It would be a shame to not be able to give people their "first airplane ride" because of unwarranted regulations.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=712)

Date: 02/23/04 11:57 AM
Author: Bruce Williams (no profile)
Subject: Insurance Requirements Provide Equivalent Safety

As others have pointed out, those of us who provide sightseeing flights must obtain insurance for commercial operations. It's expensive and hard to get. The operator must meet tough standards to qualify, requalify every year, and maintain a safe record. This situation is similar to that encountered by operators of all aircraft--insurance minimums already exceed those in the FARs.

More to the point, many similar operations conducted under Part 91 have established a long record of safety. For example, over the last decade, EAA's Young Eagles program has provided flights to more than 1 million young people. These flights are very similar to the sightseeing flights conducted under the Part 91 exemption (except that they don't require a commercial pilot certificate, 100-hour inspections on the aircraft, and other requirements for commercial operations). The record of those flights demonstrates that pilots engaged in actitivies that involve the typically non-flying public are very safety conscious.

Another example: Angel Flight (and formerly AirLifeLine, which recently merged with Angel Flight): For many years, these organizations have used volunteer pilots who donate their time and aircraft to transport patients who need medical care. These organizations have an excellent safety record, and all of these operations are conducted under Part 91.

Those of us involved in such activities (as well as sightseeing flights, charity flights, and the other operations covered by the proposed change in rule) already self-select for safety. We're the pilots who maintain our aircraft to the highest standards, attend safety seminars, and know that we are ambassadors for general aviation to the public. We have operated safely, operate safely now, and we'll continue to do so. The accident data offered in support of the change in the rules simply does not support the proposed solution, because the the supposed problem does not exist.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=724)

Date: 02/23/04 11:15 PM

Edited: 02/23/04 11:23 PM
Author: Ryan Short (no profile)
Subject: RE: Insurance Requirements Provide Equivalent Safety

I was formally introduced to flying at a local flight school on a sightseeing flight/first lesson when I was about 14 or so. I was unable to begin lessons at that time due to a lack of funding, but was treated several times by competent pilots with various flights at different times including a really good experience (partially sponsored by the FAA and attended by the then Southwest Regional Director) at an Aviation Career Education camp in the Dallas area. I am now 21 and recently started working towards getting a private pilots license with hopes of taking it to at least the commercial level. What has always puzzled me is that I could theoretically build up thousands of hours as a private pilot, stay very current, have biannual checkrides and/or continue to get additional ratings, and be considered "safe" to operate many neat, "dangerous" aircraft, but still not be allowed to be compensated for at least the full expenses. However, I am willing to accept this since I want to be careful and not take any chances. This additional proposed rule seems to make even less sense to me. You asked about ideas for how to do this otherwise. Some sort of reasonable insurance requirements (with some sort of exemption if the passenger is willing to sign a waiver) would seem fair enough (to me) so that if there are any problems with such a flight anyone who survived could be compensated, just as if a passenger in my car is hurt, I ought to be able to provide for their needs. I would also suggest that pilots be required to show passengers their current logbook, with explain what things mean, and then it's up to the passenger to make the choice whether or not to fly with someone. Maybe the FAA working together with some good safety minded groups like AOPA and ASF could give a list of "helpful hints" and practical advise to passengers on what the FAA considers safe, that a pilot would be required to show to said prospective passengers, and then it would truly be up to the passenger whether or not they were willing to accept that risk. I certainly take that kind of risk every day when I travel certain streets in the city that I live in. Sometimes I am convinced that it's more dangerous to get to the airport than it is to fly. Some important principles of American freedom have always been that folks are innoccent until proven guilty and that you must take responsibility for your own actions. If you can trust the thousands of US-licensed pilots to fly at all, I don't see how this new rule is going to improve safety, the FAA's handle on it, or the public's welfare. From what I've been reading about this, it doesn't seem like it's really that big of a problem, but even if it was, the way to stop it is to deal with the real problems - sloppy flying, ignorance (perhaps willingly?) of rules that already exist for safe flight, common sense, and other things, NONE of which I can see being truly solved by this 500 hr, and 25NM radius proposal. If there's a real problem, please find ways to deal with the roots of the problem, don't put a Band-Aid on it.

Ryan

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=815)

Date: 02/23/04 12:03 PM
Author: David S. Reinhart (no profile)
Subject: Burden of proof has not been met

Nothing in the data the FAA has published in support of this NPRM suggest that there are safety related issues that would be addressed by this new rule. The FAA (and the government in general) is not supposed to regulate simply for the sake of regulation. New regulations or changes to old ones should be made only when there a specific problem has been identified and the regulation should be limited in scope to address that problem and that problem alone. This NPRM satisfies neither of those pre-requisites and should *not* be adopted.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=727)

Date: 02/23/04 12:05 PM
Edited: 02/23/04 12:11 PM
Author: rod magner (no profile)
Subject: database for air tours

Those of us who operate vintage"commercial air tours" already belong to the Anti-Drug and Alcohol program and perform 100 hour maintenance inspections. We are easily identifable through membership in the drug program and I think would welcome the opening of a database listing us as commercial air tour operators. I am proud of my safety record and have no reason to hide it. A single page summary once a year indicating the number of hours flown and passengers carried for hire would suffice to begin an accurate safety related database. If anyone has an accident there are rules that cover that reporting and it can be linked to the air tour database. Any operators who operate outside of these simple requirements will do so irrespective of any existing or new rules.

With respect to altitude and cloud clearances I believe the existing rules are more than adequate. Every licensed pilot in essence operates under the same rules. A scenic flight is by its nature a VFR only event so the passengers can see and enjoy the scenery below and the sky around them. As a single pilot, single biplane operation I have figured out over 13 and 3200 hours years of flying scenic flights that the only way I can continue to make it work is by keeping the biplane and myself in excellent health. You add good weather to the recipe and your passengers will smile ear to ear and fly again with you and recommend the flight to innumberable friends.

I believe there is in fact no compelling safety issue here that needs to be addressed. This is really just a data collection exercise. A solid, valid database of our operators would reveal the high level of professionalism we exhibit. The real safety inherent in our "system" of flying is the remarkably informed flow of information between the pilot, the sound of his engine, the weather factors in his circle of concern, and the personal knowledge base of the pilot who has flown the route perhaps a thousand times. I learned long ago as has everyone else in this business that you don't have to make money taking chances with anything. Period. If the weather is marginal, your customers will return another time. This is no time urgency, no need to make a connecting flight, none of the compelling issues attendant to airline or charter schedules. Your passengers are spending discretionary dollars for fun and fantasy and that is all you have to safely deliver.

Where noise is concerned there is just one common sense rule. Throttle back when you can and vary your route. There will always be of course, one individual, usually the same one, who complains each year. If we flew completely silent, they would worry about visual pollution. I have often thought we should just offer these folks a free pair of really dark sunglasses and a Bose headset, or these days, an iPod.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=728)

Date: 02/23/04 11:35 PM
Edited: 02/24/04 12:03 AM

Author: Rick Pellicciotti (no profile)
Subject: RE: database for air tours

I agree, Rod. With the passage of FAA-2002-11301, all Part 91 exemption operators are required to register with the FAA their Drug and Alcohol Abuse Program. It would be a simple matter to count those forms to find out how many of us there are. It would be easy enough to find out who we are and where we are. By just adding a couple of lines to the form, we could report to the FAA the number of revenue hours flown and the number of passengers carried. After a 5 or 6 year period, we would have some accurate data.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=822)

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Date: 02/25/04 08:43 PM
Edited: 02/25/04 08:46 PM
Author: Mitchell L Williams (no profile)
Subject: RE: RE: database for air tours

I agree with Rod concerning:

- Data on sightseeing operators is currently available from my drug/alcohol compliance statements, and the new registration forms.

- The operations are very safe. We use a classic airplane to give sightseeing rides over Christmas lights. We operate only in VFR weather over with many emergency-landing areas. We've taken 267 paying pax in two Christmas seasons.

Compliance with part 135 would be very expensive because:

- Our classic airplane would not meet 135 standards and a more expensive aircraft would be required.

- We use non-aviation fuel in this aircraft.

- I am not currently on a part 135 certificate, nor any of my approved pilots. We would all be required to do checkrides with FAA personnel.

- These additional costs would increase our rates such that most of our clientele would no longer participate.

Mitch Williams Chickasha Wings Inc

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=926)

Date: 02/23/04 12:21 PM
Edited: 02/23/04 12:22 PM
Author: Greg Oliver (no profile)
Subject: There is no safety problem, just a bureaucratic one

Show us the data. Show us, precisely and clearly, where air tours are falling from the skies at a high rate. Other than a highly-publicized Hawaii or Grand Canyon type of accident, the vast, vast majority of this sort of thing is working just fine. Why the compulsive need to layer on more and more rules and regulations? Yes, yes, I know. "Safety". But there just isn't a problem here. My meticulously maintained 1979 Piper that I have used for charity in the past is as safe, if not more so, than any Part 135 or Part 121 operator's aircraft, and I'm a lot more proficient (meaning recency of experience) than many folks out there. The point is that if things aren't broken, leave them alone.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=731)

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Date: 02/23/04 12:50 PM
Author: Bill Kline (no profile)
Subject: "equivelancy" is a presumptive term.

The faa/ntsb is assuming we are accepting its classification of this industry without data.

I would like to echo Jim Lonergan's well stated comment: "Keep things just the way they are. If it is not broken dont fix it. If you say it is broken then let us see the data."

Negotiation of the NPRM terms is bogus because the faa/ntsb's position is unrepresented by the facts.

If the NPRM becomes law as it is, accidents may go down, and the faa may say it was successful just like the Hawaii rules, but it won't be due to better practices or oversight. IT WILL BECAUSE THE NUMBER OF OPERATIONS DECLINED AT A SIMILAR RATE. Not a victory, not a safety achievement, and not a affirmation of the value of an aviation safety professional's education.

Insurance requirements are way ahead of the faa. I interviewed at a biplane tour business; the 1000 tailwheel hours I had at the time were BARELY enough for his insurance company.

What the faa/ntsb doesn't understand is that even paper compliance costs money. This proposal is not going to make the operators anymore money. Where are some of the people that actually survive this regulation going to get that money from? hmm, they have to cut costs somewhere. I don't know, but you could speculate some negativity from the mechanical failures in Hawaii; just as the faa is speculating about positive outcomes from the NPRM.

The high costs of insurance are already squeezing this industry so that some of the weaker businesses have left.

An aviation safety instructor of mine once said 'the only way to have zero accidents is not fly'. This NPRM is purely a raw step in that direction.

Leave things as they are.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=737)

Date: 02/23/04 02:25 PM
Author: Dave Page (no profile)
Subject: NPRM without basis in fact

How did the NTSB and FAA determine that there is a safety problem with Part 91 air-tour operators given the lack of accident/incident data? The FAA has no rational basis on which to propose this NPRM.

How will the FAA determine if these new rules improve or diminish safety if the FAA has no data on existing Part 91 air-tour operators? The FAA has no means to verify that the NPRM, should it be enacted, has the desired effect.

How can the FAA expect Part 91 air-tour operators to propose "equivalent level of safety" regulations, when no data exists to identify existing safety issues? Specifically, how does a Part 91 operator show that its ideas are better than the FAA proposal, when no objective data exists? The FAA has requested that the public comment on improvements to the NPRM which cannot be evaluated on their merits in good faith.

Noting the majority of the cited accidents are Part 135, how has the FAA or NTSB determined that the Part 135 safety level is adequate? Can the FAA show that the Part 91 air tour operator accident/incident rate is higher than Part 135? The FAA has no rational basis to assert that forcing Part 91 air-tour operators into Part 135 will improve safety.

Alternative ideas:

As insurance requirements are already quite strict, perhaps the FAA could scrap the current NPRM and simply require Part 91 air-tour operators to carry adequate insurance.

The only objective role the FAA has to play here is to protect the customer from fraud. Specifically, to ensure that the actual risk posed to the customer by Part 91 air-tour operators does not exceed the customer's expectation of risk. Given this, the idea of an "equivalent level of safety" is specious -- in a free country, any level of risk is acceptable so long as the customer is aware of that risk. I propose that, in leu of this NPRM, the FAA require Part 91 air-tour operators to conspicuously display their accident/incident rate as well as the industry average accident/incident rate. The existing regulations which protect persons on the ground from harm have proven to be adequate.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=749)

Date: 02/23/04 02:45 PM
Edited: 02/23/04 02:59 PM

Author: vin falco (no profile)
Subject: 25 mi. part 91 tours

sir, i will make this short and sweet. this is another example of the gov't fixing something that is not broken. part 91 operators have a better safety record than the part 135 guys. the faa wants to subject everyone to part 135 standards, while that seems to add a further margin of safety the record of 135 tour ops does not bear this out. at a time when aviation is at an all time low (economically) this is not proper. think before you act, we have enough rules and regulations already. thank you. vinpaul

ps possible small mods to rules would be to require a small, economical traffic detection system, raise the weather limits, slightly, for vfr tours. require an ifr ticket. slightly increase the 25 miles limit to include airports with longer runways. if single engine, have operators submit, simple, plans for off airport landings, given the tour locale. assign frequencies for tour operators to announce position. require additional aircraft lighting for daytime collision avoidance. strobing landing lights. assign 500' vertical separation of multiple tour operators. provide additional fixed "ifr-but in vfr condition only" flight plans to maintain absolute separation from class b/c/d airports.

and finally note; while we strive to maintain the highest safety levels possible and we note, that flying is not inherently dangerous. there is a certain amount of danger involved with leaving the ground. a certain level of accidents is to be expected and cannot be cured given the limits of humans and machines. if you want perfection and no incidents, ground all aircraft.

in closing we do need rules and legislation that limit what an accident or incident will cost an insurance company and the owner. since 9/11 premiums have surpassed their already high levels. the future of aviation is at risk, given the reduced passenger load, high fuel costs and the excessively high insurance levels. limit what people can sue for.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=751)

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Date: 02/23/04 04:42 PM
Author: W E Everson (no profile)
Subject: 25 mi limit

The 25nm limit might seem appropriate but some of us are based more than 25nm from the scenery. In my case the best ride is along Chicago's lakefront. Because of the limit I had to go to another airport to pick up my passengers (and pay a parking fee) just so we could fly along the lakefront until we reached 24.9nm from the departure airport. This didn't benefit the charity and just added to my expense.

How about allowing the flight to fly within a 50nm radius of the departure/landing airport as long as it is within 25nm of an airport at which it can land in case of a problem.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=774)

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Date: 03/04/04 08:10 AM

Author: Karl Kunze (no profile)
Subject: RE: 25 mi limit

In my opinion the proposed rule is not at all well thought out. In fact I believe it will have no net effect on safe flight operations at all. I would suggest that the current regulations are sufficient and would propose increasing the radius of sightseeing flights to 50 miles. 25 miles is onerous and again not related to safety.

As a 91 and 135 operator I believe our 91 operations are safer than the 135. Our philosophy of safety and quality maintenance and pilot training is the same, but under 135 we are subject to endless paperwork and inspections that I believe only creat work for the FAA inspector and expense for the operator. Too much wasted effort(time) and money in 135 that could be better spent. Furthermore, in the 135 operation we are frequently inspected by FAA inspectors that know nothing about the aircraft we operate. We have been asked to do flight checks and other actions that are clrearly unsafe and not the way we operate. This is because the FAA inspector knows nothing about the type of aircraft we are flying or how to safely fly our aircraft.

More rules are not the answer, unless the FAA wants to protect job security for it's FSDO inspectors.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1404)

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Date: 03/04/04 09:29 PM
Author: Mitchell L Williams (no profile)
Subject: RE: RE: 25 mi limit

I think the 25-mile limit should be increased to 50 miles because:

- 50 miles used to be the definition of cross country, local sight seeing rides are not supposed to be cross country, and limiting to 50 miles would stay within this definition.

- For commercial purposes a night flight over 50 miles requires an instrument rating, flights under 50 do not. Makes sense to allow sight seeing rides up to 50 miles.

Mitch Williams - Chickasha Wings INC

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1492)

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Date: 02/23/04 05:57 PM
Author: D ISERN (no profile)
Subject: Get out of our hair.

This NPRM should be used as the evidence for firing the FAA employees that proposed it.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=782)

Date: 02/23/04 06:08 PM
Author: jon croghan (no profile)
Subject: part 91 and 25 mile rule

I quote:

"If the NPRM becomes law as it is, accidents may go down, and the faa may say it was successful just like the Hawaii rules, but it won't be due to better practices or oversight. IT WILL BECAUSE THE NUMBER OF OPERATIONS DECLINED AT A SIMILAR RATE. Not a victory, not a safety achievement, and not a affirmation of the value of an aviation safety professional's education.'

However, if the percentage of accidents related to the number of operators, regardless of how many operators there are, remains the same then the only effect this rule will have had is to drive people out of business. Unless I am mistaken, the charter of the FAA was to promote aviaiation.

I believe that the whole revision proposal is rediculous. I, as a brand new private pilot can take my family or friends and fly anywhere in the country. In the world, for that matter. But I, as a private pilot cannot take part in a charity event or a part 91 activity where I fly people around town or a local sightseeing trip?

Were I to change the rule, I would say that anyone who, with say, 150-200 hours and is current in the particular aircraft and that aircraft meets the maintenance standards, is fully qualified to fly passengers in VFR conditions for charity events and without limits on the number of flights or occurances.

The 25 mile rule is also extremely limiting. Where I live in eastern Oregon all the good scenic country is within a 75-100 mile radius. What is the point of a scenic flight if you cannot take someone out of the valley.

As far as I am concerned this is just another attempt by the FAA to CIA so that no one can point the finger at them (the FAA or the NTSB) and say that it is your fault because something happened.

Since I started flying in the '60's the number of pilots in this country has steadily declined (over 300,000). It can't be because there isn't the desire. It has to be because of the increadible amount of rules and regulations that have to be learned before a pilots certificate is earned.

Everything is based on the number of hours a pilot has. I think requirements should be based on a pilots proficiency. As a flight instructor I have seen some commercial pilots that were not as proficient as some private pllots I have flown with. How are we, as pilots, to earn the hours of experience required if the hours of experience required is constantly increased by unreasonable and unfounded regulations required by the FAA.

The FAA should be making it easier for people to fly, not harder. Nor should the FAA be adopting rules that will put people,

who otherwise have a clean safety record and a sucessful business out of business.

We have just celebrated the 100 year anniversary of the Wright's flight at Kitty Hawk. It is my firm belief that if todays FAA and rules existed then, the Wrights would have never got off the ground.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=785)

Date: 02/23/04 10:12 PM
Author: Timothy J. Allen (no profile)
Subject: Part 91 Operations

There is no reason to implement these regulations. The small operators that conduct Part 91 sightseeing flights are not responsible for a significant number of accidents. This has been the basis of encouraging new aviators since the beginning of aviation. New pilots have been inspired by a short ride aound thier town as a child. These operators have no ability to comply with the complexity and cost of a Part 135 certification.

I have conducted sightseeing flights at our local aishows with a helicopter. The FAA was of course present and able to regulate the entire operation. Our flight school has since ceased operation after 14 years of operations. This unnecessary rulemaking will further depress our devistated General Aviation community. These sightseeing flights are no different than flight instruction and do not require further regulation.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=807)

Date: 02/23/04 11:25 PM
Author: Jonathan Barber (no profile)
Subject: Proposed changes

Unfortunatly, with the lack of evidence and facts, what this all sounds like is some part 135 operators got ahold of someones ear at NTSB because they thought they were getting cut out of some business. Any time someone raises the issue of safety they get an audience if it is warranted or not. These changes will indeed drive some operations out of business and will stop charity airlifts. This is going to hurt where it is needed the most. In the small towns and the charitable organizations that realy need the funds. There are a lot of smaller towns that may at best support one operator at the part 91 level. There's no way they could make it with increased regulations and requirements that cost more but with no way to recoup those costs because the market wouldn't bear it. That is not progress. With no statistics to back up the proposed changes it will do nothing except maybe put a little more money in the pockets of part 135 operators while putting others on unemployment and charities looking for donations elsewhere. If the FAA can give verifiable facts on safety issues to show that there is an identifiable problem then lets discuss those and come up with a fix. Since there is no verifiable problem there can be no fix. That's what makes this so suspect.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=818)

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Date: 02/23/04 11:28 PM
Edited: 02/23/04 11:53 PM
Author: Rick Pellicciotti (no profile)
Subject: inclusion of Part 91 operations?

In the original NTSB recommendations that resulted in this NPRM and the comment filed by the NTSB on the docket, there are many references to Part 135 non-scheduled Commercial Air Tour operations. There doesn't seem to be any mention of Part 91 exemption operations. Is it possible that the NTSB never intended for the proposed rule to be applied to the Part 91 sightseeing 25nm limit operations?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=819)

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Date: 02/23/04 11:34 PM
Edited: 02/23/04 11:36 PM
Author: Joseph R. Maridon (no profile)
Subject: Other Ideas

I have offered biplane rides for the past 9 years. I would have no problem providing data to the FAA about the number of flights and hours flown. That would seem to satisfy the NTSB requesting additional reporting. It would also provide a basis to show the FAA and the NTSB if the need for additional rulemaking is warranted in the future.

Presently there is no reliable data to base this NPRM as many others have so adaquately pointed out.

Also as others have pointed out the insurance conpanies make more rules than the FAA and they know in detail the accident history of the operations they insure. My insurance company charges me considerably less to fly Part 91 under the 25 mile rule than if I were a Part 135 operator. That fact alone should be enough evidence to withdraw this NPRM.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=821)

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Date: 02/24/04 08:53 AM
Author: michael muetzel (no profile)
Subject: 25mile

I usually try to make reasoned, thoughtful, cogent posts. Sometimes I even succeed. Usually they end up long, well-

researched, and to the point. But in this case, responding to something so poorly documented and so out of touch with the needs of aviation services consumers, I can say it no better than a previous submitter.

"This NPRM should be used as the evidence for firing the FAA employees that proposed it."

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=836)

Date: 02/24/04 10:15 AM
Author: Wyatt Bell (no profile)
Subject: Repeal

Let's suppose we give the NTSB and the FAA the benefit of the doubt and the rules are promulgated.

Nowhere is there any "performance" criteria which would state the rules would be "repealed" if the safety increases to which the rules aspire are NOT realized.

Government rulemaking should be reviewed after a period to determine if the rules are achieving the desired results.

In this instance, many people are going to lose jobs and businesses are going to be affected! The NPRM is full of "costs" associated therewith, and no assurances whatsoever as to any success. In fact, the overwhelming substance of the comments are opining the exact opposite. I would venture that the commentors are seasoned pilots and logical people who are looking at the NPRM and applying this to their perception of piloting behavior. Their landslide numbers are claiming they don't see the safety improvements!

AOPA, the Air Safety Foundation and many others have been designing and implementing programs and ideas to improve air operations safety. The fact is the statistics are staying stubbornly in the 1.xx fatalities per 100,000 flight hours and running around 6.xx accidents per 100,000 flight hours.

It's as simple as looking at fuel exhaustion. How can rulemaking or legislation eliminate this type of accident? It is a requirement to have certain fuel reserves, however, the NTSB reports show accident after accident caused by fuel exhaustion.

Even if you look at Part 121 airlines, they have dispatchers, co-pilots and others always confirming and planning the flights. Look at their profits and financial conditions!! True, they don't have many fuel exhaustion problems, but there are a few. One in PA a few years back!

Take Florida with motorcylce helmets. When the motorcycle helmet requirement was repealed (you could ride your cylce without a helmet) the motorcycle accidents actually improved!! Less motorcyclist were killed when they weren't required to ride with a helmet!!

SFARs are appropriate where required. Look at the Robinson helicopter. One would have to agree this SFAR has improved the safety statistics of the Robinson helicopter. Ditto for the Grand Canyon and Hawaii.

If the FAA and NTSB would cite other cases and accident statistics where this NPRM would be appropriate, then an SFAR

could be established to improve the conditions.

Are there problems with Traverse City, Michigan? How about Cleveland, Ohio? What about Atlanta, Georgia?

Hawaii, Arizona with the Grand Canyon and Alaska, where I fly, have unique beauty. Air services to provide viewing are the only ways to really see the grandeur! I think it is appropriate to implement safety via SFAR when the need is "demonstrated"!! as it has been in Hawaii and the Grand Canyon.

Alaska has its unique set of requirements, the most important of which is Alaska needs GA for vital support. GA aircraft provide fundamental services to areas that have no other means of access.

The FAA has gone about the Capstone project which addresses some of the unique flying challenges in Alaska. The NPRM has no mention of this and I would venture the FAA has failed to realize this contradiction!!

Human endeavor has risks. Flying has somewhat greater risks! And flying over water has greater risks, yet!

The rule for floats and life preservers makes sense.

Repealing the 25 mile Part 91 rule has no basis in logic or safety statistics except in the areas where problems are demonstrated such as Hawaii and the Grand Canyon. If other areas are identified, then, they too, should become subject to SFAR rules to address the specific problems.

A good example of how this rule is being applied outside its necessity is to suppose the Capstone project in Alaska continues to be a success and becomes the rule of the land. All operators in Alaska have to have Chelton Flightlogic type systems, GPS groud proximity systems, etc. This, of course, is based upon the mountains, weather and demanding flying conditions of Alaska.

Would you then propose a rule that all operators, including Florida operators, maintain Capstone equipped aircraft? Of course not. It would be ridiculous to have system requirements of that sort where the terrain is flat and the weather is SVFR more than 300 days a year!! as it is in Florida. Several flyers provide sightseeing down the coast of Florida to view the rich-peoples' mansions operating under Part 91. There are no known accidents!! This NPRM under consideration will stop these flights for no other reason than some accidents happened almost 5,000 miles away!!

Please think this through and realize the SFAR is the best vehicle to address specific problems in specific areas.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=844)

Date: 02/24/04 01:14 PM
Author: vin falco (no profile)
Subject: let other know about this "Public Meeting" so they can comment

let others know about this site, so the gov't can see the feelings expressed on this bulletin board are from many more than the few individuals listed. thank you.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=863)

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Date: 02/24/04 01:36 PM
Author: Robert L. McHugh (no profile)
Subject: If you outlaw flights, accident statistics will improve

IF YOU REGULATE FLIGHTS OUT OF THE PICTURE, ACCIDENT STATISTICS WILL IMPROVE.

What credible accident statistics indicate that there is a need for this new rule? Naturally, if there are no flights there will be no accidents. I think the FAA should pay more attention to investigating accidents and studying their causes and less energy thinking up new rules that will further inhibit safe, efficient air transportation.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=866)

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Date: 02/24/04 02:56 PM
Author: Wyatt Bell (no profile)
Subject: RE: If you outlaw flights, accident statistics will improve

This is one way to improve the statistics!! Reduce the flying and you will reduce accidents! These rules will most assuredly reduce flying!!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=871)

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Date: 02/24/04 01:58 PM
Edited: 02/24/04 02:09 PM
Author: Horst Raisch (no profile)
Subject: Unsubstantiated "problems" with 25nm/Part91

Most of what I was going to say has been said very well. A few comments in my own words: Without facts such as any problems countrywide for 91 operators doing 25nm sightseeing, it is hard to form a solution. To throw "us" 91ers into the same bucket as the 135 folks makes no sense. If the FAA wants to do this why not change the whole certification process, maybe the whole CFR? I'm semi-retired, have flown for over 20 years and "was" in the progress of starting a sightseeing operation here in the beautiful San Francisco Bay Area. With any onerous paperwork requirement AND cost outlays I won't be able to do this and will just draw unemployment from the government. Why is the FAA so keen (and determined it seems) to drive self-employed people out of business? For safety reasons? I would support this but there's no "SPECIFIC" evidence

of a problem across the country. At least the FAA hasn't told me. Oh, is it because the ever powerful NTSB said so? The NTSB hasn't helped us much with researching, analyzing and coming up with solutions in the past. What does it say at the end of those accident reports, 90% of the time? --"Pilot Error"--. That's great, what am I going to improve? Back for some suggestions: I would have no problem accepting certain currency/checkout requirements. Like some post earlier said, hours don't matter much, it's all about proficieny. I would actually support a checkout by an instructor ensuring the proficiency for some specific segments of sightseeing such as steep level turns, low level flying, emergency recoveries. The way the current PPL is structured it DOES NOT provide sufficient training for low level flight. I'm not suggesting all sightseeing is done at low level (and maybe shouldn't) but it might improve our statistics (whatever any there are). The FAA could even go as far as issuing a "sightseers rating" (not my favorite) but just to make a point that subjecting us to Part 135 is absolutely the wrong approach -IT SOLVES NOTHING! And if this is just a ploy by the "BIG-MONEY" 135ers to get the Part91 folks out of taking THEIR business away then this rule smells worse than a wrotten apple. PS: By the way, should this NPRM become the rule there are several ways around it (one of it is just call all sightseeing "instruction"...-it would give those poor flight instructors some income...) Unfortunately, that's not the path any new rule should be destined to go i.e. starting with loopholes... Last question after rambling a while...: Can we see some statistics for 91 sightseeing ops, please? Regards

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=867)

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Date: 02/24/04 03:30 PM
Author: Herbert Montei (no profile)
Subject: Part 91 Sightseeing 25 mile radius

Please don't hurt general aviation with this proposed new rule that has no safety benefit that has been proven. We need the FAA to support general aviaiton not destroy it.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=872)

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Date: 02/24/04 10:05 PM
Author: Joseph R. Maridon (no profile)
Subject: Other Ideas

I wish to expand on my earlier comments about insurance companies and their rules. I fly a Waco UPF-7. My insurance company wants 800 hours of tail wheel time and 50 hours in make and model to fly passengers for hire in this aircraft. This is far in excess of the FAA requirement of a high performance and tail wheel endorsement and three tail wheel landings to a full stop in the past 90 days. This FAA requirement does not even have to be in the Waco.

I have to report my anual activity and make and model currency to the insurance company every year. That information is used to decide if I am insurable and at what cost.

My point is that even if the FAA makes more rules they are already essentally preempted and exceeded by the insurance companies. That makes the safety impact of the rule an unkown. Although in the case of this particular NPRM the impact

will be a lot less flying. And the impact on safety statics will still be unkown.

Until a reliable safety database is established for the Part 91, 25 mile operators is established this NPRM should be tabled.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=884)

Date: 02/25/04 10:26 AM
Edited: 02/25/04 10:31 AM
Author: Steve Winters (no profile)
Subject: Proposed Elimination of Part 91 sightseeing flights

I'm not sure of this computerized public meeting agenda. I operate a valid and licensed air tour business in southern Utah and have been doing so for 6 years. I have been caught in the crunch of the part 136 NPS Overflight Law operating under Part 191; however I can change my tour course and not be bound by the law. This will not affect my business, however, by forcing me to obtain a Part 135 certificate may put me out of business. A big majority of my customers are foreign visitors to southern Utah and they walk away from the flight totally amazed of what beautiful "AMERICAN" sights they have seen. I feel this is good public relations in promoting foreign tourism to the U.S. I operate my own business and can't afford to pay the high cost for insurance, extra inspections, etc. At the same time, I won't jeopardize myself or others by having an unsafe operation. I don't think the initial NTSB evidence was substantial enough to warrant such drastic measures. Why can't the part 91 operators register with the FAA as such operators, and provide them with annual verification of inspection of aircraft and biennial flight reviews., etc. In the event there were any malfunctions, etc., they can be required to report them to the FAA as sightseeing businesses. The Government has a way of complicating the issue and making a lot out of nothing. I feel this is more an issue addressed by the Air Tour Operators Assn., trying to put us out of business. I am a retired government employee having been a higher level manager and past government pilot and have seen this type of adverse action before to benefit just one entity. Don't put us out of business.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=891)

Date: 02/25/04 11:22 AM
Edited: 02/25/04 11:35 AM
Author: brien Lillquist (no profile)
Subject: Weed out the bad

It's not the guy who has 800 + hours and insurance who keeps his plane in top condition that's wrong. It's the 200 hr pilot under part 91 who flies his plane 300 hours a year with only an annual inspection skipping the 100hr inspections and no insurance. The rules in place do not weed out those who do this and if under part 135 with the requirements and checks would at least have someone looking at them.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=896)

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Date: 02/25/04 01:19 PM
Edited: 02/25/04 01:23 PM
Author: Rick Pellicciotti (no profile)
Subject: RE: Weed out the bad

Brien, I think you are missing the point. This hypothetical, 200 hour pilot has made a choice not to comply with the existing rules. What he is doing is against the law now. How will passing more restrictive regulations, that this pilot will ignore as well, change anything or improve safety?

Can you point to any accident in which the pilot had only 200 hours, was flying for compensation or hire on a commercial sightseeing flight in which the airplane had not received a 100 hour inspection?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=904)

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Date: 02/26/04 09:46 AM
Edited: 02/26/04 09:52 AM
Author: brien Lillquist (no profile)
Subject: RE: RE: Weed out the bad

The point is that under part 91 only the IA at the annual inspection can see the proplem unless their is a smoaking hole sooner. A ramp check of a aircraft will not expose this and logs for the aircraft are not required to be carried in the plane for inspection. As it is their is no check and ballance in place to protect the public who have no idea of what they are getting into. It was the unregulated barnstormers of the 20s that brought the CAB into regulation to protect the public.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=937)

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Date: 02/26/04 01:20 PM
Author: Rick Pellicciotti (no profile)
Subject: RE: RE: Weed out the bad

Brien, You did not answer my question. Can you identify a single accident that has happened under the

scenario that you describe?

Do you understand that part 91 sightseeing operations are required (under the existing regulations) to have 100 hour inspections in addition to annual inspections?

These inspection requirements are exactly the same as Part 135. How will the new rule requiring Part 91 operators to be under 135 improve upon this?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=947)

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Date: 02/25/04 09:11 PM
Author: Steve Thompson (no profile)
Subject: RE: Weed out the bad

Part 91 does allow commercial flight now. And as you point out, there are inspections that must be done. What you have assumed is a person flying for profit that is not following the rest of the FARs in existance.

Steve Thompson

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=928)

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Date: 02/25/04 02:07 PM
Author: Gilbert Florescu (no profile)
Subject: FAA is wasting taxpayer's dollars and time

I don't even know why we're having this ridiculous conversation about changing the rules on sightseeing flights. It has been working fine the way it's been. With the economy not doing very well right now, that's all we need---more people to go out of business and less jobs. There's no proof of any safety improvement and a loss of jobs. You'd think that the FAA would think something through before coming up with a NPRM like this. Have some hard facts ready before you try to suggest something like this.

I am a small flight school owner with only 1 airplane and about 25% of my business I derive from sightseeing flights. I'm already doing bad enough right now...let alone if I can't do sightseeing flights any more.

The insurance requirements for part 135 is outrageous and I wouldn't be able to afford it. Not only that but the pilot requirements are higher to operate under 135 rules. I'm the only pilot/instructor at the flight school that can meet those requirements.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=906)

Date: 02/25/04 08:16 PM
Edited: 02/25/04 08:20 PM
Author: Robert Edward Bruccoleri (no profile)
Subject: Economic impact and safety for the 25 miles exception

I am the owner of an airplane which is rented out for use by pilots and students at a local flying school. The proposed rule would eliminate sightseeing flights from the school because the Part 135 requirements would be overwhelming. The airport and flight school have been seriously impacted since 9/11, and they need every bit of income to keep economically afloat. This rule would hurt them, and it would also hurt my rental business as well.

From what I've read, the safety record for Part 135 sightseeing operators is worse than the record for Part 91 operators flying under the 25 mile exception. (Source: AOPA).

Thus, this proposed rule would appear to have no safety benefit and a serious negative economic impact. It should not be adopted.

A recent editorial in Aviation Week and Space Technology agrees (Feb. 16, 2004, page 58)

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=925)

Date: 02/25/04 10:19 PM
Author: Neil Harmon (no profile)
Subject: Proposed regulation is solution in search of a problem

There is absolutely no rational justification for these changes. The FAA seems to be adopting the stance that maximum regulation automatically improves safety and that somehow we should all assume that going through a lengthy and expensive paperwork exercise makes operations safer. If weel thought out, regulation and certification can improve safety but in this case, the proposal is NOT well thought out. The FAA has a charter to "promote aviation" which it will be violating if it insists on making it more difficult and expensive for the future pilots of America to get their first aitplane ride because small operators are regulated out of existance without any legitimate cause. It appears that someone in the FAA (no doubt a desk-bound technocrat) has decided that it is somehow in aviation's best interest to practically eliminate Part 91 commercial operations. There is uch that could be done to inprove safety but this regulation is a step backward and not a step forward. It is ill-conceived and makes the FAA appears to be an organization more interested in consolidating power than performing its chartered mission of "promoting aviation".

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=931)

Date: 02/26/04 10:35 AM
Edited: 02/26/04 10:42 AM
Author: Jane E Pinto (no profile)
Subject: Focus

Let us try to put some of the emotion aside for a moment. In this post 9/11 era we're all under the microscope and must be willing to compromise a bit to stay in business. Digging in our heels and bemoaning about the unfairness of it all won't get us anywhere - except maybe the European way where GA flying on any kind is being coming extinct. What the FAA has asked is: what alternatives does the piloting community have to offer to address the need to segment and collect data for a specific piloting group? This may be addressed by implementing something as simple as a additional "lite-tour" rating for pilots who intend to conduct these types of flights. The focus of the rating could be to ensure that pilots have an understanding of the safety and community concerns surrounding these type of operations. Surely, a truly professional and conscientious pilot won't mind taking another knowledge test/practical exam if it meant ensuring their future.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=939)

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Date: 02/26/04 01:27 PM
Author: Rick Pellicciotti (no profile)
Subject: RE: Focus

Jane, The point is that we already have what you are suggesting. It is called a Commercial Pilot License. All pilots that fly commercial sightseeing flights have to have a Commercial License. This is, in essence, your "lite" license when taken in the context of being in between Private and ATP licenses. At my biplane ride operation we have two pilots. One is a commercial pilot and the other is an ATP. Both have over 1500 hours. Do you really want them to take an additional test in order to fly a single engine plane in day VFR conditions within a 25nm circle of the airport?

Yes, the FAA has granted exemptions and allowed private pilots to conduct sightseeing flight for charity. No one has, as yet, demonstrated that the accident rate for these flights is higher than "regular" aviation much less Part 135.

Emotions aside, what is there left for a commercial pilot to do? Banner towing has all but been eliminated. There are not enough glider towing and skydiver jobs to go around.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=948)

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Date: 02/27/04 02:06 PM

Edited: 02/27/04 02:06 PM
Author: Teresa Gatrell (no profile)
Subject: RE: Focus

The FAA obviously has the authority to write regulations and establish certification criteria. Why not create a separate set of requirments for pilots conducting tours that are not as stringent as those imposed upon airline pilots/companies, but offer a slightly higher standard than pilots who do not offer tours? It seems unfair to equate the flights of those offering tours with the operations of major air carriers, for obvious reasons. One size does not fit all!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1011)

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Date: 03/01/04 03:33 PM
Edited: 03/01/04 03:37 PM
Author: Rick Pellicciotti (no profile)
Subject: RE: RE: Focus

This is already being done, the problem is that because it is being done through the insurance companies, the FAA doesn't know about it and the public doesn't know about it.

In addition to having to have a commercial pilot license and a current Class II medical, in order to fly my biplane on commercial rides, a pilot has to have 1000 hours total time, 250 hours tailwheel, and 25 hours in exact make and model of airplane. The pilot is also enrolled in our FAA APPROVED Drug and Alcohol Abuse Prevention Program and subject to random testing. This is far more stringent than the current FAA rules or the proposed rules. The bottom line is that the public **IS** getting a pilot with higher qualifications.

---------- Rick Pellicciotti Chief Pilot/Owner Belle Aire Aviation

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1202)

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Date: 02/26/04 11:51 AM
Edited: 02/26/04 01:03 PM
Author: Gary Lee Lust (no profile)
Subject: Unwarranted

1) Comment: All who have carefully reviewed this NPRM have concluded that no safety issue has been documented that has not already been addressed by SFAR 71. As written this proposal would appear to be intended to capriciously ground a segment of general aviation operations without justification. There is absolutely no evidence to indicate that air tour operations within 25 miles of an airport are conducted more safely under part 135 than under part 91, and this proposal will simply add unnecessary burden to already beleaguered and underperforming FAA-FSDO operations.

This proposal is so outrageous as to beg the question: form whence did this come? There has to be a nefarious origin to this and the public has a right to know!

2) My specifics: I am owner of a part 135 operation and also conduct local scenic flights in a 1929 Travel Air under part 91. Over the past 30 years I have introduced hundreds of folks of all ages to aviation and the first hand appreciation of the golden age of aviation with this and other vintage aircraft I have owned. I consider this one of the most important and rewarding (if not financially) roles a person can have in aviation. My principle business is that of wildlife research and natural resource aviation. In addition to FAA part 135 certification we are independently inspected and certified by the O.A.S., Forest Service and Department of Energy. In the near future I hope to retire from this highly specialized and demanding business and concentrate on the vintage airplane ride business, and hopefully simplify my life in the process. So, you might ask, why don't I simply add the Travel Air to my part 135 Op Specs? There is a mindset in the FAA that discourages inspectors from signing off on anything that is in the least bit out of the ordinary. I cannot imagine getting Op Spec approval for an airplane built in 1929 and certificated under Aerobulletin 7A, prior to any requirement for a maintenance manual or pilot operating handbook. However the safety of such aricraft, operated commercially under existing regulations, with 100 hour inspections and drug and alcohol testing programs, is undeniable.

3) Additional concern: An area that has not been addressed in your analysis and which will have great impact is the FACT that virtually every small (and perhaps large?) flight school in the country, in addition to offering flight instruction, also offers local scenic flights under part 91. The time honored way in which baby pilots build qualification for jobs under part 135 or part 121 is through flight instruction and scenic flights, as well as glider and banner towing, etc. In order to work for my 135 operation a person is required to have 1500 hours to meet O.A.S. minima. (I require 2500 hrs.) I assume that most 135 operators require more than the FAA minimum of 500 hours. The elimination of scenic flights under part 91 is going to significantly reduce the opportunities for aspiring professional pilots to acquire experience and qualifications.

4) Specifics of your proposal: I have no objection to the concept of data collection, some sort of reporting format, and approval or certification of vintage air tour operators, or air tour operators in general, so long as the process is not excessively burdensome or impractical. To require 135 certification is unreasonable.

5) Part 136: There is no justification for specific revision to minimum altitudes, standoff clearances, weather minima and cloud clearances. These proposals defy logic on two counts: 1) Controlled flight into terrain, which these proposals are intended to prevent, involves violations of currently existing regulations regarding these minima. Why would changing the regulations prevent future violations? 2) If these changes do indeed enhance safety why should they not be applied to all part 91 operations? In short, there is no need to the proposed Part 136 that meets the test of logic.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=943)

Date: 02/26/04 03:56 PM
Author: Eric Gourley (no profile)
Subject: Tried and True Idea

The evidence suggests that 135 operations conducted under part 135 have had the accidents, not the guys operating under Part 91. I refer to my response to the FAA's response.

The existing Part 91 has rules and regulations that quite adequately govern scenic operations of less than 25 miles. More

regulation is totally unwarranted and ill-conceived.

I recommend that a lot of time be saved by continuing with the existing Part 91 and dropping this area from the NPRM.

It is not going to improve safety. It will be sure death to the scenic operators and a type of flying the public will only be able to experience vicariously in a museum.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=966)

Date: 02/27/04 04:17 PM
Author: Wilburn Fisher McClure Jr. (no profile)
Subject: Keep Part 91 and American Liberty

First, I am appalled at the idea of using this online forum as the only public "meeting". Outrageous. Not all members of our society, including some who will be wiped out by this proposed ruling, are computer savvy. This is not an acceptable forum, and is an abuse of our traditional American system. Shame.

This is yet another initative coming out of Federal bureaucracy that will likely regulate out of existence that which you are charged to oversee.

Part 91 ALREADY PROVIDES for adequate regulation of aircraft tours within 25 miles of the TO and landing airport. If you want to break out operations that have proven to be problematic, say helicopter tours in National Parks, Hawaii, or Grand Canyon ops, fine. As long as the statistics bear out the lack of safety provided by current regulation.

The rides provided by small operators have far ranging effects: I myself began my aviation career 17000+ hours ago on such a ride. A youngster in the future will not likely have the same opportunity in the future, should this measure be enacted.

The idea that the public is "confused" by local ride operators, equating them with airlines, is absurd on the face of it. In my local area is a summertime biplane ride operator. I can assure you that no one aqvailing themselves of their services confuses them with American Airlines.

Leave local tours to Part 91. There is no statistical proof that public safety is injured by the vast majority of these operations, and this heavy-handed approach to a problem of questional dimension is unwarranted and inimicable to concepts of American fair play and liberty.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1026)

Date: 02/27/04 04:55 PM
Author: Richard Drury (no profile)

Subject: Part 91 operators

It is difficult to comprehend why you do not see the diffrerence between we tiny Part 91 operators and "airlines." But, it is clear that "airlines" take people from here to there, fly cross-country, land at other airports, and so forth. The majority of these "airlines" have a staff of employees to handle the various aspoects of "airline operations." They generally fly late model "airline" type airplanes. In contrast, the Part 91 scenic flight operator generally oiperates ONE airplane and has ONE employee - the owner! Also, we are limited to the 25 mile range and no takeoffs and landings other than where we departed. We also usually offer this flight in open-cockpit biplanes which enhcnce the experience and make it a multi-faceted flight. Even so, we are professional, safe, and place great concern on our customers' safety and well-being. We are not flush with money to indulge the whims of bureaucracy, we simply share the love of flight and, maybe, break even. We are already operating under myriad rules and regs of the FAA, which not only include observing all the inflight rules and limitations but those of the required mechanical inspections, drug and alcohol tests and personal licensing and medical standards. Further, my airport will not even let me operate until I show evidence of insurance for the scenic flight business, so that is a non-issue. To add onerous regulation which increases the expense without doing one iota about real "safety," the current buzzword, is real abuse of power, power to destroy the small business operator who is not guilty of any infraction, violation, incident or accident, who abides by already in place FAA rules and regulations. To say you are not trying to put anyone out of business really insults us all. This is the bureaucratic nonspeak: "We encourse you to fly. The fact that our rules will cost you $500.00 an hour to operate is not our fault." Please.....can we not try the lost art of common sense!!??

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1031)

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Date: 02/29/04 12:07 AM
Author: john (no profile)
Subject: RE: Part 91 operators

I object to treating Part 91 operators as an airline.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1108)

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Date: 02/28/04 12:21 PM
Author: Calvin C. Kammeyer (no profile)
Subject: Proposed FAA rule

I would like to object to the proposed change. Lets keep things as they are.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1070)

Date: 02/28/04 01:20 PM
Author: mark boyd (no profile)
Subject: Get the FSDO in Hawaii and Alaska to fix their regions

Most of the justifications were Alaska and Hawaii. Why are the rest of us impacted? Why doesn't the FAA focus on where the problem is, instead of using this generalization? Isn't there something better than just reducing the potential pilot pool by the "hours" requirement? Can anyone honestly tell me the pilots in these justification cases had no violation records with their FSDOs? How about just publicizing the lawsuits that result from the accidents? Wouldn't this have much greater impact?

More flight time? Kinda silly. It's a big overgeneralization. I'm surprised the FAA with all of the experience and judgement I've seen from individual inspectors can't come up with a better change that doesn't involve a placebo that looks like a horse pill that will choke many operators. I'm disappointed the FAA hasn't looked more carefully at the exact accidents used as justification, and come up with a more specific and targeted safety measure than these generalizations.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1079)

Date: 02/28/04 03:44 PM
Author: Keith Statler (no profile)
Subject: 91

Fixed wing aircraft are inherently more safe than helicopters and should be noted as such. An airplane wants to fly, a helicopter wants to crash. Consequently, helicopters operate with less margin for error and must be differentiated form foxed wing aircraft. Giving ridesw in open cockpit or 1930s and 1940s vintage aricraft should not be subject to the same rules an as airline

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1083)

Date: 02/29/04 03:20 AM
Author: vaughn eric dobalian (no profile)
Subject: Regulattion of stupidity

The 25 mile limit is already a very reasonable restriction and many think 50 miles would be just as safe and increase buisness. The current regulations are more than sufficient. better training and retraining is all that is required to help improve safety. An FAA recommendation to CFI's for better review of operating rules at biannul flight reviews should be enough to eliminate the need for this proposed rule change. The FAA needs to work on saefty with re-education and not more silly rules that cannot regulate any stupidity in individuals.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1113)

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Date: 03/01/04 02:40 PM
Author: Brandon D. Kunicki (no profile)
Subject: Scenic rides

I operated a Stearman for a while in the early 90's. I covered some of my ownership expenses by giving rides part time. I cannot risk the financial loss of my airplane or the liability of operating without insurance. I paid quite a bit extra for the commercial insurance. The pilot experience requirements from the insurance company were quite specific and required far more experience and pilot proficiency than the FAR's.

I plan to follow the same path when I complete the restoration of my T-6. I want to defray some of my costs of ownership and introduce even more people to the joys of flying. With a $150,000+ plane and my house at stake (from liability if I had an accident), I don't need any mandated insurance- I'll have adequate coverage anyhow. I don't have anything but the insurance to insulate me personally from the liability of a crash like an airline would. I'm sure that all but a very few of us fall into this same category.

Safety is the responsibility of the pilot in command. The purpose of the commercial pilots license is to mandate a higher experience level to protect the general public. Rather than change the the requirements to the aircraft operators, it might be wiser to educate the pilots. This could be easily done during the mandatory biennial reviews that all pilots must have as a minimum.

My opinion is that the regulations should remain as they are. It is wise to be proactive, but I don't see any data to suggest that the public will be any safer if these regulations are enacted.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1195)

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Date: 03/02/04 01:04 PM
Author: JonThornburgh (no profile)
Subject: This NPRM Will Seriously Harm General Aviation

This NPRM can be broken down into four major aspects:

1. The elimination of commercial pilots flying under FAR Part 91 to conduct "sightseeing" flights within the 25 miles presently allowed un-der FAR 119.1(e)(2);

2. A change in the number of hours of flight time for a private pi-lot to conduct a sightseeing flight for a charitable cause,

3. A change in minimum altitude and cloud clearance for flight op-erations,

4. A requirement that passengers wear a life preserver for flights over water.

In addition to the four main aspects of the NPRM noted above there are other relatively minor proposals such as a requirement for passenger briefings, a "helicopter performance plan," and helicopter operation within the height/velocity diagram at all times.

In reference to items 3 and 4 listed above (minimum altitude, cloud clearance, life preserver) and the other minor proposals, I have no objection.

However, I see no reason for a change in flight time from 200 hours to 500 hours for charitable flights. (Item 2 above.)

I STRONGLY OBJECT to the elimination of the 25-mile sightseeing rule presently available under today's rules. (Item 1 above.)

ARE PART 135 SIGHTSEEING FLIGHTS REALLY SAFER THAN PART 91 SIGHTSEEING FLIGHTS?

The FAA claims that the changes proposed by this NPRM will in-crease the safety of sightseeing tours and decrease the number of acci-dents. The FAA proposes to eliminate the provision granted under FAR 119.1(e)(2) that allows commercial pilots, under FAR Part 91, to give sightseeing flights within 25 miles of the departure airport. According to this proposal, all sightseeing flights would have to be conducted under FAR 121 or 135.

The FAA believes that flights under Part 135 would be safer than flights under Part 91. The FAA states:

"The requirements of Part 121 and 135 are stricter than those of Part 91. Parts 121 and 135 contain requirements for aircraft equipment performance and maintenance, crewmember training, crewmember fight and duty time limitations and rest requirements, reporting and recordkeep-ing and flight locating." (Page 60573, column 2A.)

However, the FAA's own statistics belie the FAA's assertion of increased safety. On page 60573, column 2B, that FAA notes that there were 53 accidents and 72 fatalities under Part 135 operations between 1993 and 2000. However, there were only 38 fatalities by Part 91 opera-tors. Obviously the "stricter requirements" of Part 135 still allowed for almost twice as many fatalities as Part 91 commercial air tours.

To bolster the FAA's argument for the need for more stringent sightseeing regulations, the NPRM cites 12 very tragic accidents on pages 60573 and 60574. It's interesting to note that 7 of the 12 acci-dents involved helicopters, and 9 of the 12 accidents were in the Ha-waii Islands. It's apparent that the extraordinary demands of flying a helicopter, coupled with the wind and changing weather conditions in Hawaii are quite possibly unique hazards. This does not justify chang-ing sightseeing regulations that will affect thousands of commercial pilots throughout the rest of the United States.

Furthermore, as least two of the accidents were flights conducted under Part 135. (The accidents at Volcanoes National Park and Niagara Falls were under Part 91. The FAA does not specify whether the other eight accidents were Part 135 or Part 91 operations.) In addition, seven of the deaths resulted from a lack of life vests (the accidents at Volcanoes National Park, and the island of Kauai.) Furthermore, fa-talities resulting from at least seven of the accidents were largely caused by poor judgment, including both accidents by Part 135 pilots. Simply increasing flight time has never been a guarantee of good judg-ment, as seen by the accidents involving airline pilots with thousands of hours of flight experience.

ACCIDENTS ADDRESSED BY THE FAA IN THE NPRM

Here is a summary of the accidents which involved poor judgment:

1. Waipio Valley: flight up an enclosed canyon (by a Part 135 pilot.)

2. Maui: flight into terrain. The pilot failed to monitor his route of flight and got lost. The pilot had falsified his employment history (another Part 135 pilot.)

3. Volcanoes National Park: failure to provide life vests.

4. Molokai: the pilot allowed rotor RPM to decay while hovering only 50 feet above the water.

5. Alaska: failure to provide life vests.

6. Iao Valley: flight into terrain in poor visibility

7. Waialeale Canyon: flight into terrain in poor visibility.

Interestingly, the accident at Waialeale Canyon occurred only six miles from the departure airport, indicating that even the arbitrary 25-mile rule doesn't guarantee a safe flight. The FAA doesn't specify the distance of the other accidents from the departure airport.

I contend that there is nothing in these accidents that warrants a drastic change to the present sightseeing rules. Forcing a pilot to conduct sightseeing flights under Part 135 will not guarantee good judgment. I agree that flying higher above the ocean and wearing life vests can save lives. However, the FAA can easily require Part 91 pi-lots adhere to these precautions. In fact, there is already a require-ment under FAR 91.509 that all occupants be provided with life vests.

THE FAA'S COST ANALYSIS OF IMPLEMENTING NEW SIGHTSEEING RULES

Starting on page 60582 the FAA analyzes the cost of implementing the NPRM. I contend that the FAA has no way of projecting what the costs will be to sightseeing operators over the next ten years. Even Congress is not able to estimate the national budget from one year to the next. The FAA admits that its projections are pure speculation. Time and again the FAA "estimates" the number of operators that the rule will impact and the costs. Here are a few quotes:

1. "...this analysis estimates that one or more provisions of the proposed rule could affect approximately 2,100 operators and 4,400 air-craft." (Page 60582, column 1A)

2. "The proposed rule is estimated to cost approximately $238 mil-lion ($148 million, discounted) over ten years." (Page 60582, column 2A)

3. "The FAA expects that Part 91 sightseeing operators would take one of three options following issuance of the rule..." (Page 60582, column 2A)

4. "The FAA estimates there are a total of 1,670 operators who con-duct operations under Part 91..." (Page 60582, column 2B)

5. "Approximately 41 percent of these operators conduct air tours less than 10 hours a year." (Page 60582, column 2C)

6. "Based on these cost categories, the FAA estimates that affected Part 91 entities would incur approximately $137 million ($85 million, discounted) in certification related costs over a ten-year period." (Page 60582, column 2C)

7. "The FAA estimates that the following Part 136 provisions added by this proposal would impose costs on commercial air

tour operators... The costs would be approximately $74.5 million..." (Page 60582, column 3A)

8. "Assuming that about 25 percent of commercial air tour helicop-ters, or 112 helicopters, would be affected by these provisions..." (Page 60582, column 3C0

9. "The FAA estimates that incremental costs associated with this provision [passenger briefings] would total approximately $1.5 million ($900,000, discounted) over ten years" (Page 60583, column 1C)

There are a dozen other "estimates," "approximates," "beliefs," and suppositions on pages 60583, 60584, and 60585. The FAA gives abso-lutely no supporting data for its suppositions. For example, on page 60583, column 2B, the FAA "estimates that restricting the 25-mile ex-ception under Part 119.1(e)(2) could produce benefits of $48 million ($30 million, discounted) over ten years."

Where is the data to support this statement? Where is the re-search? The FAA simply throws around numerical figures with no sup-porting documentation whatsoever. The FAA even admits as much. See page 60585, column 2A, in which the FAA, itself, states, "The FAA lacks re-liable revenue and profit data for many of the entities affected by this rule and, therefore, is unable to explicitly compare potential costs imposed to revenue or profits."

This is the financial understatement of the year. Here's the rea-son why. There are over 120,000 active commercial pilots in the United States, plus another 140,000 ATP rated pilots. Any one of these pilots may give a sightseeing flight within 25 miles without any notification to the FAA whatsoever. So how does the FAA have any possible clue as to how much sightseeing income is earned by these pilots?

One thing is for certain, the vast majority of these Part 91 pi-lots will not continue sightseeing flights if they are forced to do so under the complicated and onerous Part 135 regulations. The FAA esti-mates on page 60585, column 2B, that only 700 Part 91 pilots will stop "providing the service." How can anyone possibly know how many pilots will stop providing sightseeing flights? Only 700 pilots out of 260,000 commercial and ATP pilots looks like a ridiculously low esti-mate to me. Did the FAA survey all 120,000 commercial pilots to find out how many would or would not apply for Part 135 certification? Did the FAA interview even the nation's flight instructors to see how many of them would quit giving sightseeing flights if Part 119.1(e)(2) is modified? On page 60583, column 2A, the FAA candidly admits that it has no idea what the lost sightseeing revenue would be as a result of the changes proposed by the NPRM. I quote: "The FAA is unable to provide a quantitative estimate of these losses." What could be plainer than that statement?

Although the FAA does not presume to estimate the lost revenue to sightseeing operations, the FAA does estimate the number of lost sight-seeing hours: "Assuming one-hour tours, there would be approximately 46,000 fewer air tours available to the public..." Forty-six thousand air tours! That's an astronomical number. Not only is the public de-prived of the enjoyment of sightseeing from the air, that's 46,000 hours less flying enjoyment and income for commercial pilots. Forty-six thousand hours times a minimum of $100 dollars per hour comes to $46 million dollars!

That's a $46,000,000 loss to aviation, which is already suffering from the worse economic turndown in history---10,000 furloughed airline pilots, airport closures, outrageous insurance costs, increased liabil-ity lawsuits, expensive Homeland Security directives, daily Temporary Flight Restrictions (TFRs) which restrict air operations, aircraft banned from banner towing over sports stadiums, aircraft banned from overhead Disneyland, and innumerable aircraft restricted from flying in the Washington, D.C. area.

On page 60584, column 2A, the FAA admits that the costs resulting from the changes proposed in the NPRM are considerable: "The FAA con-ducted the required review of this proposal and determined that it would have a significant economic impact on a substantial number of small entities."

Why in the world would the FAA want to compound the many obsta-cles facing aviation today by implementing a costly

proposal that has not been definitively shown to enhance safety?

THE HIDDEN NEGATIVE IMPACT OF THE NPRM WHICH THE FAA HAS FAILED TO CONSIDER

On page 60584, column 2B, the NPRM reads: "The FAA requests com-ments on how the dollar value to consumers of the lesser availability of air tours should be estimated in the final rule" I commend the FAA for being open-minded enough to accept public input of the costs asso-ciated with the NPRM. Hopefully, this is the FAA's true attitude, and not just words. I shall therefore accept the FAA's request for com-ments, and will now put forth what will be the greatest negative impact of the NPRM--one which the FAA has not even considered.

What the FAA has failed to consider is this: not only will the change in sightseeing rules drive many small Part 91 air tour opera-tions out of business, it will also greatly reduce the number of stu-dents who seek to become commercial pilots.

Here is a perfect illustration of what the result of this regula-tion will be:

When I became a flight instructor in the 1970s it was possible for a student to obtain his private, commercial, and even his flight instructor certificate by training entirely in a Cessna 150. In those days a commercial pilot, and even a CFI, did not need an instrument rating, or "complex aircraft" experience. Today, a commercial pilot applicant must have ten hours of complex aircraft flight time (gear, flaps, and controllable propeller) under FAR 61.129(a)(3)(ii,) and he must also have an instrument rating, which requires a minimum of 40 hours of "hood" time.

My question is, "Why did the FAA change the requirements?" When the FAA proposed the change (in the early 1980s, as I recall) the FAA provided absolutely no statistics or evidence that CFIs were having ac-cidents because they didn't have an instrument rating. At that time there were hundreds of CFIs who specialized in teaching aerobatics or "tail dragger" transitions, all in VFR conditions. The famous female instructor Amelia Reid is a perfect example. Many CFIs accumulated thousands of hours of flight time, teaching primary training or aero-batics who never went near a cloud. Therefore, they didn't need an in-strument rating.

The same was true for commercial pilots. I personally instructed scores of students who became commercial pilots without complex flight time or instrument ratings. These pilots flew banner tows, gave sight-seeing flights, took photographs, flew pipeline patrol, counted wild-life for the Forestry Department, flew for the Border Patrol, and flew in motion pictures and hauled cargo---all without an instrument rating. They flew in VFR conditions and not one of these students ever had an accident in the Cessna 150s and Piper 140s that they flew commercially.

Here's what happened when the "complex aircraft" requirement went into effect. I had a student, Bill, who owned a Cessna 172. He was a private pilot with over a thousand hours of flight time. One day I sug-gested that he study for his commercial certificate so that he could recoup some of his aircraft expenses by giving occasional sightseeing flights. Since Bill had so much flight time he was an excellent stu-dent, but his business commitments prevented him from taking his prac-tical test before the new "complex" regulation went into effect.

Bill discovered, too late, that he would have to rent a retract-able-gear Bonanza for ten hours at $100 an hour in order to satisfy the new complex requirement. That's a thousand dollars of "drilling around in the sky in a Bonanza" (as he put it) so that he could thereafter fly his own non-retractable Cessna 172 commercially. So what did Bill do? He quit taking commercial lessons! I therefore lost a commercial stu-dent, and the sightseeing public lost the opportunity to fly with a safe, competent pilot at a reasonable air tour rate.

It was not only Bill whom I lost as a commercial pilot. I lost dozens of other commercial students. It was expensive enough to rent a Cessna 150, let alone a retractable gear Bonanza. Furthermore, to make matters worse, the FAA later determined that an applicant would have to take his practical test in a complex airplane! Simply logging 10 hours of complex flight time was not sufficient. So there went the remainder of my commercial students who had tentatively decided to bite the bul-let

and accumulate 10 hours of complex flight time, even though they never intended to fly a complex airplane commercially.

This same scenario happened to flight instructors all across the country. However, when the FAA "estimated" the cost to the aviation community of implementing the "complex aircraft" requirement the FAA never considered the loss of revenue to flight instructors and flight schools that occurred because so many commercial students abandoned their commercial aspirations. The FAA only estimated what the increased cost would be for commercial students who continued with their train-ing.

It was not only CFIs and flight schools which lost revenue. It was also all the entities which support aviation. There were less stu-dents, so there were less airplanes sold. Less airplanes meant less me-chanics were needed. Less insurance was sold, so the insurance industry suffered. Fewer Gleim and ASA flight test guides were sold. Sporty's Pilot Catalog shipped fewer items. The list goes on and on.

So what does this story have to do with the Air Tours NPRM? Sim-ply this: this NPRM will be another nail in the commercial coffin. Unless a pilot is determined to be a professional CFI or an airline pi-lot, what incentive does he have to advance from private to commercial? Under this NPRM he won't even be able to conduct a simple 25-mile sightseeing flight unless he undergoes all the procedures to become a Part 135 pilot.

As a Part 135 Chief Pilot and Check Airman in the 1980s, I can personally vouch for the extensive and onerous requirements to partici-pate in a Part 135 operation. It's even worse today than in the 1980s, and it was bad enough then. Now there's even random drug testing in place, under FAR 135.251.

Am I over-exaggerating the seriousness of the "drop out" problem? Let's take a look at the statistics. When I was instructing in the 1970s there were approximately 850,000 active pilots. Today, 30 years later, there are less than 630,000 pilots. And the U.S. population has doubled.

Why are there less pilots? Some of the reasons include the higher cost of airplanes, fuel, insurance, and tie-downs, airport clo-sures, liability concerns, and a weak economy. But I submit that the single greatest reason for the drastic decrease in the number of pilots is the proliferation of FAA regulations.

It takes more time and effort for a student to become a private pilot today than it did to become a commercial pilot in 1975. There are tail dragger endorsements, high performance endorsements, complex en-dorsements, biennial flight reviews, Class A, B, C, and D airspace, TRSAs, TFRs, Practical Test Standards, computerized knowledge exams, Minimum Equipment Lists, GPS, transponders, ATC procedures...ad infini-tum.

On top of all this, the FAA now proposes to eliminate Part 91 sightseeing. In my opinion, instead of eliminating the 25-mile Part 91 sightseeing provision, the FAA should increase the allowable mileage to 50 miles, which is exactly what it originally was in the 1970s and 1980s.

Aviation needs simplification and revitalization, not more regu-lation. Especially when it cannot be shown that the added regulations will actually enhance safety. A quick look at the Bureau of Transporta-tion Statistics will reveal the sad decline in pilots from 1991 to 2000 (see the table at http://www.bts.gov/publications/transportation_indicators/october_2001/Mobility/csv/US_Active_Pilots.csv.)

PILOT CATEGORY 1991 2000

Student 120,203 93,064

Private 293,306 251,561

Commercial 143,365 121,858

ATP 112,167 141,596

Rotorcraft 9,860 7,775

Glider 8,033 9,387

Total: 686,934 625,241

Notice that ATP increased due to the deregulation of the airlines. Glider increased because the regulations are still relatively simple for glider training. In fact, the FAA promoted glider flying by chang-ing the licensing requirements in 1997. See FAR 61.31(j).

THE AIR TOUR NPRM PROPOSES AN INCREASE IN FLIGHT EXPERIENCE FOR PRIVATE PILOTS CONDUCTING SIGHTSEEING FLIGHTS FOR CHARITY

The FAA proposes to amend FAR 61.113 to require private pilots to have 500 hours of flight time, instead of 200 hours, in order to fly sightseeing flights on behalf of a qualified charity.

I oppose this change.

Why does the FAA feel that this change is necessary? Has there been a rash of charity air tour accidents? If so, were the accidents caused because the pilots only had 200 hours of flight time? Why must a pilot have 500 hours, which is twice the flight time to get a commer-cial certificate?

In the NPRM the FAA gives no examples of charity air tour acci-dents, nor any statistics to show that a 500-hour pilot flying for charity would be safer than a 200-hour pilot. The only rationale for the change is given by the FAA on page 60578, column 2A: "A higher safety standard of 500 hours of flight time for private pilots is pro-posed for charitable and community events because these events typi-cally involve a larger number of passengers, are held over a period of one to three days, and are generally a pleasure activity for the pas-senger."

My response to this entire statement is "so what?" So the chari-table air tour passenger is flying for pleasure. Why does he require a 500-hour pilot, when the passenger being medically evacuated only needs a 200-hour pilot under FAR 61.113(d)(1)? If anything, I'd think that the medivac pilot would have to be more experienced than the pleasure pilot, since he must speed his patient to medical care. Once again, it appears that the FAA is simply pulling ideas out of nowhere, and pro-posing a regulation which will have a severe impact on charities.

CONCLUSION

1. I OPPOSE the elimination of the 25-mile sightseeing tour for com-mercial pilots under Part 91. In fact, I encourage the FAA to increase the 25-mile limit to 50 miles, as it originally was in 1980.

In the alternative, I propose that the FAA at least maintain the 25-mile rule for Part 91 operations, and issue a "Letter of Authority" to commercial pilots to conduct sightseeing flights who have undergone additional training specifically in regards to air tours (such as re-cord keeping, passenger briefings, filing a flight plan, etc.) (See page 60575, column 2C, for a discussion of Letters of Authority.)

2. I OPPOSE an increase in flight time from 200 hours to 500 hours for private pilots who fly for charity.

3. I DO NOT OPPOSE the adoption of minimum altitudes, standoff dis-tance, visibility and cloud clearance for sightseeing tours.

4. I FAVOR the requirement that passengers wear life vests when a sightseeing tour operates over water.

Respectfully Submitted,

Jon Thornburgh Airline Transport Pilot, Certified Flight Instructor (Gold Seal) E-mail: JonThornburgh@pocketmail.com Telephone: 800-971-8710

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1270)

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Date: 03/02/04 11:01 PM
Author: claude rothe (no profile)
Subject: RE: This NPRM Will Seriously Harm General Aviation

DON'T CHANGE A THING. MAKES NO SENSE AT ALL. C.R.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1321)

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Date: 03/04/04 09:50 PM
Author: Mitchell L Williams (no profile)
Subject: RE: This NPRM Will Seriously Harm General Aviation

John, Very Well Said. I agree 100%.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1494)

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Date: 03/02/04 11:53 PM
Author: Rick Pellicciotti (no profile)
Subject: NATA Survey Request

NATA has published a survey on their website. They are requesting all persons that will be effected by this rule complete the

survey whether they are NATA members or not.

NATA Survey Link

Rick Pellicciotti Chief Pilot/Owner Belle Aire Aviation

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1323)

Date: 03/03/04 03:14 AM
Author: Roger King (no profile)
Subject: Comments About NPRM-4521

Comments Concerning NPRM-4521 The effort to effectively eliminate local airplane rides with NPRM-4521 seems to be a very misdirected regulation. Rather than making a blind and sweeping rule that would consider anyone giving a local airplane ride is an "airline", it seems more logical and appropriate to direct the efforts and resources at the source of the problems and not make at a shotgun blast at the entire general aviation population.

The basis of the proposed NPRM-4521 seems to be specialized operations such as helicopters operating in locations like Hawaii, Grand Canyon tours and such operations. Concentrate the enforcement efforts on the sources of the problems rather than creating an even larger kettle of worms as is proposed in NPRM-4521.

The EAA which I am a have been a member of since 1981 has done an excellent job of encouraging and promoting general aviation for more than 50 years. The flight of more than 1,000,000 Young Eagles is very positive proof that the typical general aviation pilots and planes are not the source of the bad statistics that would cause the generation of the proposed NPRM-4521.

General aviation in the United States has provided a grassroots basis for people to experience the joy of flight. There are adequate rules and regulations to keep this system safe and functioning without imposing another layer of unrelated rules and restrictions on top of it.

I am very opposed to the proposed NPRM-4521 and think that it should dropped. The lack of having an open public meeting is also quite concerning in the way that it could be taking away our personal freedoms of flight without having those of us involved having a voice in the process.

Sincerely,

Roger King 427 Johnny Long Road Sandpoint, ID 83864 (208) 263-0879

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1329)

Date: 03/03/04 11:00 AM
Author: Brian Miller (no profile)
Subject: Inspectors not Rules

I believe what the FAA needs is more manpower and more people IN THE FIELD rather than behind a desk. I personally have never witnessed an FAA inspector in the field. I do know there are some hard working people in the FSDO's but they never seem to visit the local airports. They are also not allowed (or severely discouraged from flying) This does not make sense. The FAA should visit all the airports and operators in their region at least once a month. They should know the pilots and the operators by name and by face. 135 rules are often violated (or bent/interpreted) by the pilots/operators. No oversight is done until there is an accident or complaint.

Also....even if there is a perfect 135 operation there might be a midair collision killing all aboard that is caused by a non regulated pilot doing a high speed pass or some other illegal maneuver.

The FAA needs to be VISIBLE at all airports and ON WEEKENDS to monitor, counsel and if necessary enforce the current rules that are on the books. This does not mean a police state should exist. If they just are visible many pilots and companies will voluntarily do the right thing.

I personally have witnessed illegal and unsafe acts at my local airport and when a complaint was made it was virtually impossible for the FAA to do anything about it because THEY did not see it.

Aviation safety counselor "volunteers" will not be able to do this job. The FAA needs to do it. Nothing is ever done unless there is an accident. More rules will not make any of us safer.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1341)

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Date: 03/03/04 11:17 AM
Author: Rick Pellicciotti (no profile)
Subject: RE: Inspectors not Rules

Brian, I don't know what part of the world you are in but at my airport, the local FSDO Safety Officer is there nearly every weekend. She has flown in my biplane and frequently hangs out with us at our picnic table under the shade tree.

At the same time, another FAA inspector (that specializes in avionics) can usually be found in his hangar on the airport, working on his 1920's Fleet biplane or out in the touch-and-go pattern with the rest of the weekend flyers.

Rick Pellicciotti Chief Pilot/Owner Belle Aire Aviation

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1345)

Date: 03/03/04 11:53 AM
Edited: 03/03/04 11:54 AM
Author: Thomas Harnish (no profile)
Subject: RE: Inspectors not Rules

I agree wholeheartedly with your premise Brian. The FAA does need the manpower to be able to put them in the field to oversee compliance with the existing regs.

But let's not improperly malign those FSDOs and inspectors who are doing an excellent job, and let's keep the facts straight. One of the major problems with this NPRM is lack of facts and sweeping conclusions based on improperly interpreted information. We can't have the pilot community guilty of the same thing.

I fly annually with a half dozen inspectors from the San Diego FSDO both as part of their proficiency flying and their oversight of our operation. They know me, our chief mechanic, and many of our pilots by name. They even know my wife, who runs the business but seldom flies anymore because she's busy taking care of business, by name. They are found on the ramps and in the air around here on a regular basis and they don't wait for an accident to get involved in matters of safety and regulatory compliance. At least one of them owns his own beautiful Cessna 195 and is active in the EAA and CAF. None are discouraged from flying, except possibly for financial reasons--but aren't we all!

Your statement that nothing is ever done unless there is an accident is simply incorrect. It's very important that pilots have their say here, but it's equally important that what we say is accurate and correct. We know you, like the rest of us, are angry because of the threat to our livelihood and the lack of data and logic behind this NPRM. But that doesn't give us the right to say things that aren't true.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1351)

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Date: 03/03/04 11:41 AM
Author: Brian Miller (no profile)
Subject: Some airtours are incidental to a business

I want to remind those that are looking at "airtour and sightseeing rules" that sometimes those flights are incidental to a business. A flight school might be in business primarily to teach pilots to fly but might occasionally wish to do a photo flight or air tour for a public customer. Sometimes these might be for a family member of a student. There could be a real legal issue if a flight school took someone up for a "ride" that did not have a student pilot permit or was not enrolled in pilot training. Many first time students take a "demo flight" on short notice and that is what causes them to become a student. Where will with line be drawn between what is a "tour" what is "sightseeing" and what is a "lesson" ?

I don't believe we need any new rules but if we do get some I believe it might be proper to have an exemption for a pilot with a CFI rating and/or for a business that teaching people to fly. A flight school/CFI should certainly be able to take anyone up "for hire" within 25 miles to do WHATVER they want. A school should also be able to donate it's planes and instructor pilots for Public Relations/advertising if they want to fly Young Eagles or medical relief etc.

In my opinion the CFI rating should demonstrate ability in excess of the "commercial" rating particularily since that CFI rating must be renewed every two years.

A small flight school and a financially struggling CFI might appreciate the ability to do air tours or photo flights when teaching is slow. If a school was faced with being certified under different rules they would probably not since that is not their primary business. I could also see a school (or a particular FSDO) interpreting the rules to mean that before anyone could go up for even a "DEMO FLIGHT" they would have to hold a student pilot certificate. (and maybe in the future a background check) These rules are opening a BIG can of worms that will immediately or eventually put single CFI's and smaller flight schools out of business. I know right now I would be afraid to try to make any money running a school because of insurance, liability and now perhaps new rules by the FAA limiting what I could do with my airplane(s).

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1348)

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Date: 03/03/04 03:59 PM
Author: Randy D. Miller (no profile)
Subject: Selective FAA Response

Has anyone noticed that when Ms. Brown "responds" to any post it is either to someone who has agreed (in full or in part) to something she has written or to the NPRM itself?

How convenient it must be to be able to sort through all these posts, and just selectively reply to the ones that are buying into this utter nonsense and igore the rest!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1376)

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Date: 03/03/04 10:23 PM
Edited: 03/03/04 10:59 PM
Author: Gary Nash (no profile)
Subject: SAFETY TRAINING NOT MORE RULES

Here you go again. I think you guys think you have to be making more rules or you are not important. This NPRM is BAD for GA. You look like your goal is to get the little guy out of aviation.

The little guy (flight schools, fbo's, single ship operators, etc) is where the next generation of pilots, 135's, airlines, etc will come from. We already do everything that we can to stay in business and you want to put us under with new / more rules. Who is in charge (give me a name) of eliminating out of date or ineffective rules and simplifying the FARs? Is it possible that we need fewer rules, not more? How many pages have you eliminated from the FARs in the last 5 years? 10? How many have you added? How much safer is flying? How do you guys expect us to know and follow all of the rules to the letter when I cannot get a straight answer to any simple question from the FSDO. I usually know more about the rules before I call to ask a question than the guy trying to answer it. Ever try to get a written answer to a question from the FSDO? It is impossible.

You guys don't know your own rules or their affect. We may be in or out of business depending upon which FSDO's jurisdiction we fall under and one inspector's twisted reading of any rule. There are a lot of people out here that think you guys are out to get us and some of you guys cause that everyday. This looks like one of those days.

You guys need to quit hiding behind your book of rules and get out in the field with the guys in GA. Training, recurrent training, positive reinforcement, safety seminars, constant reminders of our responsibilities as pilots, practical & useful ideas are the best ways to improve safety. I have been to many worthwhile FAA safety events and I always come out feeling positive. Get out of the office and do it.

My limited understanding of the statistics is that Part 91 has a better safety record than the 135s and 121s - or at the least that you do not have data that shows an increased risk under Part 91. If this is so & you really want an "equivalent level of safety", perhaps you should eliminate 135 & 121, not give us more rules.

I have operated a helicopter in a local flight school. Sightseeing, photo flights and the like are our little bit of gravy. We can charge a little more for those operations. We do not get many, but we need them. You want to take our gravy away and make it even harder to keep a flight school going.

Apparently you think it is dangerous for us to exercise our commercial priveleges on a limited basis to go out for some straight and level flying around town or take someone on a birthday ride, but we are perfectly qualified to teach someone how to fly by performing spins, emergency landings, autorotations, tail rotor failures and all of the other wild rides that our students take us on while they learn.

We have to be safe today or we will be out of business tomorrow. We share small a/c with our customers and know each one intimately. We are responsible for them and we will have to answer to their families if we do not keep them safe. That is our incentive. It seems to work pretty well. The airlines just get a bailout from the Feds when they have a failure. Your home page has a link for something like "become a pilot" - what are you going to link to when you have put us all out of business?

You need to provide positive, measurable and verifyable proof that new rules will make flying safer before implenting them. Then, eliminate the rule if you cannot prove its benefit over time. Do you have a cost-benefit analysis of this?

Rules don't make flying safe. People do. Help us.

Finally, listen to the people at AOPA.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1394)

Date: 03/04/04 09:41 AM
Author: Plane Ride Info (no profile)
Subject: New informational web site

It is difficult to educate the non-aviation oriented, elected official about this NPRM. A new web site has been brought online that helps laypeople, elected officials, tourism industry executives and others that have a stake in the sightseeing flight business understand the rule and the implications of it going into effect.

PlaneRide.Info

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1411)

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Date: 03/04/04 12:12 PM
Author: Thomas Willis Broadbent (no profile)
Subject: enhanced saftey

Ms Brown

The FAA continues to hide behind the NTSB mandated saftey issue. Many have already asked how these new regs would enhance saftey. I'm asking again--since we already have a better saftey record than part 135 operators(based on the roughly 75 accidents cited) then how will this rule possibly enhance saftey? How can you possibly justify putting all of these operators out of business with no enhancement of saftey?

I thought this was supposed to be a forum, perhaps questions would be answered. I think we deserve answers to those questions at least, especially those of us this rule will put out of business.

I don't mind an annual report of ride activity, either passengers carried or hours flown, if that would establish a data base for future consideration, but so far the FAA has failed to show a need for expanded regulation.

Please respond Ms Brown, why does the FAA feel the need to eliminate one of the safest segments of GA? And please don't hide behind the accident data, it doesnt support this action or any action. I think it is perfectly reasonable for the FAA to tell that to the NTSB.

I'll be waiting for your response.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1435)

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Date: 03/04/04 06:53 PM
Author: Jim Pratt (no profile)
Subject: RE: enhanced saftey? No. Alberta's pocketbook.

If you want to understand the true aim of this proposal, you have only to dig deep enough to understand what will happen when this rule is promulgated.

It is simple.

Alberta Brown, and others in FAA Headquarters, are now under a pay for performance system called "Core Comp".

This was the pay system instituted to politicize the civil service within the FAA, and pay people less than the non-political GS pay system which had been in place for 50 years.

Under "Core Comp", a portion of employee pay raises are withheld if the Agency does not meet certain safety goals. The pay raise I am speaking of is the portion called the "OSI", or organizational success increase. You can read more about the new FAA pay system which is now having political impacts on you, the individual GA pilot/owner, by clicking to

http://www.faa.gov/corecomp

Out of 12 goals for this year, one goal is definately "In the Red" and not going to be met.

That goal is general aviation safety fatalities.

Unless the FAA (read, the people under Core Comp) can figure out how to reduce the number of fatalities, Alberta and her cohorts will not get a pay raise next January, or will get a reduced pay raise.

So the only way to lower the numbers quickly, is to propose and implement rules so draconian as to devistate the GA industry. If you put a thousand or more businesses out of business, you increase the odds that the 600,000 pilots and 200,000 airplanes will not fly. And if you reduce the number flying, you reduce the number of fatal accidents.

So, we get this rule.

Now does it start to make sense?

This rule has less to do with suddenly recognizing a need for safety regulation, and everything to do with ensuring Alberta and others in FAA HQ's get a pay raise in the years ahead, reagardless of the economic and freedom implications for freedom loving Americans.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1475)

Date: 03/04/04 08:32 PM
Author: Randy D. Miller (no profile)
Subject: Very Selective FAA Response

I give Alberta credit for posting more messages the last few days than she has done for the past 11 days of this "forum". However, her comments are still very selective. Here are the facts,

As of today, in the "Community and Charity Events" section there are a total of 279 messages posted. Alberta has responded only twice in the "2nd FAA Response" category. The rest have gone un-noticed.

In the "Part 91 25-Mile Exception" section there are a total of 289 messages posted. Alberta has responded to only 3 in the "3rd FAA Response" category. No answers to ANY clarification on issues questions in the "Do you need any clarification on the proposed rule section" area or anywhere else for that matter.

Ms. Brown seems to be limiting the majority of her comments in the Part 121/135/136 area where she has posted a total of 40 comments primarily dealing with helicopter, Hawaiian and Grand Canyon operations. Could this be where her area of expertise is? If so, couldn't we expect the FAA to staff this forum with other qualified individuals to field the questions in the other categories? In fact, most of the questions directed to the FAA to answer are in the Part 91 and Community/Charity Sections.

Why hasn't the FAA staffed this "forum" with more qualified individuals to field our questions? We have one day left in this virtual meeting and I fear Ms. Brown is not going to get much sleep tonight if she personally has to answer the NUMEROUS questions presented to her uring the past 2 weeks.

If these questions go unanswered, what is the point in the FAA having any more of these "virtual meetings"?

Randy D. Miller Vintage Aviation, Ltd.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1487)

Date: 03/05/04 07:47 AM
Author: Robert Austin Smith (no profile)
Subject: ARE FLIGHT INSTRUCTORS NEXT????

If the FAA enforces these new proposed rules what is to stop them from requiring all flight instruction to conform to Part 135 Regulations. Looks like the FAA is trying to put all independent flight instructors out of business.....

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1510)

Date: 03/05/04 10:51 AM
Author: Fred Stadler (no profile)
Subject: Where do we go from here?

Here are the sad facts regarding this NPRM:

--- The time allotted for this "virtual meeting" has nearly expired, yet almost all of its significant questions remain unanswered. The FAA's announcement promised "we will participate in the discussion throughout the two week forum." The reality was a few sporadic communications that only a lawyer could call "participation."

--- The DOT Docket has nearly 1,700 comments on this NPRM. I have read every comment (OK, I skimmed the 81 page one). By my count less than one percent of the comments support the NPRM, and some of the few positive comments were later rescinded. But even more convincing than the numbers is the breadth of authors' experience and their many detailed and heartfelt expressions of the importance of aviation and the damage this NPRM would cause. This process is not a vote, but if

it were the vote would be clear.

--- The extended comment period will now drag on through April 19th. So for at least that long, and potentially much longer, a dark cloud of uncertainty hangs over many aspects of American aviation.

Who loses? - Everyone!

--- Through this process the FAA has lost a great deal of public respect. The good work of many knowledgeable FAA employees (yes, I know they exist) has been overshadowed by a few, insulated bureaucrats who choose to speak for the whole agency. Their poorly reasoned and pompous statements have exposed their whole organization to public ridicule and to general distrust from the very citizens they seek to regulate.

--- The aviation community has already suffered, even without rule changes. With the looming possibility of draconian regulations, who would choose to purchase a vintage aircraft or start a business with some sightseeing? The harm of this NPRM is not just potential; it is being felt now.

So, what should happen?

--- The most likely scenario, in my opinion, is that this pathetic proposal will drag on through at least the rest of this year. I trust that more reasonable reviewers within the FAA will ultimately conclude the folly of the proposed regulations and either let them expire as a whole or simply enact some token regulation change. While not the worst of possible alternatives, this scenario still hurts everyone involved.

--- A far better scenario would be for the FAA to stop this process right now! The positions have been established. The industry groups have universally panned this proposal, as has the public at large. Prolonging this process just injures further an industry that is already hurting. The FAA should admit this NPRM was ill conceived and then conclusively withdraw it from consideration. The harm already done by this NPRM cannot be removed, but decisive action now can reduce its continuing damage.

So, FAA, the time to act is now. I urge you to promptly stop this harmful process.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1525)

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Date: 03/05/04 11:04 AM
Edited: 03/05/04 11:07 AM
Author: Plane Ride Info (no profile)
Subject: RE: Where do we go from here?

It is our suggestion that all persons contact their elected officials. When you call your congressperson or your two senators, ask to speak to the staff person over DOT issues. Because of all the noise this NPRM has generated, they will be familiar with it more than likely. If not, you can refer them to NATA, the National Air Transportation Association in D.C.. NATA, AOPA, EAA, GAMA, US Air Tour and others have formed a coalition. This coalition will speak with one voice for all of these organizations in regard to this NPRM.

Send copies of your comments to your elected official's DOT staffer and your state's DOT. Several state DOTs have

posted formal comments against the rule. Ask your elected officials to hold congressional hearings since the FAA denied public meetings.

It is unfortunate but political pressures is all that is left for us between now and 19 April.

PlaneRide.Info

NPRM 4521 Public Awareness Web Site

http://www.planeride.info

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1530)

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Date: 03/05/04 11:23 AM
Author: Thomas Willis Broadbent (no profile)
Subject: where do we go from here?

Fred

I agree with everything you say. The FAA refuses to participate in this discussion in any way that does not move this idiot proposal forward. They will not discuss how this proposal will enhance saftey because they know it won't.

I think we should all press our elected officials for congressional hearings on this matter before the FAA enacts this regulation or some version of it. I think congress might be interested in why the FAA thinks it's such a good idea to destroy over a thousand good businesses employing many thousands of people. especially when they can't demonstrate any benefit to the public. They may be able to ignore questions from those of us in the business but I don't think they can refuse to answer in congressional hearings.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1531)

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Date: 03/05/04 02:59 PM
Author: Chris Prevost (no profile)
Subject: Public meeting required

Fact, Some of us do not use a computer to communicate and the last time I checked it was not a requirment to do so,therefor it is only fair that a public meeting be held in the flesh. (I am sure that there are many people that would like to comment and face the FAA in person)

The only reason not to hold a public meeting is if the FAA is not going to proceed with NPRM 4521 and if that is the case

please let us know so we do not waste any more time on this horrible subject.

Please hold a real meeting!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1568)

Date: 03/05/04 03:00 PM
Author: Chris Prevost (no profile)
Subject: Public meeting required

Fact, Some of us do not use a computer to communicate and the last time I checked it was not a requirment to do so,therefor it is only fair that a public meeting be held in the flesh. (I am sure that there are many people that would like to comment and face the FAA in person)

The only reason not to hold a public meeting is if the FAA is not going to proceed with NPRM 4521 and if that is the case please let us know so we do not waste any more time on this horrible subject.

Please hold a real meeting!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1569)

Date: 03/05/04 03:33 PM
Author: Jack Hohner (no profile)
Subject: another loss of freedom

On September 11, 2001 our country was attacked. We lost lives and property. But more significantly, a certain percentage of our people surrendered to these terrorists. The primary goal of our attackers was not to destroy our property or take lives, but to destroy what they envied most…..our freedom. Since 9/11 we have seen some of our leaders surrender to these terrorists. They have given in by revoking some or our freedoms. Unfortunately in war a major component of the battle is a mental one. By instilling fear in our leaders, some of these leaders have responded by taking more and more of our freedoms. They have lost the mental battle. The enemy has fed upon their fear. Although these leaders may feel they are protecting lives, it is clear they do not see the situation as it is. The Young Eagles program alone demonstrates that flying is safer than countless other activities. The frightening part is that those who have surrendered mentally to our attackers will most likely continue with their efforts to strip our freedoms. Aviation is not the first casualty nor will it be the last. Each freedom revoked is another victory for our enemies.

Respectfully submitted, Jack Hohner

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1577)

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Date: 03/05/04 04:19 PM
Author: Wyatt Bell (no profile)
Subject: RE: another loss of freedom

Well stated! Freedom is what our brethren have died for!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1591)

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Date: 03/05/04 04:26 PM
Author: Wyatt Bell (no profile)
Subject: Increase Part 91 to 50 Miles

Make one change to the rules. Increase the Part 91 current 25 mile restriction to 50 miles.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1594)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

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Forum - Part 91 Sightseeing in accordance with 25 mile exception

Do you need clarification of any part of the proposed rule? Edit Delete

Do you need clarification of any part of the proposed rule?	FAA	02/22/04
RE: Do you need clarification of any part of the proposed rule?	Steve Thompson	02/23/04
Forwarded post #1	Thomas Harnish	03/02/04
Forwarded post #2	Thomas Harnish	03/02/04
Forwarded post #3	Thomas Harnish	03/02/04
Forwarded post #4	Thomas Harnish	03/02/04
Forwarded post #5	Thomas Harnish	03/02/04
Forwarded post #6	Thomas Harnish	03/02/04
Forwarded post #7	Thomas Harnish	03/02/04
Forwarded reply #8	Thomas Harnish	03/03/04
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Forwarded post #14	Thomas Harnish	03/05/04
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Gliders and Hot Air Balloons	Vaughn Simon	02/23/04
RE: Gliders and Hot Air Balloons	Thomas Harnish	03/02/04
Sightseeing	David Bradley	02/24/04
How is a 1941 N3N-3 Certified for Pt. 135?	D ISERN	02/24/04
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Clarification	Eric Gourley	02/26/04
Requiring joy rides to be considered airline carriers	Fritz Mehrer	02/27/04
Airline analogy	Eric Gourley	02/28/04
Operations Specifications	Robert G. Lock	02/29/04
Clarify the reason for this rule, please?	Joseph W Williams	02/29/04
New proposed rule.	Douglas Crain	03/01/04
RE: New proposed rule.	Richard E. Morrison	03/05/04
Not only unnecessary, but damaging	David	03/01/04
The BIG question ... still unanswered.	Fred Stadler	03/02/04
RE: The BIG question ... still unanswered.	Robert B Mincer	03/02/04
RE: The BIG question ... still unanswered.	Linn Hower	03/04/04
Definition of Vintage Airplane	Steven Snell II	03/02/04

Thread

NPRM consequences	John A Merritt	03/02/04
THANKS FOR ALL THE ANSWERS TO QUESTIONS - NOT	Keith	03/03/04
My job is in danger	Brian Shepherd	03/04/04
Does this proposed rule solve any existing problem?	Kenneth A. Russell	03/04/04
clarification 4521	Chris Prevost	03/04/04
Clarification on implications to foreign operations/operators	Jon B Roth, Jr.	03/05/04

Post new message in this thread

Date: 02/22/04 06:11 PM
Edited: 02/22/04 11:19 PM
Author: FAA
Subject: Do you need clarification of any part of the proposed rule?

Please let us know if there are any parts of the proposed rule that you would like us to clarify. This can be anything from whether something applies to your operation, something is ambiguous, or a portion of the rule is just difficult to understand.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=687)

Date: 02/23/04 10:35 PM
Author: Steve Thompson (no profile)
Subject: RE: Do you need clarification of any part of the proposed rule?

Please help me understand how the FAA can keep up this charade in the face of so many showing that the facts don't back the NPRM?

At what time does this get abandoned?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=813)

Date: 03/02/04 04:56 PM
Edited: 03/03/04 11:22 AM
Author: Thomas Harnish (no profile)
Subject: Forwarded post #1

Becuase of the difficulty some people have had in posting messages on this forum I have volunteered to received email messages and post them for others to make sure as many people as possible have the opportunity to have their say inspite of the difficulties with the system:

If the writer of this NPRM had reviewed the accident rate and causes for sightseeing flights, as *we* were forced to do to respond to FAA NPRM 4521, it would have become obvious that:

1. Sightseeing flights by any aircraft type are not a safety problem.

2. The problem is with a few operators, in a few areas that need the FAA's attention.

3. The current rules are adequate to address the problems. FAA NPRM 4521 is not needed.

4. FAA NPRM 4521 unnecessary limits freedom and enterprise.

5. FAA NPRM 4521 is too costly to current operators and does not increase safety.

6. The FAA should concentrate on enforcing existing rules and trash can FAA NPRM 4521.

Charles Kennedy CMELI #2196640

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1296)

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Date: 03/02/04 07:39 PM

Edited: 03/02/04 09:15 PM
Author: Thomas Harnish (no profile)
Subject: Forwarded post #2

Because of the difficulty some people have had in posting messages on this forum I have volunteered to received email messages and post them for others to make sure as many people as possible have the opportunity to have their say in spite of the difficulties with the system:

I do not want to see additional restrictions an rules on vintage aircraft. It is difficult enough to maintain these aircraft. It would be a shape if I could not take my Grandchildren to see these wonderful aircraft.

Why do we need more bureaucratic rules? If it's not broken, don't fix it.

Bob Wilson EAA & AOPA Member Escondido, CA 760-489-9031

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1303)

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Date: 03/02/04 07:40 PM
Edited: 03/02/04 09:16 PM
Author: Thomas Harnish (no profile)
Subject: Forwarded post #3

Because of the difficulty some people have had in posting messages on this forum I have volunteered to received email messages and post them for others to make sure as many people as possible have the opportunity to have their say in spite of the difficulties with the system:

Sir- Your comments on the proposal are concise and correct. I would be pleased if you would send it in in my name (this site is a horror story to navigate). Un fortunately once the cop mentality focuses, it rarely abandons the pursuit of its prey. What is not being taken into account by the many voices speaking out is the Need to Proceed. People with affected aircraft will have to

find shelter in configuring and operating in the gray area of the 119.1(e) exception, and that could become a real safely nightmare. I have an Iskra, my partner has a MiG-15, and we're restoring an AD-5. It's hard to justify airline status just to accept gas money for a ride around the patch. Crimes are not committed; they are enacted, and it seems that the FAA is trying to make criminals of us all.

Thank you for your effort and your voice. Please speak for me.

Truman Rocke Warlick

Stead Field

Reno

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1304)

Date: 03/02/04 08:48 PM
Edited: 03/02/04 09:16 PM
Author: Thomas Harnish (no profile)
Subject: Forwarded post #4

Because of the difficulty some people have had in posting messages on this forum I have volunteered to received email messages and post them for others to make sure as many people as possible have the opportunity to have their say in spite of the difficulties with the system:

This proposed rule is based on no data, flawed analysis and is a broadbrush solution looking for a problem.

My opinion is that the NPRM should be dropped and any further changes to the FARs instituted (if required at all) after proper data collection and analysis.

Ken Schooley Fallbrook, CA

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1308)

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Date: 03/02/04 08:54 PM
Edited: 03/02/04 09:16 PM
Author: Thomas Harnish (no profile)
Subject: Forwarded post #5

Because of the difficulty some people have had in posting messages on this forum I have volunteered to received email messages and post them for others to make sure as many people as possible have the opportunity to have their say in spite of the difficulties with the system:

Gentlemen: In two weeks I expect to take my FAA exam for private pilot licence. I was planning to be able to use this licence to fly vintage aircraft, particularly one that I hope to rebuild. It seems strange that some of the vintage aircraft has a much better safety record than several "modern" aircraft. As I understand FAA NPRM 4521 this may not be possible even to rent or even fly vintage aircraft. It appears that FAA has not done its homework on the over all effect this negative and incorrect possible new regulation. John Conrad, 34345 Jasmine Crest, Encinitas, CA 92024 www.johnconrad176@hotmail.com

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1310)

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Date: 03/02/04 09:14 PM
Edited: 03/02/04 09:15 PM
Author: Thomas Harnish (no profile)
Subject: Forwarded post #6

Because of the difficulty some people have had in posting messages on this forum I have volunteered to received email messages and post them for others to make sure as many people as

possible have the opportunity to have their say in spite of the difficulties with the system:

I could not "enter the meeting" on line,so could not register my comments. I am opposed to any change in the current FAA rules that would limit or curtail air tour operators from providing rides to the public in vintage aircraft as they have been able to do to date. Bob Germann 760 757 3644 ragmeg@cox.net 3747 Vista Campana South # 97 Oceanside California 92054

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1311)

Date: 03/02/04 09:34 PM
Edited: 03/02/04 09:36 PM
Author: Thomas Harnish (no profile)
Subject: Forwarded post #7

Because of the difficulty some people have had in posting messages on this forum I have volunteered to received email messages and post them for others to make sure as many people as possible have the opportunity to have their say in spite of the difficulties with the system:

Gentlemen, Taking rides in vintage aircraft is the main reason I visit airshows and airports. Saying that these operations looks like an airline is quite a stretch of the imagination, when the radius of operations is already quite limited. It just doesn't sound logical or practical to me. The vintage aircraft that offer rides have stricter pilot and maintenance rules than the other private aircraft. The outstanding safety record of vintage aircraft clearly points this out. If I were 40 years younger, my comment would be, "NPRM 4521 sucks." Sincerely, Merrill E. Balser 1402 Hunsaker St. Oceanside, CA 92054-5622

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1313)

Date: 03/03/04 10:41 AM
Author: Thomas Harnish (no profile)
Subject: Forwarded reply #8

Because of the difficulty some people have had in posting messages on this forum I have volunteered to received email messages and post them for others to make sure as many people as possible have the opportunity to have their say in spite of the difficulties with the system:

Great idea. First we get rid of the oldies that are 40 or 50 years old or more, then keep reducing the age 10 years at a time until its the scrap pile for anything over 10 years old regardless of condition or use then we can start using the vacant airports for housing with millions out of work, industries gone and now back to the good old horse and buggy days. I am going to campain for this as soon as they let me out of this mental institution. I hope it is soon as my 97th birthday comes up X-mas day. (My great-great grandchildren wont have to worry or wonder how flying all began)

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1337)

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Date: 03/03/04 04:28 PM
Author: Thomas Harnish (no profile)
Subject: Forwarded post #9

Because of the difficulty some people have had in posting messages on this forum I have volunteered to receive email messages and post them for others to make sure as many people as possible have the opportunity to have their say in spite of the difficulties with the system:

We've just celebrated the Wright brothers centennial and now the FAA flies in the face of that spirit. While they are at it they could get the Dept. of Transportation to outlaw vintage autos on public roads.God knows they too must pose a threat to us all.

Victor Pine

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1380)

Date: 03/04/04 09:57 AM
Author: Thomas Harnish (no profile)
Subject: Forwarded post #10

Because of the difficulty some people have had in posting messages on this forum I have volunteered to receive email messages and post them for others to make sure as many people as possible have the opportunity to have their say in spite of the difficulties with the system:

To Whom It May Concern

Re: FAA NPRM 4521, Docket # FAA-1998-4521-1

I wish to take this opportunity to express my displeasure at NPRM 4521. Lumping sightseeing and air tour flights together with commercial air carriers is, in my opinion, ludicrous.

Since aircraft under FAR 91 have a better safety record then commercial carriers operating under FAR 135, it seems the FAA is unreasonably penalizing all those who cherish vintage aircraft, without gaining any measure of increased safety.

America is the home of the "Barnstormers". As long as an airplane has a current airworthiness certificate and a commercially rated pilot, the safety issue has been adequately addressed. Let,s keep the adventure alive. Let all who wish to have their day in a "Jenny", a Ford Tri-Motor, or for that matter, a Piper Cub re-live America's Heritage without bureaucratic interference!

Ed Kentner

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1413)

Date: 03/04/04 12:40 PM
Author: Thomas Harnish (no profile)
Subject: Forwarded post #11

Because of the difficulty some people have had in posting messages on this forum I have volunteered to receive email messages and post them for others to make sure as many people as possible have the opportunity to have their say in spite of the difficulties with the system:

---- Regarding FAA NPRM 4521

This regulation would effectively destroy the rights of people to get a great experience of flying in one of those glorious airplanes... It just makes no sense. Overregulation has been the death of many small businesses... It destroys the best part of American life - the ability to form and operate a small business without excessive government regulation. Please relay all or any part of this message to the FAA. Thanks, Denne Howard, attorney at law Student Pilot Rancho Mirage CA

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1439)

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Date: 03/04/04 06:17 PM
Author: Jon B Roth, Jr. (no profile)
Subject: Clarification Needed...

I need clarification on why the FAA has not resonded to the 50+ requests for clarification in this section of the public meeting. We have been asking questions. You are not responing. Is this an open meeting with two way dialogue or just another place to leave the same comments that have been left in the NPRM comment session?

I'm confused. I had thought that this was to be a two way forum. Are you uncomfortable with some of the questions asked?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1472)

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Date: 03/05/04 09:59 AM
Edited: 03/05/04 09:59 AM
Author: Thomas Harnish (no profile)
Subject: Forwarded post #12

Because of the difficulty some people have had in posting messages on this forum I have volunteered to receive email messages and post them for others to make sure as many people as possible have the opportunity to have their say in spite of the difficulties with the system:

I would like to urge the FAA not to implement NPRM 4521. Placing vintage aircraft, operating locally for short rides, in the same category as airliners transporting passengers from point A to point B will essentially remove the opportunity for many, many citizens to experience lovingly maintained examples of our nation's aviation history first hand. These operators and their aircraft have superb histories of safe operation. To regulate them out of existence represents a truly regrettable loss to all of us. The sight and sound of these wonderful machines in operation is a thrilling reminder of our nation's inventiveness, heroism, sacrifice, and industry. To actually be able to ride in one, even for a short time, is an opportunity to be savored. Please help save these living reminders of America's greatness!! James Fosnot, Encinitas, California

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1517)

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Date: 03/05/04 10:29 AM
Author: Thomas Harnish (no profile)
Subject: Forwarded post #13

Because of the difficulty some people have had in posting messages on this forum I have

volunteered to receive email messages and post them for others to make sure as many people as possible have the opportunity to have their say in spite of the difficulties with the system:

The FAA has proposed a new rule regarding sightseeing and air tours. This new rule will effectively eliminate the opportunity for Americans to purchase an airplane ride in vintage aircraft and warbirds. And that applies to charity flights and Young Eagles rides.

I find these proposed rules to be excessively burdensome to the small business owners as well as individuals who are trying to educate and promote general aviation to the public. I do not feel that there is a need to change the regulations as they now stand. The cost of compliance with the new regulations far outweigh any benefit that may be created. The negative impact of these proposed regulations will further alienate the public from general aviation.

NO change in current rules.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1521)

Date: 03/05/04 10:32 AM
Edited: 03/05/04 11:17 AM
Author: Thomas Harnish (no profile)
Subject: Forwarded post #14

Because of the difficulty some people have had in posting messages on this forum I have volunteered to receive email messages and post them for others to make sure as many people as possible have the opportunity to have their say in spite of the difficulties with the system:

My name is Jonathan Schleif and I am a commercial pilot. I believe that NPRM-4521 should be stricken from the list of possible new regulations. Sightseeing flights are a great gateway both for the general public to experience aviation, and for passionate and safe commercial pilots and aircraft owners to explore a very pure form of air commerce. I certainly feel that "sightseeing flights" should not fall under the same part if CFR 14 as the air carriers. The two operations are very different. Lets put more thought into the process than simply grouping two very different

commercial aviation activities into one part of the CFRs.

Safety is very important to me, as it is with most pilots. I believe there must be a difference between sightseeing flight operations and air carriers with respect to the vast regulations aimed at "risk management" which the air carriers fly under. Sightseeing flights are inherently more risky for many reasons. The public often finds excitement with taking some risk. Most people would agree that taking a flight in a sightseeing aircraft (possibly a vintage aircraft) is logically more risky than an apparently routine airline flight. This small amount of risk is exciting and is exactly the kind of adventure that we all seek from flying.

Making sightseeing operations conform to air carrier rules will certainly make sightseeing operations more costly, and could make it impossible for many sightseeing operations to continue.

Safety is important, but what is even more important is that sightseeing flights are not excluded from American aviation.

Lets find a more scaled down set of rules to regulate the safety practices of sightseeing flights.

NO on NPRM-4521

Jonathan A Schleif Oceanside, CA 92057 pilotforschleif@cox.net

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1522)

Date: 03/05/04 04:05 PM
Author: Thomas Harnish (no profile)
Subject: Forwarded post #15

Because of the difficulty some people have had in posting messages on this forum I have volunteered to receive email messages and post them for others to make sure as many people as possible have the opportunity to have their say in spite of the difficulties with the system:

The attempt to call antique aircraft flying people for rides as airlines is outrageous. Such a ruling

will only serve to close over 700 companies who make a meager lively hood at this work. More impotent, it will deprive the public at large with an opportunity to go back in time to a simpler age. To enjoy flying in a way they have never experienced and may never be able to enjoy if this change of rules is enacted. The safety record of these small businesses is quite good. Please do not change the classification of the antique aircraft. Don McKinney 168 Francesca Dr. Oceanside, Ca. 92057

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1589)

Date: 02/23/04 02:31 PM
Edited: 02/23/04 02:33 PM
Author: Vaughn Simon (no profile)
Subject: Gliders and Hot Air Balloons

Although the introduction to the NPRM states that it is intended to apply to powered aircraft only, I see no specific exemption to any of its parts for non-powered aircraft. What language exempts gliders and hot air balloons from this NPRM?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=750)

Date: 03/02/04 08:50 PM
Author: Thomas Harnish (no profile)
Subject: RE: Gliders and Hot Air Balloons

Why should a hot air ballon, that can carry up to 24 people, be exempt?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1309)

Date: 02/24/04 01:26 AM
Author: David Bradley (no profile)
Subject: Sightseeing

The FAA is using the term sightseeing, aircraft, commercial air carrier much like the California Public Utilities Commission Does. Either we are or we are not all sightseeing at 500 ft. or 1500 ft. I fly 700 passengers a year in my 1928 Travel Air Biplane covered under this rule making. I fly 4200 passengers a year in my hot air balloons. Is it because the FAA does not have the money and man power to cover hot air balloons and gliders under this new rule? Is it because the balloons do not operate in airspace and airports that have traffic problems? Sightseeing is sightseeing and flightline is a flightline and multiple aircraft and 100 hour inspections are the same. So are we aircraft or not?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=830)

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Date: 02/24/04 03:45 PM
Author: D ISERN (no profile)
Subject: How is a 1941 N3N-3 Certified for Pt. 135?

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How is a 1941 N3N-3  Certified for Pt. 135?
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(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=874)

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Date: 02/26/04 01:16 PM
Edited: 02/26/04 01:17 PM
Author: Gary Lee Lust (no profile)
Subject: What do you mean by management specifications

What in the world do you mean by "Management Specifications"?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=946)

Date: 02/26/04 04:00 PM
Author: Eric Gourley (no profile)
Subject: Clarification

The rule is quite clear. I don't need clarification.

Further regulation other than existing Part 91 is totally unwarranted. A lot of time, money, and effort is being wasted that will not improve safety.

Drop this section from the NPRM in its entirety. It is not needed.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=968)

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Date: 02/27/04 05:39 PM
Author: Fritz Mehrer (no profile)
Subject: Requiring joy rides to be considered airline carriers

Practically speaking, rides given (or sold to) persons wanting to have a ride, generally are for the fun of it. However, in reality, much of any funds received for these rides are used to maintain these old aircraft. It is not the purpose of the pilot or owner to create or maintain a business in doing this activity, but rather to provide a method for persons wanting a ride in a vintage aircraft to get one without having to buy or build one, and to maintain a legacy that would have long ago passed away if it were not for the few who sacrifice their time and personal monies to provide enjoyment for thoussands of people who otherwise would not have the opportunity, and to preserve these vintage aircraft for generations to come

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1035)

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Date: 02/28/04 12:48 AM
Author: Eric Gourley (no profile)
Subject: Airline analogy

I couldn't agree with Fritz Mehrer more.

I believe the FAA created this "airline" analogy in its first response. I have to admit this is about as convoluted and far reaching as one can get.

Once again, the FAA has its agenda and is trying to pigeonhole the responders into following its specific goals. These goals are of course unfounded when it comes to enhancing safety. Scenic accidents of any consequence have been under 135 operations, not under Part 91. Let's not let the FAA direct us down a misguided path such as "1946 benchmarks" and "100 hour limits." Please think outside the box. Defend and preserve the Part 91 scenic operations that barely scrape by to preserve a heritage of flight soon to be buried in ultimately costly regulation unsubstantiated by claims that Part 91 scenics are unsafe.

Please note the FAA responses are minimal to say the least, especially since the forum has been unanimously against its NPRM. When the FAA responds it attempts time and time again to box responses in insisting that they must address only the FAA's agenda. This is not an open forum. Be creative. Help the FAA to see that they are going the wrong direction in this one. Drop the NPRM. I is simply unwarranted.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1055)

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Date: 02/29/04 08:21 AM
Author: Robert G. Lock (no profile)
Subject: Operations Specifications

Mr. Brown, Can you direct me to a location where I may find data on Operations Specifications? I know what the words mean, but where is there a description of the contents of this document? Thank you.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1114)

Date: 02/29/04 07:34 PM
Author: Joseph W Williams (no profile)
Subject: Clarify the reason for this rule, please?

I would like a little clarification about the rules. Mainly, please clarify for me why they are necessary. The "You look like an airline" answer I just read is BS.

What actual safety situations from the last few decades justifies suddenly putting a couple thousand business' out of operation? Airplanes haven't been plummeting from the sky in a 25 mile radius of airports, have they? What justification is there for doing so without public meetings, despite Congressional request to hold them? This internet forum does NOT constitute public meetings. It's an attempt to ram a useless and ill considered rule down GA's throat with minimal hassle.

There is little or no safety benefit from this rule.

There is no need for this rule.

The only people who benefit from this rule are the large air tour operators, who will not have to deal with even the minimal competition provided by the small business closed by this rule.

What is the benefit for general aviation from this rule that justifies the damage it will do to charity operations and small businesses?

Clarify, please, the reason rule. I have yet to see one good reason for the rule, or the manner in which the NPRM has been conducted, presented yet.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1133)

Date: 03/01/04 06:26 AM
Author: Douglas Crain (no profile)
Subject: New proposed rule.

This is the most ridiculous proposal I have ever seen a government agency try to promote! Time could be better spent on something really needed, instead of things that seem this frivilous. Thank you.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1168)

Date: 03/05/04 08:48 AM
Author: Richard E. Morrison (no profile)
Subject: RE: New proposed rule.

This is crazy. Another example of our gov't overreacting for reasons unjustified. Throwing the baby out with the bath water don't you think? Let's be rational about this gentlemen.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1513)

Date: 03/01/04 02:14 PM
Edited: 03/01/04 02:16 PM
Author: David (no profile)
Subject: Not only unnecessary, but damaging

This NPRM looks like more wasted money on unnecessary bureaucracy to me. I do not believe it will enhance safety and generally will only set back the cause of general aviation. I learned to love aviation due to a "fun ride" when I was young at a local airport after they paved their first runway. That ride made all the difference to me. Would my love for flying have emerged without it? I cannot say but I doubt it. How many kids will lose their chance to discover the wonder of flying if all the myriad of small FBOs and sightseeing operations shut down sightseeing or first flight rides due to this unnecessary ruling? Is it your purpose to limit GA in some way? Have we gotten to the point in this country where the only worthwhile flight is a chartered flight from point A to point B? I sure hope not.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1194)

Date: 03/02/04 09:10 AM
Author: Fred Stadler (no profile)
Subject: The BIG question ... still unanswered.

The most crucial question remains unanswered by the NPRM and the FAA responses in this forum: Will the proposed regulations make aviation safer?

The NPRM presumes that tighter regulations made helicopters safer in Hawaii, so more regulations might improve other operations in the rest of the US. This argument could have merit if its underlying assumption were true, but that is far from established. The drafters of the NPRM seemingly confused correlation with causality. Since the accident rate decreased in Hawaii after SFAR 71 was imposed, they presumed the SFAR was the cause. Many docket comments by knowledgeable Hawaiian helicopter operators and H.A.I. refute this presumption. They provide compelling arguments that the accident rate declined not because of SFAR 71, but in spite of it.

SFAR 71 was only one of many factors that changed over the long period. Other more significant factors included conversion of much of the sightseeing helicopter fleet from piston power to turbine power, greatly reducing engine failures. The helicopter operators argue that the altitude restrictions of the SFAR created a more dangerous environment, not a safer one as presumed by the NPRM. The arguments in the docket are convincing, but remain unanswered by the FAA.

Do tighter laws add to safety? Sometimes, but only when the laws pertain to the causes of the accidents. A town with too many drunks driving at 130 mph would find changing the speed limit from 60 to 40 has little safety improvement. In fact, an unreasonable limit can have a reverse effect, by causing general disregard for the law.

Since this question is crucial, why has it remained unanswered? I believe the drafters of this NPRM have not critically examined the true effects of their own regulations. Most pilots know that aviation safety is determined far more by conscientious application of good judgment than by regulation. But those only able to change rules persist in the belief that they make the crucial difference. "When your only tool is a hammer, every problem starts to look like a nail." Unfortunately I believe we all are starting to "look like a nail" (or like an airline, to rule makers who only know about airlines).

I am not against all regulations. When meaningful and appropriate, regulations are helpful to everyone. Regulations in concert with good sense are not restrictive to sensible operations. But arbitrary and excessive regulations, however well intentioned, can have unintended negative consequences. For example, elimination of the 25-mile exception from Part 135 is proposed as a safety improvement; potentially hazardous activity would be limited and operators brought "up" to the on-demand charter standard. But what is the safety effect of eliminating the chance for a young CFI to take paying passengers on a less-challenging sightseeing flight? What is the safety effect of reducing opportunities for gaining real-world experience? How much safer will we be when the pool of pilots is reduced to only those independently wealthy? I don't know the answer to these questions, but I'm troubled that those who

promulgate new regulations don't seem to either.

So I return to the big question, FAA: Where is your analysis showing how these proposed new regulations would help safety?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1254)

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Date: 03/02/04 10:54 AM
Author: Robert B Mincer (no profile)
Subject: RE: The BIG question ... still unanswered.

Ms. Brown, I see that you are responding directly to specific posts. I am requesting that Mr. Stadler's question be posed directly to you. I believe many of us would be most interested in your response. Thank You.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1258)

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Date: 03/04/04 03:16 PM
Author: Linn Hower (no profile)
Subject: RE: The BIG question ... still unanswered.

Mr. Stadler makes some good points here. I wish to go on record stating that the FAA has not made its case that the proposed regulation changes will increase safety. Look over the "Background" section of the NPRM. Most of the accidents reported were violations of current Part 91 regulations. Many of the accidents cited were already conducted under Part 135. These data as background do not support the NPRM. The FAA should back off from this NPRM. A few simple changes to Part 91 will obtain the stated goals. An example would be requiring floatation devices for over water operations, and restricting over water operations beyond power off glide to land.

As best as I can see, the FAA has not presented data to show that the current commercial

standards are insufficient.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1457)

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Date: 03/02/04 08:09 PM
Author: Steven Snell II (no profile)
Subject: Definition of Vintage Airplane

FAA, I have been studying the comments made by several people to NPRM 4521. I see very few answers from FAA to many interesting questions posted by commenters. I am considering entering the sightseeing business and am looking at several aircraft to purchase. Mr. Robert Lock has asked for FAA's definition of a "Vintage Airplane." I see no response from the FAA. Since I will be purchasing an airplane for my son-in-law to operate, I too would like to know what the FAA considers a "vintage airplane." Is a 1965 Cessna 182 considered a vinatage airplane? Is a newly manufactured Waco YMF-5 considered a vintage airplane? Or does the airplane have to be manufactured before a specific date. If so, what is that specific date. I also notice that there are several questions posted that are unanswered. According to Webster, the definition of "forum" is: a public meeting place for open discussion. Is the FAA participating in questions or just answering selected questions? I await your answer.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1307)

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Date: 03/02/04 10:28 PM
Author: John A Merritt (no profile)
Subject: NPRM consequences

This rule is illadvised, though (I think) well meaning. The action mitigates a non-existent risk. It will have no practical effect on safety and will force out of business dozens of average folks who share their love of history and flight. In my memory, there have been zero accidents here in Pennsylvania from locally owned sighseeing operations.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1315)

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Date: 03/03/04 12:09 PM
Author: Keith (no profile)
Subject: THANKS FOR ALL THE ANSWERS TO QUESTIONS - NOT

More "lip service" and not much of that.

No participation by the FAA in this or other forums "discussing" this horrendous NPRM.

Thanks for letting us know how the agency REALLY feels about pilot input

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1357)

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Date: 03/04/04 01:17 PM
Author: Brian Shepherd (no profile)
Subject: My job is in danger

March 4, 2004

To the FAA Re: NPRM - FAA-1998-4521

To whom it may concern: MY JOB IS IN DANGER

I am not in danger of losing my job because I failed a mandatory FAA/Company drug and alcohol test or failed a mandatory company proficiency check ride or my annual FAA medical or BFR or any one of the myriad of checks the company I work for puts me through each year. I am in danger of losing my job because of some misguided, ill-informed FAA bureaucrat - who if I am to understand the reasoning behind this flawed document – couldn't research his/her way out of a brown paper bag and thinks that I am a menace and danger to society. You have no idea how that makes me feel – angry does not cover it!

I have the privilege of flying a 1927 and a 1929 Travelair 4000 for Barnstorming Flying Adventures based in Carlsbad, California. I am 56 years old and have enjoyed my flying since 1980. I have flown

many different types of aircraft from instructing in 152's, 172's and Duchesses to 135 OP's in Chieftains and Kingair 200's but three years ago I gave this up to fly these wonderful machines full time. The company I fly for is not an airline - we fly Part 91, 25 miles from Carlsbad to Carlsbad, up and down the beautiful Southern California coastline and have given untold pleasure to over 80,000 customers in over 12 safe and uneventful years. I now have nearly 600 hours of Travelair time in my logbook and well over 1000 landings and these are my proudest entries. The company I work for has an excellent relationship with our local FSDO, in fact the company OP's manual was written with them and is regularly reviewed by them – I think we have more reg's than you've got FAR's! I too have a good relationship with our FSDO and am a volunteer Safety Councilor and spend a lot of time singing the praises of the local FSDO to local pilots and CFI's - so I am not a FAA basher - I am a supporter but I have to tell you on this one you got it wrong.

Please, please kill this NPRM. Its premise is flawed and so wrong. There is always room for improvement and yes, I know there are cowboys out there but you have regs that not being implemented which would stop an awful lot of rule breaking and make things safer for the public.

If the feeling is that as an industry we need rule changes, then please let them be researched properly by folks who know what they are doing and talking about. Talk to my bosses Kate Lister and Tom Harnish and talk to the owners of the many reputable sightseeing and tour operators that exist out here in the real world. Talk to the local FSDO's and let's talk one-on-one in person and not in this virtual meeting room where bullies can hide behind technology.

Now if you go ahead with this, here are few of the flights that will not take place in the future. Take my three flights yesterday March 2, 2004.

Flights 1& 2 - Young couple pitch up with Connor, age 6, and sister Kimberly, age 8, who want to experience flight for the first time and Mom and Dad want to take them up in a vintage biplane because they had done it a few years ago and had loved it and wanted them to have the same experience. Well, two 20-minute short hops later and I have never heard the words 'AWESOME' and 'SO CooooL' - used so many times in the context of aviation especially when I gave them their flight certificates. I also received the best high-five from young Connor. Priceless experience for them - possibly life changing.

Flight 3 - was Ulna, a beautiful lady 88 years young, and unfortunately wheelchair-bound, along with her kids, grandkids and great grandkids. She told me her late husband who had flown B24's in WW2 and jets in Korea before going on to the airlines, had originally soloed in the early 1940's in a Stearman and how whenever talking about his flying experiences had always told folks that his best moment in life was that solo in that biplane. Ulna had not shared her husband's love of flying but she said she felt she had to before it was too late and that she wanted to know what flying in a biplane was like. So, many helping hands later, Ulna was strapped in and off we went for another short hop into the wild blue yonder. Ulna had a little difficulty in operating the intercom but we got by with me asking if she was OK and her giving me a thumbs-up. Ten minutes into the flight Ulna indicated that she wanted to depart from straight and level flight by waving her hand in what seemed to indicate a lazy 8 so that's what we did. A very

lazy, lazy 8 followed by a chandelle to reverse our track so we could return to the airport. This was received with 'two thumbs up' so I figured I had done the right thing. When we got back and I got on the wing to congratulate Ulna, I was shocked to find her sobbing almost uncontrollably. I asked what had I done - "Oh nothing" she said "it's just that my husband would have been so proud of me and for a minute I thought he was with me in the airplane" "You bet he was" I said.

I don't make these stories up - they happen every week we fly these vintage airplanes as any other pilot doing my job will tell you.

It happened again this morning in the gym where I was working out with my wife. A young lady called Ann came up to me because I was wearing a tee shirt with the 1927 Travelair on it. She said her late husband had taken his first flight in March 1927 for $2 in a biplane in Boston with a man called Jimmy Doolittle and had I heard of him? Seeing my shirt had given her an idea. She wanted to know if she could book a biplane ride for herself on July 4th this year, as this will be her 90th birthday and how her 'Charlie' would love it if he knew that was what she was doing. I told her it would be my pleasure to do it for her. She spent the next half-hour excitedly telling all her friends at the gym what she had done. She'll have a wonderful time that day – I'll see to it. And she said as I left . . . "that now I have something to look forward to on my 90th birthday without Charlie here."

This is some of what we do. This is what you would destroy? You will if you pass this NPRM as is.

Please think again.

Yours faithfully,

Brian Shepherd (a.k.a. 'Biggles') Barnstormer

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1441)

Date: 03/04/04 01:35 PM
Edited: 03/04/04 01:39 PM
Author: Kenneth A. Russell (no profile)
Subject: Does this proposed rule solve any existing problem?

After reading the notice in the Federal Register, it appears that the FAA has safety issues with helicopters operating sightseeing flights in Hawaii. But this proposed rule includes fixed-wing charity flights and flights in vintage aircraft in the same category. There is no data that suggests that fixed-wing flights

within 25 miles of a local airport are unsafe.

In the name of regulating a very small market for helicopter flights in Hawaii, the FAA will change the face of aviation across the entire nation. The current Part 91 regulations have resulted in operations that have allowed many Americans to safely enjoy a biplane flight or a World War II veteran to take his children up for a flight in the plane that he flew 60 years to protect this nation. These are valuable experiences that will be lost if the new rule comes into effect. Americans deserve the ability to enjoy flight in a way other than a jet airliner between two distant cities.

I am opposed to the incorporation of Part 91 ride giving operations into Part 135. It is requested this NRPM be cancelled since existing regulations for fixed-wing flight are more than adequate. This proposed rule will bankrupt hundreds of small safe operations and is not needed.

Ken Russell

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1444)

Date: 03/04/04 02:52 PM
Author: Chris Prevost (no profile)
Subject: clarification 4521

I would like Clarification on a few items included in Nprm 4521.

1.The FAAs statment that there is no data base for our sightseeing industry is untrue and is a gross oversight on the FAAs part,as well as a waste of time and money for both the FAA and those of us in the sightseeing business.The fact is that the insurance companys have already compiled all the information that any agency could ever want or need to conduct any kind of study or to gather statistics.In addition the fact that we are insurable is testimate that if the FAA regulates us out of business that their will be a clear infrigment on our rights to free enterprise. 2.How can the Federal goverment subsidize the airline industry with our tax dollars,and in the same breath threaten to regulate the sightseeing business out of existance in the name of safety! (The airlines kill hundreds of passengers with every accident and I hear nothing about shuting them down) where is fair? 3.I believe that the FAA has not considered the financial impact that this proposed rule with have on the sightseeing industry as well as the direct costs to the FAA in administrative costs as well as legal and punitive costs as a result of infringing on the peoples rights and the fact that there has been no apparent attempt to fix the existing problem of unlicened and uncertified craft and pilots conducting operations.(rides for hire in ultralights and other craft.)

4.I would like to suggest that this proposal be completely eliminated with exception of raising the total fight hour requirment for pilots conducting sightseeing fights to a higher number of hours in make and model to be flown. 5.For the record we operate five aircraft for a total of approx 900 hours a year. 4 Boeing stearman and one North American snj

Chris@vintageaircraft 707 938 2444

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1453)

Date: 03/05/04 04:01 AM
Author: Jon B Roth, Jr. (no profile)
Subject: Clarification on implications to foreign operations/operators

I am co-located in Sweden and the USA. I have a Stearman in both locations. My Stearman in Sweden is US registered. I am in discussion with a local flying club to offer sightseeing flights to Swedes in Sweden with my US reg aircraft. What is the impact of this rule on my operation? If it does impact, what will be you mechanism for regulating this activity?

Should the FAA burden be too great, I may chose to bring my US based aircraft onto the Swedish register and to operate it for sightseeing purposes in the USA, along lines similar to the existing part 91, 25 mile rule. Can you confirm that the proposed rules would NOT APPLY to foreign registered aircraft being operated commercially in the USA?

If nothing else, this shows how a seemingly simple rule can have wild repercussions.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1506)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

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Forum - Part 91 Sightseeing in accordance with 25 mile exception

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Post new message in this thread

Date: 02/25/04 11:54 AM
Author: FAA (no profile)
Subject: 1st FAA Response to this forum

Please do not hit "reply" to this forum. Continue posting to each question.

Hello from FAA. Thank you so much for your participation. I hope to respond in plain language. For example, instead of saying "Code of Federal Regulations Part 135 Section (you get the idea) I'll just give the site. When I say "sightseeing" it includes flightseeing, air tours, commercial air tours, etc. When I say "vintage" it includes WWII and historic. Because I also read all the comments in the electronic docket, I may address some areas that you said in the docket but didn't say in this public meeting. I may use "I" or "we" or "FAA". I have lots of help. I want to get to the issues and not be a chat room. The worse part is getting started. I'll try to move quickly. This response is posted in all three forums. A response that involves only one forum will be posted only in that forum.

Let's start with some truths: - This rule was not created by the events of September 11, 2001. - The intent of this rule is not to put you out of business. - The FAA does not have Congressional legislation on this rule (yet). Yes there has been legislation on some other rules that involved sightseeing. - This is not a national park rule. - This rule was not started for "noise" reasons. - The FAA is not against charity, veterans, vintage airplanes, private pilots, sightseeing, nonprofit, or lobbyists. - By definition the largest of you is a "small business".

Here are some subjects that come up over and over. I will add to them in future responses.

700 COMPANIES OUT OF BUSINESS Wow, never actually said that and apologize for giving that impression. No intent to put anyone out of business. FAA did a survey of those doing sightseeing in part 91. We have lots of data on the air carriers doing sightseeing. However, we do not have a similar data base on part 91 operators. In preparing the economic analysis we hired a consultant, surveyed the FSDOs, and used data from the FAA General Aviation Survey. Some businesses were found in the phone book , on the Internet, or through other sources. The analysis was based on the proposal of mandating part 121/135 for all part 91 operators conducting sightseeing. It was felt that of all the sightseeing businesses, 700 of them would decide to stop doing sightseeing rather than become a certificated air carrier. These 700 businesses were thought to only conduct sightseeing 10 hours a year. If there had been a database, we would have known been able to assess the impact more accurately.

THE FAA DOESN'T HAVE ENOUGH INSPECTORS QUALIFIED IN THE VINTAGE AIRPLANES. The FAA has many qualified inspectors. It sounds like a great full time job to me. There are organizations who do have qualified individuals and we have used them in the past. This issue can be solved.

WHY DO WE WANT TO REGULATE YOU. Because you look like an airline. A passenger decides to go on an airplane (why doesn't matter). The airplane operator wants money (donations are money). The passenger is happy if part/all of that money goes to a good cause but wants to go on an airplane anyway. Airplane operator gives the passenger what the passenger paid for. What's different about you? Airline passengers and your passengers deserve certain standards. I'm not saying you don't have standards. Many of you operate wonderful companies and make lots of passengers happy and you do it without being an airline. Airlines give to charity too and always have. Some have said the risk is known and accepted. The FAA believes that the passengers do and should look to FAA for appropriate regulations. The passengers shouldn't need to understand levels of safety. The NTSB recommended that we improve regulation of part 91 sightseeing and we agree with them.

Lots more to follow.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=900)

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Date: 02/25/04 05:37 PM
Author: Jordan (no profile)
Subject: RE: 1st FAA Response to this forum

I work at a flight school as a CFII - I think that this level of regulation and unwaranted. I personally am wondering what prompted this kind of proposed regulation as I am not aware of any huge gaps in safety and precautions in the operation of small time sightseeing. Although the 25 mile sightseeing regulation is a small part of our business, it is still a valuable commodity that we can offer to the community. Like I said, I think this proposed regulation is excessive and restrictive and I vehemently opose it.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=920)

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Date: 02/28/04 07:19 PM
Author: Louis H. McAbee (no profile)
Subject: RE: RE: 1st FAA Response to this forum

We conduct annual aircraft rides for interested young adults, sponsored by the EAA Young Eagles.

We also do the same for community good will and to muster support for our local airport. Without these activities, we will be in danger of losing our local airport.

FAA is suppost to support the grass roots of aviation, not try to destroy it!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1095)

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Date: 02/27/04 04:24 AM
Author: Casey Riemer (no profile)
Subject: RE: 1st FAA Response to this forum

While this proposed rule is not a response to '"noise" reasons' it was very clear that SFAR71 was a direct response by the FAA to political pressure for noise regulations. Former Congresswoman Patsy Mink wrote at least one letter to the FAA that requested action to citizen complaints about tour aircraft noise in Hawaii.

I attended the first meeting in our area when SFAR71 was imposed on our operations. I asked a simple question. "Has anyone that

drafted or approved SFAR71 ever flown in Hawaii?" The response from the FAA panel was that one member of the team that wrote the rule had flown in Hawaii one time.

This NPRM is a "direct descendant" of SFAR71. So, it can be said that the rule is based in part on a noise issue.

If any Non-Hawaiian operators have established a "fly neighborly" program and they fly in areas that have noise sensitivities, they will find that their noise abatement programs will be difficult to continue if Part 136 is enacted.

In Hawaii, we have been forced to fly over the noise-sensitive populated areas of our islands that we used to be able to avoid before SFAR71. When SFAR71 came out, the noise complaints increased dramatically.

I have an interseting observation to make after looking a most of the submitted comments to this site. I do not see many responses from the FAA to postings. I thought that this was to be an INTERACTIVE FORUM. Right now, I do not see any difference between this forum and the NPRM docket comment site. When is the FAA going to reply and interact with the people taking the time to make comments on this site?

How is this "like a public meeting" without the active participation from the FAA?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=986)

Date: 02/27/04 09:05 AM
Author: Tucker Edmonds (no profile)
Subject: RE: 1st FAA Response to this forum

My company has been operating air tours in the Williamsburg, Virginia area for over 10 years. We operate these tours under the Part 91 limitation of 25 miles. However, we are also a Part 135 air carrier, organized as a single pilot operator. We use only commercial pilots in the tour operation and all are subject to the drug and alcohol testing requirements of Part 135. Based on our significant experience in this area, we see absolutely no reason whatsoever that some minor, common sense modifications to the existing structure will not suffice to solve whatever perceived problems you are experiencing. To make all air tour operators function entirely under Part 135 is unnecessarily burdensome. Even in our case, it would creat an unnecessary burden since we would have to develop lengthy training manuals for all of our pilots to conduct the same operations they are currently flying. Therefore, we would propose the following changes.

1. Issue Operations Specifications under Part 136 to all current operators. This has in fact already been done in our case with absolutely no follow up whatsoever on the part of the FAA.

2. Require minimum standards for pilots. 500 hours seems to be a reasonable minimum experience level with a minimum of a commercial rating.

3. Conduct all flights under strict VFR rules.

4. Hold the aircraft used to the same standards as part 135 aircraft. In the case of vintage aircraft, they should either meet the standard or not be used for passenger carrying operations.

5. Finally, as to the issue of national Parks which is the basis of this unnecessary regulation, the FAA should do what it said it would do to begin with. Each affected park should work with the local FSDO and the operators affected to develop reasonable accomodations involving noise. We operate entirely over a national Park and have already had such conversations with the local park managers and in every case were able to work out simple compromises that made sense for both sides.

In summary. This is an entirely unnecessary regulation which will in fact drive a significant part of the industry entirely out of

business. It does not require anywhere near the complexity that is being proposed. Simple, common sense solutions applied on a regional and sometimes case by case basis would be a more effective solution. And in most cases, simply changing the type of certification will do absolutely nothing to alleviate many of the problems which prompted this issue to begin with.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=991)

Date: 02/27/04 12:54 PM
Edited: 02/27/04 01:16 PM
Author: Thomas Harnish (no profile)
Subject: RE: 1st FAA Response to this forum

Oh. please. After over 1500 responses to the NPRM indicate opposition, where most indicate the FAA doesn't know what it's doing, we're offered this?

The initial FAA post is from an unidentified someone who doesn't know the difference between a forum and a post, and is clearly unaware of the facts.

If we're going to use this technology the least the FAA could do is assign people who understand it and can use it properly. Forums, or Internet news groups, involve messages and replies from many participants and over time a conversation--communication--ensues. So far the FAA has posted two messages and replied directly to none. Further, an important, even crucial, capability is participant creation of new threads, but that capability has been disabled for this forum. Yes, it will make it harder for the FAA to manage and evaluate, but it does help focus the issues.

The breezy, "wow, we never actually said" we were going to put you out of business is insulting given the NPRM states the FAA expects 700 businesses to stop offering sightseeing flights and the amount of time we've all invested in defending our livelihood as a result. The assertion that we look like an airline is just as obnoxious. If the FAA knows so little about what we do we have a fundamental problem here that no "electronic town meeting" will ever address.

The lack of data and information, which is admitted in the NPRM and substantiated by the NTSB is bad enough, but to find out that even conceptually the rule making part of the FAA doesn't "get it" is very disturbing. I suspect that within the FAA culture an image of what sightseeing operations look like has developed which is incongruent with reality. Until the FAA understands the difference between charity flights, Part 91 type sightseeing, Hawaii and Grand Canyon type sightseeing, and Part 135 operations they cannot formulate, much less propose or enact, new rules.

If anything useful is to come from this exercise, indeed if this electronic town meeting is to make any valid contribution to the proposed rule making, it must be used properly. So far this forum has been as idiosyncratic as the NRPM. Worse, most of the 1500 people who commented on the NPRM don't know this forum exists (although I admit that's a little like saying, "The food was terrible, and such small portions too!")

Maybe we could use this forum to help the FAA properly characterize what the different kinds of flights are, and to describe the businesses that operate them?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1007)

Date: 02/28/04 06:54 PM
Author: Roy Frazee (no profile)
Subject: RE: 1st FAA Response to this forum

Many rules have been made in the name of safety and really are just a bunch of paranoid communism. These rules are NOT needed, leave things alone.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1092)

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Date: 02/28/04 09:21 PM
Author: Fred L. Ballou Jr. (no profile)
Subject: RE: 1st FAA Response to this forum

I would be the first to agree with regulation of certain public commerce activities if it were indeed warranted. Regulation is warranted when people are put in dangerous situations without any knowlelegle of the risk beyond the reasonable risk for such an activity. Unfortunately today every risk one may take is looked at as being something that should be regulated regardless of whether is warranted or not. It makes the 'law makers' feel good about themselves. This proposition and this forum to decide on the validity is the same as a kangaroo court. There will be no hearing on the facts to the claim that part 91 sightseeing operations need more regulation and there won't be. This is just a process to appease all of us as this new regulation has already passed. Our freedoms are leaving us. I am sure that you will need to comply with a federal regulation soon just to fly a kite. God help us!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1098)

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Date: 03/01/04 09:43 AM
Author: Walter Bradley (no profile)
Subject: RE: 1st FAA Response to this forum

This level of regulation is unwarranted. Already the Part 91 sight seeing tours are safer than Part 135 non-scheduled operations. Stop trying to fix something that is not broken.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1175)

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Date: 03/04/04 07:30 PM
Edited: 03/04/04 07:47 PM
Author: Thomas Harnish (no profile)
Subject: In summary....

If a government report predicted that hundreds of companies would be destroyed, that thousands of people suddenly would lose their

jobs, and that almost a quarter of a billion dollars would be lost most people today would assume the topic was a terrorist threat. Headlines would be huge, news teams would interview fearful citizens, talk show hosts would be incensed, investigative reports would search for hidden connections, and commentators would demand increased government intervention to prevent the catastrophe.

Unfortunately, the FAA—through this NPRM—are the ones planning the attack. They predict the commercial loss of $238 Million and concludes that 700 companies will go out of business as the result of this executive branch action. But the proposal is badly flawed in principle and in fact.

What is it that the FAA proposes to fix by inflicting this tragedy on business owners, pilots and mechanics, suppliers, and the public? In the name of air safety, the proposal claims it will save 130 lives over the next 10 years. But, using their own data, between 1993 and 2000 only seven people died in airplanes conducting commercial sightseeing flights. *Seven people in 8 years.* More people were killed by garage doors in the same period, and more people die on California highways every day. So is some calamity about to befall sightseeing operators that the FAA has had the foresight to avert? No, the proposal is a bureaucratic effort to fix something that doesn't need to be fixed by imposing more regulations instead of the FAA doing their job and effectively enforcing regulations that already exist.

Granted, this NPRM includes accident statistics for more than part 91 sightseeing flights in airplanes. It also includes data on part 135 charter flights and all the helicopter flights over the Grand Canyon, Hawaii, and Niagara Falls. But flights over those scenic areas have been regulated under part 119 and SFAR 71 for years, and still they have accidents. Entropy, nature's tendency toward disorder, is an irresistible force. Things break, people do stupid things regardless of the regs.

A more fundamental problem with the proposal is that the accidents the NPRM cites as reasons for the rule change are largely part 135 flights, yet the proposal is to require certification of sightseeing operations under part 135—to hold sightseeing operators to a standard with a worse record. The NPRM even acknowledges that on even an accident per flight hour basis part 91 rates (5.3 per 100,000 hours) are better than part 135 (6.6 per 100,000 hours). Further, the NPRM points out that part 135 fatalities and financial losses are typically higher than part 91 accidents, because 135 operators—for economic reasons—are forced to fly larger, more expensive, aircraft. This proposal could actual have a *negative* impact on air safety, in other words.

But problems with the proposal go even deeper; it's based on faulty data, bad staff work, and wrong conclusions. For example, two of the eleven part 91 airplane accidents cited weren't even commercial sightseeing flights. One accident involved an aircraft on an IFR training flight that collided with an aircraft on what the NTSB calls a "personal sightseeing flight," neither a commercial air tour by any means. The other was an eager fellow who was offered a free fuel fill-up if he'd take a raffle winner for a sightseeing ride. But he forgot the fuel and took off with an empty gas tank, in violation of existing regulations not to mention good head work. Again, clearly not a professional sightseeing operation, yet it is included as a reason why more regulation is purportedly required. One accident that did involve a commercial sightseeing aircraft resulted because the pilot violated several existing regulations and was conducting aerobatics at low altitude. New regulations won't eliminate stupidity.

Charity flights, fund raisers, and Young Eagle flights are covered by the proposed new rules too. Among other changes, the NPRM would require a private pilot conducting one of those flights to have at least 500 hours. In other words, if you've been through commercial pilot training the FAA says you're safe to carry passengers for hire with 250 hours, but if you're a private pilot you're safe enough to do it in some circumstances with 500 hours. Maybe, maybe not; but isn't proficiency the more important issue anyway? A fledgling pilot with a fresh commercial ticket is undoubtedly safer than an altruistic gray eagle who, with the best of intentions but no recent experience, dusts off his plane and pilot certificate to haul a few rides.

Economically the proposal is flawed too. The focus is only on certification costs and increased operating costs on one hand, and lost revenue to operators on the other. But the estimated costs are grossly understated when the ripple effect of the proposed rules is considered. Company owners will lose their livelihood, employees will lose their jobs, pilots will lose their income, maintenance shops will lose customers, engine overhaul facilities will lose work, aircraft who's value is determined by their suitability for sightseeing will be devalued, and the few companies and taxpayers who have managed to survive building them will fail with more loss of jobs. Flight school enrollment—stimulated by a sightseeing experience—will decline. Ancillary services provided by restaurants and pilot shops, hotels and cab service will suffer. None of these costs are accounted for in the NPRM.

Aside from the fact that there is something truly repugnant about a proposal that argues on the basis of cost per life saved (should a maintenance budget be based on the same rationale?), operationally the proposal makes no sense either. The proposal argues, for example, in favor of increased terrain clearance because it provides more time for decision making. Unarguably, but if that's significant, then it should apply to all flights, not just sightseeing. The NPRM proposes that all sightseeing passengers should wear life vests if flying over water regardless of whether the aircraft will be within gliding distance of land. Aside from the silly problem of

how much water is required for the rule to apply, what it will do is force some operators to fly down the beach, not off-shore within gliding distance. This will force traffic into more restricted airspace and increase noise for homeowners below the flight path. And if the worst happens the aircraft will land on the same beach they would have if they'd flown off shore to begin with.

Realistically, some improvements could result if existing rules are enforced. Some flight schools, without complying with any of the existing sightseeing rules or drug testing program requirements, will--with a wink--load up a family of three and call it an "introductory flight" or "photo mission" when it's really a sightseeing jaunt. Some individuals will take money from unsuspecting folks, load them into their jet or aerobatic aircraft, and leap into the skies in violation of existing regulations. Indeed some commercial sightseeing pilots in highly competitive markets will fly in marginal weather or try to thrill their passengers with risky stunts to stay ahead of the game. But all those problems are in violation of *existing* regulations.

If the FAA doesn't have the resources to enforce existing regulations, are we to believe that adding additional layers of regulation will make them more capable of doing it...or is this a "Let's just put them out of business, then we won't have to worry about it anymore" proposal? With that reasoning why not simply force general aviation to stop flying altogether and the FAA can assure a zero accident rate, a perfect safety record with no fatalities.

In fact, numerous operations around the country have flown thousands of hours and hundreds of thousands of passengers without an accident. Professional sightseeing operations, flown by pilots who make a living doing it, are among the safest operations flying according to the FAA's own statistics. So why is there a proposal to change the regulations? Why is the FAA willing to cost the nation almost a quarter of a billion dollars? Why are they willing to put 700 companies and their pilots out of business?

The answer, apparently, is some folks at the FAA realized they really don't have a very good handle on sightseeing operations. The NPRM and supporting documentation specifically admits that, repeatedly. So they over-reacted, proposed draconian changes anticipating that'll be watered down after the peasants storm the castle, and hope some good will come in the end. That's not a very astute management technique for something as important and valuable as our national transportation system.

Over the past 11 years with six aircraft, including two built in the 1920s and two built during WW2, we've delighted over 80,000 passengers in perfect safety. We've been featured in over 100 newspaper, magazine, and television spots both here and around the world. We were recently chosen by The Travel Channel from companies across the country as their top pick for fun in the "Thrills and Chills" category. The L.A. Times picked a flight with our company as one of their favorite weekend escapes. With this kind of recognition, our unique operation brings substantial tourism and corporate business to San Diego. We've entertained the Crown Prince of Tonga and Princess Leah from Star Wars plus thousands of incentive group travelers from Lexus, Mazda, Sprint, TransAmerica, Discovery TV, Pfizer, Glaxo, SABRE, and many others. Through these activities and our regular sightseeing flights, our company has a significant impact on local tourism, related businesses, and the local economy.

We provides jobs for 25 people. Since the business was incorporated, we've paid over $100,000 in property and sales tax. Each year we spend over $600,000 on business goods and services--funds that help support other people and businesses. But the economic multiplier effect goes well beyond that.

Because of the multiplying or compounding economic affect any company has on it's local economy, the rule changes proposed--if enacted--will affect not just sightseeing operators. It will threaten the survival of related businesses including maintenance and restoration shops, pilot shops and airport restaurants (who, in our case, attribute at least 20% of their business to our airport presence), and parts suppliers. Local hotels, meeting planners, restaurants, other tourism businesses, and charities (to whom we regularly contribute rides) will also be adversely effected if this ill-conceived regulation is allowed to pass.

According to industry experts, every tourism dollar spent is multiplied 2-2.5 times in the local economy. But such multiplier effects, a basic economic concept, are ignored by the NPRM which considers only certification costs, increased operating costs, and lost revenues. The indirect and induced economic impact of the proposal isn't addressed--largely, I suspect, because when those figures are considered they only further weaken an already flawed argument.

In fact, just the threat of imminent closure has already had a very real effect and imposes real costs on sightseeing and air tour operations. At a minimum, hundreds of people have spent thousands of non-productive hours dealing with this threat to their livelihood. Beyond that, it devalues our aircraft (who will buy aircraft configured primarily for sightseeing operations if there can be no sightseeing?) It devalues our business (who would consider buying or investing in a business that may be regulated out of existence?) It casts ambiguity on our ability to fulfill and thus commit to future operations (should we continue to sell gift certificates redeemable in the future or renew ads that are scheduled to run 6-12 months from now?) It adds risk to future plans (will any banker or investor fund our planned $2 million dollar hangar / museum / restaurant facility in the face of an uncertain future?) None of *these*

costs were accounted for.

Instead of creating new regulations, sightseeing and air tour operations could be made safer if the FAA was better funded and staffed to enforce existing rules. For example:

* Flight schools and individuals offer rides for hire with no regard to drug and alcohol testing requirements, more expensive sightseeing insurance, or, in California, PUC licensing. Call a few schools and ask if they can take you and a friend on a hop to somewhere, say, an hour or so from the airport and offer to buy lunch for the pilot when your get there. "Sure we can do that, we'll call it an introductory training hop" will be a typical response. This is a flagrant violation that circumvents existing Part 91 rules and even violates Part 135 rules. But it happens.

* Some hot-air balloons can carry 24 passengers at a time--as many as a loaded DC-3--yet a commercial balloon certificate can be obtained with only 2 solo flights and a mere 20 hours as the pilot of a balloon! We frequently watch them launch into low lying coastal fog and pop up on top of a solid cloud layer after flying in Instrument Meteorological Conditions. Take a look at their accident statistics too if your worried about public safety.

* There are Part 135 operators who are known to operate with no insurance and have numerous FAR violations but continue to carry passengers for hire.

* There are Part 91 and Part 135 air tour operators who have killed people - more than once - but are allowed to continue flying passengers for hire.

* Pilots charge for rides at fly-in's but don't even have a commercial pilot's license, aren't drug tested, and don't have insurance for rides.

* Pilots take paying passengers on sightseeing flights, in formation, without a part 91.111 waiver.

The NPRM ignores the need for enforcement of existing rules, and also assumes the largest operators will be able to adapt to the Part 135 requirements. This a foundationless conclusion for a variety of reason. Perhaps the most critical problem overlooked is that 135 sightseeing businesses could be uninsurable. There are only a handful of insurance companies who currently underwrite Part 91 sightseeing operations. Based on conversations we've had with the largest among them, none will insure us for unrestricted Part 135 operations in spite of our spotless record. They might if we continue flying under our existing part 91 proceedures.

Insurers understand, as would any reasonable person, that the risks inherent in a flight that takes off and lands at the same airport, stays within 25 miles of home, generally flies over the same familiar terrain, and only flies in good weather is a lot less less risky than a point-to-point flight at any hour in any weather. In fact, the FAA's own statistics prove this to be true; Part 135 accidents are more expensive and cost more lives than Part 91 accidents. Does the FAA really want to force sightseeing operations to offer flights that common sense and the nation's top insurers indicate are more risky?

Even if we are able to find insurance, the additional costs of converting to and operating as a Part 135 carrier (which are ridiculously underestimated in the NPRM) would seriously erode profits we derive from the business. And for what? We already run an operation with an 11 year history of perfect safety.

We don't need more regulation to improve safety; we just need the regulations that are already in place enforced. A quick read of the accidents cited by the NPRM proves the point nicely. Virtually all of the accidents involved violations of existing rules, but FAA field staff are already overburdened. The only thing the proposed new regulations will do is put the legitimate operators who comply with (or exceed) existing regulations out of business. It will leave the field open to the rouge operators who will continue to fly on the fringe, skirting the regs and putting their passengers at risk.

NPRM-1998-4521 is an ill-conceived, unnecessary proposal based on invalid data, poor research, bad analysis, and flawed conclusions. It is a travesty that it resulted from political pressure and a clear lack of understanding of sightseeing operations. It will, by the FAA's own admission, devastate an already economically challenged industry struggling to survive and should be withdrawn.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1484)

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Date: 02/25/04 03:21 PM
Edited: 02/25/04 03:23 PM
Author: Robert G. Lock (no profile)
Subject: Unintended consequences against vintage aircraft operations.

The NTSB is concerned that the FAA has no valid data. NTSB Safety Recommendation A-03-37 through A-03-39 lays out a damaging case against the FAA for drafting a rule change without valid and accurate data (page 3). The FAA stated that "resources" to complete an additional survey each year were NOT available" (page 3). It is my impression that the NTSB wants FAA to impose greater authority over existing Part 135 nonscheduled operators (page 3). Yet this segment of operations accounts for 50 to 60 percent of all commercial accidents each year (page 2). Obviously the FAA is not capable of enforcing existing rules and regulations over the Part 135 nonscheduled operators. Now the FAA proposes to add an unknown number of Part 91 operators to this list. If the FAA can not enforce EXISTING operators, how can adding an unknown number of "new" operators make things any safer?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=910)

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Date: 02/25/04 03:28 PM
Author: Robert G. Lock (no profile)
Subject: Management Specifications

I have reviewed a critique of Part 91 subpart K, Fractional Ownership authored by Kent S. Jackson. He points out that a committee of interested parties was convened to become the Fractional Ownership Aviation Rulemaking Committee (FOARC). The group was able to hammer out a rule change agreeable to most all parties. I do not know anything about Fractional Ownership, but the point here is the FAA convened a representative group from industry who would be directly affected by the rule change. THE FAA DRAFTED 4521 WITH NO INPUT FROM THOSE AFFECTED. The FAA drafted 4521 with no valid and accurate data. The FAA did now know WHO the net would catch?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=911)

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Date: 02/25/04 03:35 PM
Author: Robert G. Lock (no profile)
Subject: Unworkable Part 135 and the vintage aircraft.

I stand by my statements made in previous comments to the docket (comment numbers 99, 848, 849, 1072, 1287, 1423, & 1512). I think it would be terribly difficult to certificate under Part 135 because there is absolutely no factory support in any way for vintage aircraft. No manuals of any kind, no "approved" parts, etc. The company of which I am employed owns 2 identical aircraft, has two pilots, and so it would make sense to certificate so that each pilot could fly either airplane. The first problem is cost (estimated annualized cost of $75,000 - page 60584), the second is compliance with modern standards that may be unworkable or impossible to achieve with a 75 year-old restored airplane.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=912)

Date: 02/25/04 03:42 PM
Author: Robert G. Lock (no profile)
Subject: Safety level, Management Specs vs. Certification Specs.

Page 60583 states, "Part 91 commercial air tour operators experience more accidents than Part 135 operators, but a higher proportion result from mechanical failure." Where did you get that information? Since the 75 accident/38 fatality rate was presented (page 60573), a close scrutiny of that figure shows that it included fatal accidents with private pilots in command, and balloons. THE FAA JUST DOES NOT HAVE FACTUAL DATA REGARDING PART 91 OPERATORS. The key word here is COMMERCIAL. Private pilots cannot operate commercially. I have no knowledge what "management specifications" are, what is involved in obtaining the specifications or how it works, therefore I cannot comment any further on the subject.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=914)

Date: 02/25/04 03:48 PM
Author: Robert G. Lock (no profile)
Subject: Do you have suggestions?

I certainly do! I do not know who drafted NPRM 4521, but obviously it was hastily written due to extreme political pressure from Senator Hillary Clinton to Administrator Jane Garvey, and passed to current Administrator Marion Blakey (formerly of NTSB). The data used is not valid and inaccurate, or just plain "estimated." The FAA needs to obtain valid and factual data, no estimated stuff. The FAA needs to convene an Aviation Rulemaking Advisory Committee (ARAC) representing various segments of the Air Tour and Sightseeing industry, both Part 135 and Part 91. NPRM 4521 is NOT the route to go. The FAA needs to ENFORCE existing regulations, particularly the nonscheduled Part 135 Air Tour operators.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=915)

Date: 02/25/04 04:02 PM
Author: Robert G. Lock (no profile)
Subject: Do you have other suggestions?

Yes I do! In lieu of removing NPRM 4521 from the docket, A) Leave Part 119.1(e)(2) exemption but modify to exempt "vintage aircraft." Define vintage aircraft as "an aircraft manufactured 1946 and prior, or an aircraft with the same configuration as an aircraft manufactured 1946 and prior, with 9 seats or less (excluding pilot)." This will then include all early manufactured monoplanes and biplanes, the Ford tri-motors, and will include newly manufactured Waco YMF-5 and certain WW2 former military aircraft (many of these aircraft are Type Certificated under Aeronautics Bulletin 7A and early CAR 3). B) Mandate that all Part 91/119.l(e)(2) operators register with their local FSDO and provide annual flight/revenue data in a form acceptable to the Administrator. C) All Part 91/119.1(e)(2) operators may undergo typical ramp check at the descreation of the FSDO. Ramp check to include aircraft inspection, maintenance issues, paperwork and pilot credentials. D) If a certificate is so important to FAA, create a "Vintage Aircraft Flight Operation" certificate. I am speaking for myself when I state that the company does not offer an Air Tour. Nor is it a Sightseeing flight. IT IS AN INTRODUCTORY FLIGHT IN A VINTAGE BIPLANE to relive the Golden Days of Aviation, part of the American Aviation Heritage. Most people fly with me to experience something that their parents or grandparents did, perhaps 75-years ago.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=916)

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Date: 02/25/04 08:00 PM
Edited: 02/25/04 08:19 PM
Author: Alan Stephen (no profile)
Subject: RE: Do you have other suggestions?

Dear Robert Lock,

Your recommendations of how to define vintage aircraft is excellent. However, please be advised our 1929 Ford 5-AT Trimotor is certified with 14 seats; but we operate it with ten passenger seats in the cabin plus one more passenger occupying the co-pilot seat. I believe we have the only 5-AT in service; however, there may be some other Tri-Motor vintage aircraft that can seat more than nine passengers that wouldn't grandfathered under your defintion; I just don't know. For sure the total number of vintage aircraft barnstorming with more than nine seats is less than a handful.

My only observation to FAA on adopting this proposal is that pulling two more seats out to keep us nine or less just causes us to raise prices to compensate. It WILL MAKE NO DIFFERENCE in how cautiously we operate our aircraft.

Finally, I want to make one additional observation to FAA. We commented to Notice 4521 under our LLC name, Sopwith Limited. Go back and read our recommendations. But, we didn't make a point in those comments we want to make now. We are a private vintage aircraft operator. Barnstorming is totally discretionary since the amount of revenue is a drop in the bucket compared with the market value of our TriMotor and what we spend to keep it airworthy and insured. You have made some illogical distinction in Notice 4521(in our humble opinion) between local flightseeing for charitable purposes versus the same types of flights made occasionally by us as a private aircraft owner to generate some revenue to offset a portion of the cost of owning our TriMotor. Which kind of operation is going to be safer, the charity flight or ours? The purpose of the charity flight is to raise as much revenue during the dates the charity flights have been scheduled and publicly advertised. So the charity is interested in maximizing revenue during those dates. In our case, when we fly our TriMotor, any risk of damage to it is unacceptable; so we say NO! unless conditions are 100 percent ideal. The answer to our question is that local flights by either category of operator are indeed safe. Our point is that it's specious to restrict 91.147 to charities when a private vintage aircraft owner/operator has at least as much incentive to do everything by the book when it's his hull loss if something happens.

Regards / Alan Stephen

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=924)

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Date: 02/25/04 05:21 PM
Author: DOUG ISERN (no profile)
Subject: "WHY DO WE WANT TO REGULATE YOU?"

"BECAUSE YOU LOOK LIKE AN AIRLINE" Is this the real reason for this NPRM, Alberta? You don't have any facts to back up the removal of 700 business's other than you think we "look like airlines". What a quaint method of ruling.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=919)

Date: 02/25/04 10:53 PM
Edited: 02/25/04 11:01 PM
Author: Fred Stadler (no profile)
Subject: Response to "FAA Response"

Dear Alberta, who chooses to write opinions representing the FAA as whole,
The single paragraph you titled "WHY DO WE WANT TO REGULATE YOU" contains so many errors and non-sequiturs as to call into question the very basis of this NPRM. Here are some brief responses to your "FAA Response":

Your title is "WHY DO WE WANT TO REGULATE YOU." Of course this title ignores the fact that you already do regulate virtually every aspect of aviation. A previous longstanding tradition has been regulation appropriate to the nature of the aviation operation, a nuance you seem to miss completely

Your next sentence is "Because you look like an airline." What???? I'm sorry, but even the most myopic passenger can tell the difference between a Part 121 operation offering cross-country (or perhaps intercontinental) transportation in all sorts of weather conditions and an open-cockpit, local flight experience in a vintage biplane that only operates on sunny days. There are certainly risks in both flights, but they are completely different risks. Yes, passengers deserve protection, but protection in different environments involves different standards. For example, ATP or even instrument training needed for Part 121 or 135 operation provides little preparation for operating a tailwheel biplane with minimal instrumentation. Passengers are not stupid; they expect to be safe but do not expect identical rules to apply in different circumstances.

"A passenger decides to go on an airplane (why doesn't matter)." This statement also misses the point completely. Most airline passengers do not want to fly on an airplane; they simply want to be transported somewhere else. If there were an alternative way to get to their destination quickly and economically (and without being frisked!), they would choose that alternative. Any residual glamour from airline travel has long gone. By contrast, a brief floatplane excursion in Alaska or a World War II bomber ride or an air-in-your face experience in an open-cockpit biplane kindles excitement in countless Americans every year. The motivations and the risks are completely different and the regulations should be also.

"The airplane operator wants money (donations are money)." What a crass and ignorant statement about the motivations of vintage aviation and sightseeing operations. Yes, aviation is expensive and the vast majority of operators do not have boundless assets. Most charge for the experiences they provide, but very, very few are in the business for the sole purpose of

increasing wealth.
The many NPRM docket responses speak eloquently to the love of aviation that drives so many "air tour" operators in spite of the financial hardship.

"The passenger is happy if part/all of that money goes to a good cause but wants to go on an airplane anyway. Airplane operator (sic) gives the passenger what the passenger paid for. " As previously expressed, airline passengers frequently do not want to go on an airplane at all – that's one reason that modern airline terminals and aircraft interiors artfully distract passengers and block most views of the airplanes themselves. "Air tours" and vintage aircraft rides are the exact reverse.

"What's different about you? Airline passengers and your passengers deserve certain standards."
Yes, and they already have standards appropriate to their specific operations! Lumping together dissimilar operations for regulatory purposes is completely illogical. If you think that one set of standards is appropriate for on-demand cross-country air charter operations and also for local flight experiences, why not also make the same rules apply to cruise ship captains and bus drivers, who also transport the public?

"The NTSB recommended that we improve regulation of part 91 sightseeing and we agree with them."
You seem to have misunderstood the word "improve" as meaning "increase." An "improved" regulation is one which is more effective and which yields better results. The rationale for this NPRM has not identified a single area where a cause and effect relationship is established between the proposed regulations and increased safety. In fact, the few accidents cited occurred primarily in violation of existing regulations – hardly a ringing mandate that more stringent regulations will be helpful!

Overall, this "FAA response" is as disturbing as the original NPRM. This process has gone much too far without a basic sense of purpose. I strongly recommend that this NPRM be withdrawn in its present form.
Then, if specific regulatory improvements can be substantiated as improving aviation safety and efficiency, bring them forward. Everyone benefits from a truly improved regulation, But with this NPRM, everyone loses!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=932)

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Date: 02/26/04 07:24 AM
Edited: 02/26/04 04:53 PM
Author: Rob Lock (no profile)
Subject: RE: Response to "FAA Response"

I too found the reference "Because you look like an airline" particular offensive. We do not look like any airline I've ever seen. We

operate vintage biplanes. No one's arm is being twisted to fly with us and the activity is PURLY voluntary. Three (3) accidents involving antique aircraft resulted in 7 fatalities during the period studied by the Preliminary Regulatory Evaluation from 1993-2000. The fact of the matter is, the Part 135/121 industry should stand proud if the FAA accused them of looking like a "Barnstorming Outfit". How can you assert that our passengers do not have the same level of safety for a 15-minute flight experience than a passenger boarding a 35 year old DC-9 airliner still in service and flying for Northwest Airlines? What are you basing this observation on? Could it possibly be our fatality rate, which is less than 1 person per year? Our industry is policed by the owners/operators of the aircraft themselves. The aircraft used for "ridehopping" are privately owned and are meticulously maintained and operated by their OWNERS. The insurance industry itself realizes this and very rarely insures a "non-owner" as a pilot operating under the Part 91/119.1(e)(2) exemption as it pertains to vintage aircraft.

You're main objective, it seems, is to regulate the non-scheduled 135 air tour operators, and you SHOULD regulate that segment. The NTSB points that out in their letter to your office and states that they are responsible for 50 to 60 percent of the accidents in the industry. We are not "air tour operators" as defined by the FAA. We are demonstrating the flight characteristics of a 1929 vintage biplane. No more, no less. Our passengers really don't care what they are flying over.

I concur with the suggestions of Robert G. Lock. The NPRM should be rewritten to allow the vintage aircraft, defined as aircraft built in 1946 and prior with 11 seats or less (excluding pilot and crew), to remain eligible to operate under Part 91/119.1(e)(2). Develop and implement a registration and reporting system acceptable to the Administrator where actual and/or factual data can and would be collected for future study. Lastly, have each operator inspected annually by his/her local FSDO. This inspection would include aircraft, records, pilot qualifications, and PROOF OF APPROPRIATE INSURANCE to operate under the exception. Issue an AIR TOUR CERTIFICATE that must be displayed in a conspicuous place where those passengers interested in a vintage flight experience would see that there is indeed a level of FAA oversight for the flight they are about to undertake.

By working together on this subject, there can be a workable solution found that will be acceptable to the FAA, the general public, and the operator.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=934)

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Date: 03/02/04 07:20 PM
Author: Betsy Kath (no profile)
Subject: RE: RE: Response to "FAA Response"

Dear FAA. This writer's arguments against your proposed rule are much more cogent and logical than any of the arguments for the rule which you have presented. From what I have read in this forum or chat room or whatever you want to call it, the vast majority of the "against" arguments are much clearer and stronger than the "for" arguments. I am a passenger not a pilot and I can very well tell the difference between a commercial airline that gets me where I am going and a sightseeing flight which takes me amazing places I never even knew I wanted to go! That may sound like emotional nonsense to you, but your arguments for this rule sound like OVER regulation in the worst way to me!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1301)

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Date: 03/03/04 11:00 AM
Author: Derek Maroot (no profile)
Subject: RE: RE: Response to "FAA Response"

Ah yes, finally someone really hit it square on the nose! The FAA really doesn't know what they're talking about. Perhaps they really should have taken some time and thought before attempting to take away another way we try to make a living through flying.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1340)

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Date: 02/26/04 01:34 PM
Author: Rick Pellicciotti (no profile)
Subject: RE: Response to "FAA Response"

Very well said Mr. Stadler. I, for one, am still looking through the documents to find where the NTSB charged the FAA with improving Part 91 safety. I see plenty of references to Part 135.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=949)

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Date: 02/26/04 09:32 AM
Author: Robert G. Lock (no profile)
Subject: Alternatives

Alan Stephen, I concur totally with your comments and have referred to your docket comments many times. You are very knowledgable. The 9 seat issue was a starting point for discussion. We certainly do now want to exclude an aircraft with historic value like the Ford Tri-motor. It was the "backbone" of the airline industry in the U.S. If the FAA considers the alternative I have proposed, then certainly 11 seats is better than the 9 I originally proposed. Keep up the good work.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=936)

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Date: 02/26/04 01:54 PM
Edited: 02/26/04 02:24 PM
Author: randall henderson (no profile)
Subject: response to FAA response

FAA said:

--> Let's start with some truths: ... The FAA is not against charity, veterans, vintage airplanes, private pilots, sightseeing, nonprofit, or lobbyists. - By definition the largest of you is a "small business".

Maybe, but you have to understand it's a bit hard to swallow when a proposal for rulemaking comes out of nowhere (from our perspective anyway), with what most of us see as flawed justification, involving a study done in a specific, exceptional environment for which the need for an SFAR has already been identified and implemented. The FAA's 2/25/04 response in justifying new regulations for the rest of the industry so far hasn't addressed that fundamental issue, and instead seems to boil down to a) FAA doesn't know who the sightseeing

operators are, and b) it makes passengers feel good to know such operators are held to a higher standard.

Starting with b): Part 91 sightseeing operators ARE held to a higher standard. Can a private pilot conduct a for-hire sightseeing flight? NO, he needs a COMMERCIAL ticket. Can a commercial pilot conduct a for-hire point-to-point flight, or a flight over 25nm under part 91? NO. In fact the existing 25nm/single landing site requirement is quite restrictive and is more than adequate to ensure these sorts of flights remain well within the capabilities of the pilot/plane. A pretty highly regulated/controlled system is in place already, and in fact I'd argue it's TOO restricive. For example, would allowing landings somewhere else within the 25 nm radius result in a bunch more accidents? I strongly doubt it would. But it would enhance the flightseeing experience to be able to show people the historical utility of small planes. Uh-oh, but that would constitute an "airline flight"! Yeah right, how many airlines go only 25 miles?

Going back to a): the lack of a database does not justify a significant regulatory change. It may be a good topic for further discussion but isn't close to justification for even the scaled back proposal involving special certificates or reporting requirements. Bottom line, in the absence of real evidence that it's broke, why are you still trying to fix it?

FAA said:

--> 700 COMPANIES OUT OF BUSINESS Wow, never actually said that and apologize for giving that impression. No intent to put anyone out of business

then a few sentences later:

--> It was felt that of all the sightseeing businesses, 700 of them would decide to stop doing sightseeing rather than become a certificated air carrier.

Huh? I must be missing something here... "X doesn't mean X...?"

--> If there had been a database, we would have known been able to assess the impact more accurately.

It appears that based on that, FAA is backing away from outright removal the part 91 exception? If so, that's good news. But FAA is still arguing for imposition of new regulations... why? Many of the responders, and I agree with them, are pointing out that there's no compelling evidence showing a problem really exists. Saying we need a database to determine if that's really true or not, and therefore a regulation to certify people in order to get the database, is a bit of a circular argument.

--> The FAA has many qualified inspectors. It sounds like a great full time job to me. There are organizations who do have qualified individuals and we have used them in the past. This issue can be solved.

A solution looking for a problem.

-> WHY DO WE WANT TO REGULATE YOU. Because you look like an airline.

Oh come on. Maybe a few operations in the upper end of the 20 passenger/7500lb range, but for the vast majority, we're talking about something more along the lines of someone going to Joe Barnstormer and seeing.... open cockpit biplane... . no computer-generated ticket... no terminal building much less a jetway.... no flight attendant.... no copilot..... what, you think this might not be an airline? What gave it away?

--> The FAA believes that the passengers do and should look to FAA for appropriate regulations.

EXACTLY -- the key word being APPROPRIATE. I submit that the existing regulations are entirely appropriate to the type of flying done by Part 91 sightseeing operators in most if not all areas not already covered by an SFAR. You already require a commercial certificate, and 25 NM max radius, and landing only at the point of origin... that's EXTREMELY limited, and in fact is another dead giveaway that it's not an airline -- how many airline flights take off and then come right back to where they started?

--> The passengers shouldn't need to understand levels of safety.

I'm with you on that. But.... what specific safety problem are we addressing again? I'm still trying to figure that one out (see next).

--> The NTSB recommended that we improve regulation of part 91 sightseeing and we agree with them.

Based on what. I haven't seen anything from FAA so far that addresses the argument that the original justification for this recommendation, largely based as it was on the unique circumstances in Hawaii, is flawed. I think others have made a pretty good argument that that is the case. Unless that can be adequately answered, shouldn't we simply go back and get some better data about conditions outside the current SFAR areas before pushing ahead with ANY new regulation?

With that in mind, I'd like to offer a constructive suggestion. Instead of imposing new regulations, implement a program whereby pilots answer a few simple questions as part of the process of renewing their medical certificates. For example:

Total hours flown as part 91 sightseeing ____ Average number of passengers flown per sightseeing flight___ Make/Model/Year aircraft used in sightseeing flights 1) ___ 2) ___ 3) Total hours flown as part 91 charity flights____ Etc.

It could be a separate, anonymous questionaire (ASRS-like), or just a few extra boxes on the medical form. This would give the FAA and the aviation community the information needed to make more informed choices about such things. Starting a year after the new program is put in place, the NTSB, FAA, AOPA ASF, and the wider general aviation community can all go back and see if any clearly defined safety issues show up, and we'll all have a better starting point from which to conduct further study or discuss new regulations.

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Date: 02/26/04 02:02 PM
Author: Gary Lee Lust (no profile)
Subject: Bad Idea

I am owner of a part 135 operation and also conduct vintage biplane rides in a 1929 Travel Air 4000 under part 91. I do not believe for a minute that the FAA is capable of "helping me" to get Op Spec approval to add the Travel Air to my 135 operation. I agree with the suggestions of Rob Locke regarding a special category for aproval of Vintage Air Tour operators, but as a last resort.

I strongly believe the entire NPRM is ill-concieved, with little real thought addressing the impact and cost to affected operators, the FAA system and the aviation industry as a whole:

From my perspective the FAA-FSDO system is presently incapable of fulfilling their assigned responsibilities in a timely manner owing, I am told, to budget and personnel limitations. The impact of this proposal on FAA-FSDO workload will be enormous, and at incalculable cost. I doubt very much if the present system can ever provide 135 operating certificates to all of the operators currently doing scenic rides under part 91.

The analysis and cost estimate has ignored completely the large number of flight schools, large and small, who in addition to providing flight instruction, also offer local scenic rides under part 91. These rides are the backbone of introduction of the public to the world of aviation, as well as frequently the first experience of an individual who goes on to take lessons and find a career in aviation. It is a time honored tradition in aviation that "baby pilots" build time and gain experience as flight instructors , scenic ride pilots, glider and banner tow pilots, etc., as a stepping stone to a career as a part 135 or part 121 pilot. In my part 135 operation a pilot is required by O.A.S regulations to have a minimum of 1500 hours PIC. (I require 2500). I assume most 135 operators require more that the 500 hours required by the FAA. Where is an aspiring professional pilot going to get this experience?

The impact of this proposal on already beleguered flight schools, and the cascade of consequences to the aviation industry will be staggering.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=952)

Date: 02/26/04 03:23 PM
Edited: 02/26/04 03:34 PM
Author: Eric Gourley (no profile)
Subject: sightseeing

We are all interested in safety. I hope most of us are also concerned about senseless regulation. Don't all planes have to have annual inspections, vintage or not? Except for the additional costs to operators, mountains of paper work, and delay after delay to get timely responses from the FAA, I cannot see how this NPRM improves anything not already regulated by Part 91. A simple registration is all that is needed if indeed all the FAA and NTSB want to do is be able to track data. Requiring more regulations and costs passed on to the operators is not going to improve safety in any way. All it willl do is put more people out of the flying business.

By the nature of the beast, there will be so many rules and regulations that these planes will end up in museums where the public must vicariously experience flight rather than feel, taste, and smell it. I have a hard time believing that if maintained under Part 91 my Stearman will be any less airworthy than it would be under Part 135. And even though it is over 60 years old, I would much rather be looping it than a brand spanking new Citabria.

If I had to go through the mountains of paper work I have observed Part 135 operators go through, then I simply would not do it. A regulation of scenic operations will ultimately end up in thick operations manuals and specifications, training manuals, training checkrides, insurance requirments, flight plans, conformity inspections just to name a few of the roadblocks. I have never see a timely approval of a Part 135 operation by the FAA. Many of them are afraid to get in a tailwheel airplane to do a checkride. The few who are would have an appoinment calendar into the next couple of years. And come to think of it a lot of us have removed the dual controls for safety reasons. How about a conformity inspection on a 60, 70 year old airplane beautifully restored and probably better than it was new? Unfortunately many scenic operators who have not had to go through 135 certification do not even have a clue of the roadblocks they will have to go through for approval. I predict this will be an end to scenic flights except for the most intrepid and wealthy.

What is the magic about 1947? EAA Vintage aircraft and its insurance program starts at 1967 and older. I disagree with the proposed regulation entirely, so if planes are maintained to Part 91 regulations, then the date is arbitrary. Hasn't the FAA already published an advisory circular regarding maintenance standards on older aircraft? I have see brand new airplanes in hot, humid, tropical areas with severe corrosion only a couple of years out of the factory. Maintenance standards already exist to determine airworthiness. There is no need for additional regulation.

I am not sure that the FAA and NTSB are correct in arguing that they must have something in place for this type of flying. The regulations are already there. Scenic flying is and can be safe under current regulations. Any problems with scenic flying should be addressed with those regulations. A new part 135 is not going to improve safety. As I said, it will be sure death to the operators providing safe services under current regulations.

Mark my words. Safety will not be improved. New regulations will be cumbersome and costly. I haven't heard an FAA employee in our region once say that he/she can get on it right away. Instead, all I hear is that they have far too much work to do and no time to get to it all. Is this a real safety issue? Will the taxpayers provide more jobs for this regulation? More than likely not.

It has been suggested that this forum is the last attempt we have for public comment. AOPA has objected to the method for good reasons. It is likely that the regulation is coming whether or not we provide input. So even though it may be futile, I will simply summarize by saying that no change needs to be made to the regulations as they exist now.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=959)

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Date: 02/26/04 03:43 PM
Edited: 02/26/04 03:44 PM
Author: Robert B Mincer

Subject: Professionalism

Wow, having read every comment posted on this forum. I can only re-iterate the insightful thoughts of previous statements. (None in favor of further regulation that I read) Maybe the FAA could take notice of the level of professionalism of the people you are seeking an even greater level of control…and without just cause, at that. I know of no other group of people that are so conscientious about their profession or avocation than those of us in the field of Aviation. Dropping the NPRM would be a good starting point for the FAA display a sense of reason. Perhaps relaxing some of existing regulation would be an act of good faith.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=963)

Date: 02/26/04 11:18 PM
Author: Randy D. Miller (no profile)
Subject: Exercise in Frustration?

Hello everyone. I have read all the comments posted on this site, and I can honestly say that it makes me proud to be associated with all of you.

Everyone who has taken the time to post on this thread has made very logical, thoughtful and carefully crafted comments that directly address the FAA's "proposed" (and ill-conceived) rule and their faulty logic.

I am very passionate when it comes to this topic, as I know we all are. I love having the ability to share my passion of flight in a 1940's biplane with a collective public that have completely forgotten (or have never known) what simple pleasures were in a simpler time.

In an effort summarize my feelings on this issue, please let me say this. I agree with you all. You have said it better than I probably ever could. Your arguments to the FAA leave them some serious thinking to do. I just wonder what good it will do.

I WANT to believe that our thoughts, comments, suggestions and arguments will influence them. My God! Look at the number of overwhelmingly negative responses that have already been submitted to the FAA website! Over 1500 at last count! That blows the comments against RVSM implementation away by almost 10 to 1!

I WANT to think that they will look at this ill-conceived (and totally unnecessary) legislation and think twice about what they are doing.

I WANT to think that when they read the responses of these "virtual" meetings, they actually are open-mined to the fact that they could be wrong, and MAYBE will even change their mind about this whole thing. But.....

I can't help but admit that I was completely sickened with the tone (and content) of the FAA's first response. They have already taken a negative and defensive stance. Is this what we're up against?

Please tell us NOW....Have you already made your minds up about this rule, and we are all just spinning our wheels in frustration??!

Please tell us that you see the validity in our arguments? Please tell us that you comprehend what we are trying to tell you about our businesses and our aircraft? Please tell us that our comments will have an impact on the final ruling that YOU determine will be for the greater good of all??!!

You (FAA) have refused to meet with us in a personalized face-to-face forum. You have chosen this electronic venue as the means to let us vent without experiencing for yourself the full wrath of our collective passion and frustration. Cop out? Who knows? I have my feelings about it. However, this is your chosen means of communication, so just let us know NOW if this is all an exercise in frustration, or if you really are "listening" to us.

Randy D. Miller Vintage Aviation, Ltd.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=978)

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Date: 02/27/04 12:48 PM
Author: Thomas L. Jack (no profile)
Subject: Ride Operators

I am one of the Biplane Ride Operators this regulation will put out of business. I am a professional Airline Captain working for USAirways for over 26 years. After our thieving CEO stole my retirement I started my ride business to try and make up the loss. Our contract will not allow any outside Part 135 flying.I have been in this industry all of my adult life both under Part 135 and Part 121. I am not unfamiliar with FAA regulation. The current regulations are in place to police all of the ride operators, we do not need more. Most of us take great pride in our aircraft and our service.I fly my WACO with the same level of skill as a 737. Please no more regulations. Captain T.L.Jack

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1006)

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Date: 02/27/04 05:14 PM
Author: Charles C. Wagner (no profile)
Subject: RE: Ride Operators

My question is why is the FFA trying to do away with GA.They should know that there are people out there that enjoy the older planes and even enjoy riding in them. Yet the FFA wants to take this privilege away from them, which is very unfair to the general public. People that fly these OLD PLANES take pride in the ownership and enjoy showing them off, and taking people for rides in them. FFA, please back off.
Cal Wagner
CWagner253@aol.com

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1034)

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Date: 02/27/04 05:56 PM
Author: Randy D. Miller (no profile)
Subject: RE: RE: Ride Operators

I didn't know that the Future Farmers of America (or maybe the Flying Farmers of America) were out to get us??! Do you perhaps mean FAA?? :)

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1038)

Date: 02/27/04 01:53 PM
Author: Rob Standridge (no profile)
Subject: Increase regulation does not equal increased safety

I dont believe snuffing out these businesses thru heavy handed government overregulation is the way to improve safety. We should know by now that just simply trying to eliminate a part of American culture because some individuals in the government with the power to do so dont like it, is a bad idea. If this kind of steamroller mentality is allowed to continue in our government agencies, the American free spirit is only going to suffer.

Let's get our head in the game here boys. What needs to be done is the FAA needs to discover how this activity compromises passenger safety and address those areas specifically. If limitations need to be put on distance, terrain, weather or any other criteria then let's do it. No honorable pilot wishes to compromise safety and we would all agree to more stringent regulation if it was truly being used to improve safety. Let's work together to find a solution that does not destroy an American aviation tradition but does satisfy safety concerns of the FAA and others.

Let us not celebrate the centennial of flight by making it impossible for our children to someday experience the true freedom of flight.

Sincerely, Rob Standridge

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1010)

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Date: 03/02/04 01:14 PM
Author: JonThornburgh (no profile)
Subject: RE: Increase regulation does not equal increased safety

This NPRM can be broken down into four major aspects:

1. The elimination of commercial pilots flying under FAR Part 91 to conduct "sightseeing" flights within the 25 miles presently allowed un-der FAR 119.1(e)(2);

2. A change in the number of hours of flight time for a private pi-lot to conduct a sightseeing flight for a charitable cause,

3. A change in minimum altitude and cloud clearance for flight op-erations,

4. A requirement that passengers wear a life preserver for flights over water.

In addition to the four main aspects of the NPRM noted above there are other relatively minor proposals such as a requirement for passenger briefings, a "helicopter performance plan," and helicopter operation within the height/velocity diagram at all times.

In reference to items 3 and 4 listed above (minimum altitude, cloud clearance, life preserver) and the other minor proposals, I have no objection.

However, I see no reason for a change in flight time from 200 hours to 500 hours for charitable flights. (Item 2 above.)

I STRONGLY OBJECT to the elimination of the 25-mile sightseeing rule presently available under today's rules. (Item 1 above.)

ARE PART 135 SIGHTSEEING FLIGHTS REALLY SAFER THAN PART 91 SIGHTSEEING FLIGHTS?

The FAA claims that the changes proposed by this NPRM will in-crease the safety of sightseeing tours and decrease the number of acci-dents. The FAA proposes to eliminate the provision granted under FAR 119.1(e)(2) that allows commercial pilots, under FAR Part 91, to give sightseeing flights within 25 miles of the departure airport. According to this proposal, all sightseeing flights would have to be conducted under FAR 121 or 135.

The FAA believes that flights under Part 135 would be safer than flights under Part 91. The FAA states:

"The requirements of Part 121 and 135 are stricter than those of Part 91. Parts 121 and 135 contain requirements for aircraft equipment performance and maintenance, crewmember training, crewmember fight and duty time limitations and rest requirements, reporting and recordkeep-ing and flight locating." (Page 60573, column 2A.)

However, the FAA's own statistics belie the FAA's assertion of increased safety. On page 60573, column 2B, that FAA notes that there were 53 accidents and 72 fatalities under Part 135 operations between 1993 and 2000. However, there were only 38 fatalities by Part 91 opera-tors. Obviously the "stricter requirements" of Part 135 still allowed for almost twice as many fatalities as Part 91 commercial air tours.

To bolster the FAA's argument for the need for more stringent sightseeing regulations, the NPRM cites 12 very tragic accidents on pages 60573 and 60574. It's interesting to note that 7 of the 12 acci-dents involved helicopters, and 9 of the 12 accidents were in the Ha-waii Islands. It's apparent that the extraordinary demands of flying a helicopter, coupled with the wind and changing weather conditions in Hawaii are quite possibly unique hazards. This does not justify chang-ing sightseeing regulations that will affect thousands of commercial pilots throughout the rest of the United States.

Furthermore, as least two of the accidents were flights conducted under Part 135. (The accidents at Volcanoes National Park and Niagara Falls were under Part 91. The FAA does not specify whether the other eight accidents were Part 135 or Part 91 operations.) In addition, seven of the deaths resulted from a lack of life vests (the accidents at Volcanoes National Park, and the island of Kauai.) Furthermore, fa-talities resulting from at least seven of the accidents were largely caused by poor judgment, including both accidents by Part 135 pilots. Simply increasing flight time has never been a guarantee of good judg-ment, as seen by the accidents involving airline pilots with thousands of hours of flight experience.

ACCIDENTS ADDRESSED BY THE FAA IN THE NPRM

Here is a summary of the accidents which involved poor judgment:

1. Waipio Valley: flight up an enclosed canyon (by a Part 135 pilot.)

2. Maui: flight into terrain. The pilot failed to monitor his route of flight and got lost. The pilot had falsified his employment history (another Part 135 pilot.)

3. Volcanoes National Park: failure to provide life vests.

4. Molokai: the pilot allowed rotor RPM to decay while hovering only 50 feet above the water.

5. Alaska: failure to provide life vests.

6. Iao Valley: flight into terrain in poor visibility

7. Waialeale Canyon: flight into terrain in poor visibility.

Interestingly, the accident at Waialeale Canyon occurred only six miles from the departure airport, indicating that even the arbitrary 25-mile rule doesn't guarantee a safe flight. The FAA doesn't specify the distance of the other accidents from the departure airport.

I contend that there is nothing in these accidents that warrants a drastic change to the present sightseeing rules. Forcing a pilot to conduct sightseeing flights under Part 135 will not guarantee good judgment. I agree that flying higher above the ocean and wearing life vests can save lives. However, the FAA can easily require Part 91 pi-lots adhere to these precautions. In fact, there is already a require-ment under FAR 91.509 that all occupants be provided with life vests.

THE FAA'S COST ANALYSIS OF IMPLEMENTING NEW SIGHTSEEING RULES

Starting on page 60582 the FAA analyzes the cost of implementing the NPRM. I contend that the FAA has no way of projecting what the costs will be to sightseeing operators over the next ten years. Even Congress is not able to estimate the national budget from one year to the next. The FAA admits that its projections are pure speculation. Time and again the FAA "estimates" the number of operators that the rule will impact and the costs. Here are a few quotes:

1. "...this analysis estimates that one or more provisions of the proposed rule could affect approximately 2,100 operators and 4,400 air-craft." (Page 60582, column 1A)

2. "The proposed rule is estimated to cost approximately $238 mil-lion ($148 million, discounted) over ten years." (Page 60582, column 2A)

3. "The FAA expects that Part 91 sightseeing operators would take one of three options following issuance of the rule..." (Page 60582, column 2A)

4. "The FAA estimates there are a total of 1,670 operators who con-duct operations under Part 91..." (Page 60582, column 2B)

5. "Approximately 41 percent of these operators conduct air tours less than 10 hours a year." (Page 60582, column 2C)

6. "Based on these cost categories, the FAA estimates that affected Part 91 entities would incur approximately $137 million ($85 million, discounted) in certification related costs over a ten-year period." (Page 60582, column 2C)

7. "The FAA estimates that the following Part 136 provisions added by this proposal would impose costs on commercial air tour operators... The costs would be approximately $74.5 million..." (Page 60582, column 3A)

8. "Assuming that about 25 percent of commercial air tour helicop-ters, or 112 helicopters, would be affected by these provisions..." (Page 60582, column 3C0

9. "The FAA estimates that incremental costs associated with this provision [passenger briefings] would total approximately $1.5 million ($900,000, discounted) over ten years" (Page 60583, column 1C)

There are a dozen other "estimates," "approximates," "beliefs," and suppositions on pages 60583, 60584, and 60585. The FAA gives abso-lutely no supporting data for its suppositions. For example, on page 60583, column 2B, the FAA "estimates that restricting the 25-mile ex-ception under Part 119.1(e)(2) could produce benefits of $48 million ($30 million, discounted) over ten years."

Where is the data to support this statement? Where is the re-search? The FAA simply throws around numerical figures with no sup-porting documentation whatsoever. The FAA even admits as much. See page 60585, column 2A, in which the FAA, itself, states, "The FAA lacks re-liable revenue and profit data for many of the entities affected by this rule and, therefore, is unable to explicitly compare potential costs imposed to revenue or profits."

This is the financial understatement of the year. Here's the rea-son why. There are over 120,000 active commercial pilots in the United States, plus another 140,000 ATP rated pilots. Any one of these pilots may give a sightseeing flight within 25 miles without any notification to the FAA whatsoever. So how does the FAA have any possible clue as to how much sightseeing income is earned by these pilots?

One thing is for certain, the vast majority of these Part 91 pi-lots will not continue sightseeing flights if they are forced to do so under the complicated and onerous Part 135 regulations. The FAA esti-mates on page 60585, column 2B, that only 700 Part 91 pilots will stop "providing the service." How can anyone possibly know how many pilots will stop providing sightseeing flights? Only 700 pilots out of 260,000 commercial and ATP pilots looks like a ridiculously low esti-mate to me. Did the FAA survey all 120,000 commercial pilots to find out how many would or would not apply for Part 135 certification? Did the FAA interview even the nation's flight instructors to see how many of them would quit giving sightseeing flights if Part 119.1(e)(2) is modified? On page 60583, column 2A, the FAA candidly admits that it has no idea what the lost sightseeing revenue would be as a result of the changes proposed by the NPRM. I quote: "The FAA is unable to provide a quantitative estimate of these losses." What could be plainer than that statement?

Although the FAA does not presume to estimate the lost revenue to sightseeing operations, the FAA does estimate the number of lost

sight-seeing hours: "Assuming one-hour tours, there would be approximately 46,000 fewer air tours available to the public..." Forty-six thousand air tours! That's an astronomical number. Not only is the public de-prived of the enjoyment of sightseeing from the air, that's 46,000 hours less flying enjoyment and income for commercial pilots. Forty-six thousand hours times a minimum of $100 dollars per hour comes to $46 million dollars!

That's a $46,000,000 loss to aviation, which is already suffering from the worse economic turndown in history---10,000 furloughed airline pilots, airport closures, outrageous insurance costs, increased liabil-ity lawsuits, expensive Homeland Security directives, daily Temporary Flight Restrictions (TFRs) which restrict air operations, aircraft banned from banner towing over sports stadiums, aircraft banned from overhead Disneyland, and innumerable aircraft restricted from flying in the Washington, D.C. area.

On page 60584, column 2A, the FAA admits that the costs resulting from the changes proposed in the NPRM are considerable: "The FAA con-ducted the required review of this proposal and determined that it would have a significant economic impact on a substantial number of small entities."

Why in the world would the FAA want to compound the many obsta-cles facing aviation today by implementing a costly proposal that has not been definitively shown to enhance safety?

THE HIDDEN NEGATIVE IMPACT OF THE NPRM WHICH THE FAA HAS FAILED TO CONSIDER

On page 60584, column 2B, the NPRM reads: "The FAA requests com-ments on how the dollar value to consumers of the lesser availability of air tours should be estimated in the final rule" I commend the FAA for being open-minded enough to accept public input of the costs asso-ciated with the NPRM. Hopefully, this is the FAA's true attitude, and not just words. I shall therefore accept the FAA's request for com-ments, and will now put forth what will be the greatest negative impact of the NPRM--one which the FAA has not even considered.

What the FAA has failed to consider is this: not only will the change in sightseeing rules drive many small Part 91 air tour opera-tions out of business, it will also greatly reduce the number of stu-dents who seek to become commercial pilots.

Here is a perfect illustration of what the result of this regula-tion will be:

When I became a flight instructor in the 1970s it was possible for a student to obtain his private, commercial, and even his flight instructor certificate by training entirely in a Cessna 150. In those days a commercial pilot, and even a CFI, did not need an instrument rating, or "complex aircraft" experience. Today, a commercial pilot applicant must have ten hours of complex aircraft flight time (gear, flaps, and controllable propeller) under FAR 61.129(a)(3)(ii,) and he must also have an instrument rating, which requires a minimum of 40 hours of "hood" time.

My question is, "Why did the FAA change the requirements?" When the FAA proposed the change (in the early 1980s, as I recall) the FAA provided absolutely no statistics or evidence that CFIs were having ac-cidents because they didn't have an instrument rating. At that time there were hundreds of CFIs who specialized in teaching aerobatics or "tail dragger" transitions, all in VFR conditions. The famous female instructor Amelia Reid is a perfect example. Many CFIs accumulated thousands of hours of flight time, teaching primary training or aero-batics who never went near a cloud. Therefore, they didn't need an in-strument rating.

The same was true for commercial pilots. I personally instructed scores of students who became commercial pilots without complex flight time or instrument ratings. These pilots flew banner tows, gave sight-seeing flights, took photographs, flew pipeline patrol, counted wild-life for the Forestry Department, flew for the Border Patrol, and flew in motion pictures and hauled cargo---all without an instrument rating. They flew in VFR conditions and not one of these students ever had an accident in the Cessna 150s and Piper 140s that they flew commercially.

Here's what happened when the "complex aircraft" requirement went into effect. I had a student, Bill, who owned a Cessna 172. He was a private pilot with over a thousand hours of flight time. One day I sug-gested that he study for his commercial certificate so that he could recoup some of his aircraft expenses by giving occasional sightseeing flights. Since Bill had so much flight time he was an excellent stu-dent, but his business commitments prevented him from taking his prac-tical test before the new "complex" regulation went into effect.

Bill discovered, too late, that he would have to rent a retract-able-gear Bonanza for ten hours at $100 an hour in order to satisfy the new complex requirement. That's a thousand dollars of "drilling around in the sky in a Bonanza" (as he put it) so that he could

thereafter fly his own non-retractable Cessna 172 commercially. So what did Bill do? He quit taking commercial lessons! I therefore lost a commercial stu-dent, and the sightseeing public lost the opportunity to fly with a safe, competent pilot at a reasonable air tour rate.

It was not only Bill whom I lost as a commercial pilot. I lost dozens of other commercial students. It was expensive enough to rent a Cessna 150, let alone a retractable gear Bonanza. Furthermore, to make matters worse, the FAA later determined that an applicant would have to take his practical test in a complex airplane! Simply logging 10 hours of complex flight time was not sufficient. So there went the remainder of my commercial students who had tentatively decided to bite the bul-let and accumulate 10 hours of complex flight time, even though they never intended to fly a complex airplane commercially.

This same scenario happened to flight instructors all across the country. However, when the FAA "estimated" the cost to the aviation community of implementing the "complex aircraft" requirement the FAA never considered the loss of revenue to flight instructors and flight schools that occurred because so many commercial students abandoned their commercial aspirations. The FAA only estimated what the increased cost would be for commercial students who continued with their train-ing.

It was not only CFIs and flight schools which lost revenue. It was also all the entities which support aviation. There were less stu-dents, so there were less airplanes sold. Less airplanes meant less me-chanics were needed. Less insurance was sold, so the insurance industry suffered. Fewer Gleim and ASA flight test guides were sold. Sporty's Pilot Catalog shipped fewer items. The list goes on and on.

So what does this story have to do with the Air Tours NPRM? Sim-ply this: this NPRM will be another nail in the commercial coffin. Unless a pilot is determined to be a professional CFI or an airline pi-lot, what incentive does he have to advance from private to commercial? Under this NPRM he won't even be able to conduct a simple 25-mile sightseeing flight unless he undergoes all the procedures to become a Part 135 pilot.

As a Part 135 Chief Pilot and Check Airman in the 1980s, I can personally vouch for the extensive and onerous requirements to partici-pate in a Part 135 operation. It's even worse today than in the 1980s, and it was bad enough then. Now there's even random drug testing in place, under FAR 135.251.

Am I over-exaggerating the seriousness of the "drop out" problem? Let's take a look at the statistics. When I was instructing in the 1970s there were approximately 850,000 active pilots. Today, 30 years later, there are less than 630,000 pilots. And the U.S. population has doubled.

Why are there less pilots? Some of the reasons include the higher cost of airplanes, fuel, insurance, and tie-downs, airport clo-sures, liability concerns, and a weak economy. But I submit that the single greatest reason for the drastic decrease in the number of pilots is the proliferation of FAA regulations.

It takes more time and effort for a student to become a private pilot today than it did to become a commercial pilot in 1975. There are tail dragger endorsements, high performance endorsements, complex en-dorsements, biennial flight reviews, Class A, B, C, and D airspace, TRSAs, TFRs, Practical Test Standards, computerized knowledge exams, Minimum Equipment Lists, GPS, transponders, ATC procedures...ad infini-tum.

On top of all this, the FAA now proposes to eliminate Part 91 sightseeing. In my opinion, instead of eliminating the 25-mile Part 91 sightseeing provision, the FAA should increase the allowable mileage to 50 miles, which is exactly what it originally was in the 1970s and 1980s.

Aviation needs simplification and revitalization, not more regu-lation. Especially when it cannot be shown that the added regulations will actually enhance safety. A quick look at the Bureau of Transporta-tion Statistics will reveal the sad decline in pilots from 1991 to 2000 (see the table at http://www.bts.gov/publications/transportation_indicators/october_2001/Mobility/csv/US_Active_Pilots.csv.)

PILOT CATEGORY 1991 2000

Student 120,203 93,064

Private 293,306 251,561

Commercial 143,365 121,858

ATP 112,167 141,596

Rotorcraft 9,860 7,775

Glider 8,033 9,387

Total: 686,934 625,241

Notice that ATP increased due to the deregulation of the airlines. Glider increased because the regulations are still relatively simple for glider training. In fact, the FAA promoted glider flying by chang-ing the licensing requirements in 1997. See FAR 61.31(j).

THE AIR TOUR NPRM PROPOSES AN INCREASE IN FLIGHT EXPERIENCE FOR PRIVATE PILOTS CONDUCTING SIGHTSEEING FLIGHTS FOR CHARITY

The FAA proposes to amend FAR 61.113 to require private pilots to have 500 hours of flight time, instead of 200 hours, in order to fly sightseeing flights on behalf of a qualified charity.

I oppose this change.

Why does the FAA feel that this change is necessary? Has there been a rash of charity air tour accidents? If so, were the accidents caused because the pilots only had 200 hours of flight time? Why must a pilot have 500 hours, which is twice the flight time to get a commer-cial certificate?

In the NPRM the FAA gives no examples of charity air tour acci-dents, nor any statistics to show that a 500-hour pilot flying for charity would be safer than a 200-hour pilot. The only rationale for the change is given by the FAA on page 60578, column 2A: "A higher safety standard of 500 hours of flight time for private pilots is pro-posed for charitable and community events because these events typi-cally involve a larger number of passengers, are held over a period of one to three days, and are generally a pleasure activity for the pas-senger."

My response to this entire statement is "so what?" So the chari-table air tour passenger is flying for pleasure. Why does he require a 500-hour pilot, when the passenger being medically evacuated only needs a 200-hour pilot under FAR 61.113(d)(1)? If anything, I'd think that the medivac pilot would have to be more experienced than the pleasure pilot, since he must speed his patient to medical care. Once again, it appears that the FAA is simply pulling ideas out of nowhere, and pro-posing a regulation which will have a severe impact on charities.

CONCLUSION

1. I OPPOSE the elimination of the 25-mile sightseeing tour for com-mercial pilots under Part 91. In fact, I encourage the FAA to increase the 25-mile limit to 50 miles, as it originally was in 1980.

In the alternative, I propose that the FAA at least maintain the 25-mile rule for Part 91 operations, and issue a "Letter of Authority" to commercial pilots to conduct sightseeing flights who have undergone additional training specifically in regards to air tours (such as re-cord keeping, passenger briefings, filing a flight plan, etc.) (See page 60575, column 2C, for a discussion of Letters of Authority.)

2. I OPPOSE an increase in flight time from 200 hours to 500 hours for private pilots who fly for charity.

3. I DO NOT OPPOSE the adoption of minimum altitudes, standoff dis-tance, visibility and cloud clearance for sightseeing tours.

4. I FAVOR the requirement that passengers wear life vests when a sightseeing tour operates over water.

Respectfully Submitted,

Jon Thornburgh Airline Transport Pilot, Certified Flight Instructor (Gold Seal) E-mail: JonThornburgh@pocketmail.com Telephone:

800-971-8710

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1271)

Date: 02/27/04 02:14 PM
Author: Jack Kenton (no profile)
Subject: regulating because you can

I've seen the FAA go to excess in order to "improve safety." Unfortunately, added regulation does not always relate to improved safety. In the discussion of the proposed rule, the FAA has quoted many sightseeing accidents in Hawaii -- most of them in helicopters. As the NPRM states, rules have already been put in place there and we still have accidents. Also, the Grand Canyon Nat'l Part, Part 93 sightseeing that is mentioned, it has had more accidents than any operations in PA or FL. It would seem to me to show that simply having more rules doesn't prevent accidents.

I agree with the proposal for life vests (we did that in the Navy). Also the requirement of a procedure that includes a proper pretakeoff briefing -- these are clear steps that should be taken. And the proposal to have the activation switch (for flotation devices on 'copters) on the cyclic or collective seems to be something that the Airworthiness folks can do by an emergency ruling.

Economically, the NPRM proposal will drive many people out of the business of doing sightseeing flights. Of course, I've never know that to upset the FAA, the Grand Canyon rule change had such an affect and now it is over and done with. I think that the rule on the 25 NM sightseeing that used to be a Part 91 rule (and I now see that it is in Part 119) should be left as it is. One of the big things that was done in the days when the ACDO's, GADO's, and then FSDO inspectors were out "surveilling" the industry, was often to do no more than hint -- at how a practice would be frowned on by one's insurance company -- to obtain the practices and compliance that was wanted. I think that the insurance industry is still the greatest tool that is there for the safety program that you want. And this would be accomplished without the "heavy hand of FAA regulation."

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1014)

Date: 02/27/04 02:33 PM
Author: Arlen L Johnson (no profile)
Subject: Fear of NOT flying

I am not a tour operator, just a private pilot who loves flying my Robinson R22 for fun. Although the proposed regulations would not affect me directly and immediately, I'm concerned about the regulatory tendency of the FAA and the incremental creep of regulations. A little bit today, a little more tomorrow and pretty soon I'm not flying anymore due to regulations. I don't know anything about the specifics of this particular proposed rule; but based on the responses opposing the rule, it looks like political pressure, not facts and good data, is driving this.

I agree with all of the responses opposing the proposed rule - I think Mr. Fred Stadler did a particularly good job of expressing my sentiments with his words. I also agree with Mr. Robert B. Mincer that all the responses indicate a high level of professionalism and insightfulness about their aviation careers. I envy their ability to express so eloquently their concern and emotion about this issue.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1019)

Date: 02/27/04 06:54 PM
Author: Anton Paul Hajek III (no profile)
Subject: NPRM 4521 necessary?

There doesn't seem to be a particular necessity for this NPRM 4521 other than to have a bit more government. Taking folks for short flight is relatively safe and fun.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1042)

Date: 03/04/04 11:25 AM
Author: Paul Belzer (no profile)
Subject: RE: NPRM 4521 necessary?

the proposal should be stopped. I am in favor of continuation of charity and local flights, and believe that the current requirements of certificated pilots provides for safe operations. I believe the proposal will ground many vintage aircraft and this will be a true loss for everybody.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1426)

Date: 02/27/04 08:10 PM
Author: Pat (no profile)
Subject: pleasure flights

I would just like to add my objections to the proposed 'tightening' of the regulations regarding pleasure/sightseeing flights. Many excellent points have already been made. However, i would like to add my own comments. If this is about safety why do we bother having regulations regarding experience requirements for the issue of commercial licenses, if we are then going to insist on a whole new raft of regulations after the fact. I would be very interested to know if there is a crop of accidents involving pleasure/sightseeing flights? Could the FAA respond to this? If this is the case i could very well be persuaded that it might be a good idea. However if this is the case. To realistically look at ways of improving safety it would be necessary to identify the underlying factors involved in any accidents. I would argue that further training would be a more prudent step than a blanket ban (Which is effectively the result of insiting that all operators fly on 135 or 121 as this amounts to the end of all such flights by means rendering them commercially unviable).
Further is there a safety problem with part 91 operations? If this is the case why are there not new regulations regarding all part 91 ops?
Further if this is , as i suspect, more about security than safety. I fail to see how moving these flights under the 'umbrella' of part 135 or 121 is going to improve security. I look forward to any comments

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1046)

Date: 02/29/04 02:32 AM
Author: Eric Gourley (no profile)
Subject: Proposal

What options are there for the word proposal?

1)Review, discuss, and modify 2)Accept 3)Drop 4)Table

As I and AOPA read this forum, it appears that the FAA expects to give lip service to any responses and adopt the proposal with few if any modifications. Their agenda is obviously 1 and 2. They can claim they did everything and more than required to satisfy statute. Even though the preponderance of responses are unanimously opposed to the FAA's proposed NPRM, they will argue that they met and exceeded the requirements of proposing an NPRM.

Then again, a proposal could also be dropped. That's a hard one to swallow if the author(s) of the proposal assumed the new regulations would be adopted without any question. I'm not even sure it's subterfuge. Once the FAA begins writing a proposal, it becomes so volimnous and complex that the average pilot doesn't have the time or inclination to respond. At a higher level, bills in Congress often overwhelm the voters with so many pages of flack that the forest cannot be seen through the trees.

The NPRM strategy of the FAA on this issue is to funnel ignorant pilots into responding only to the agenda the FAA has set. A trap? A good way to manipulate the masses the direction they want them to go? Great for steps 1 and 2. But what about the discussion part? What if the responders overwhelmingly opposes the FAA/NTSB proposal?

How democratic is this? Even though the preponderance of responses indicate that the NPRM should be dropped and left to the current and quite adequate Part 91 regs, should the FAA be permitted to adopt an NPRM only because they technically followed protocol? Having read the responses, I have yet to find even one in support of the NPRM. I do find a few who have fallen into the trap of attempting to respond to the details the FAA has proposed. This is a grievous error on their part, for that fulfills the strategy of the FAA. It assumes scenic rides fit the absurd criteria the FAA is proposing when the proposal is not justifiable or founded by any Part 91 data.

The FAA would prefer that scenic operators address and react to only its agenda. This is a fundamental strategy of bureaucratic agencies. It precludes operating outside the box and looking at the big picture. The big picture is not as bleak as the FAA would cause us to believe. In fact, it is not supported by factual evidence. It is a proposal simplistically contrived by the FAA to placate the NTSB without any foundation whatsoever.

So, heaven forbid, the FAA would consider that options 3 and 4 are also possible outcomes of a "proposal." If they don't, then how can they read the responses and go home and sleep with a clear conscience?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1112)

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Date: 02/29/04 12:30 PM
Author: Robert B Mincer
Subject: RE: Proposal

Well said, Eric

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1123)

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Date: 02/29/04 08:04 PM
Author: Peter Van Staagen (no profile)
Subject: Look like and Airline?

To me the statement "you look like an airline" is ludicrous. I don't beleive that there are many, if any airlines that take you from one place and return you to that place during the same flight unless there has been a major problem. I can not imagine a single person really thinking that they are getting on an airline when they are signing up for a ride on a biplane. Forcing Part 91 operations to operate under part 135 rules is an unjustifiable act of government over-regulation. If trends like this continue people won't be able to shave in the morning for fear that they might slit there own throat. We don't need more goverment intervention to protect us from ourselves, there is already sufficient regulation in place.

Peter Van Staagen

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1137)

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Date: 02/29/04 10:15 PM
Author: Stephen Giraud (no profile)
Subject: People aren't being hurt, don't try to protect them.

It looks to me like your arguments to justify the proposed regulations are just that: justifications for something you have already decided to do. I hope that the numerous comments posted here are read carefully and the realization hits home that the respondents are right, you don't need these regulations at all! Let the few flights a year operate, they aren't hurting anyone.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1153)

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Date: 03/01/04 09:06 AM
Edited: 03/01/04 09:25 AM
Author: steven morris (no profile)
Subject: Just my .02

I normally do not wast my time responding to requests for information from the 'beaurocracy' as in most cases the decision has already been made and this 'request' is merely a formality so they can tell the American public they sought their input. Having said that and considering the importance to my livlihood I believe Shakespeare said it best with those famous words "Much ado about nothing." Before any solution can be arrived at there must be a clear and defined problem. The government has stated they want to increase safety for the flying public who take photoflights, sightseeing and intro flights using non-135 businesses / operations. Armed with no real time data and with the mere reference to several situations this now becomes justification to save us all from this vague and ill defined problem. Furthermore, a few exceptional cases are cited as the reason why EVERY business should now be mandated to comply with regulations that will certainly put us all out of business. While the impression is given that part 135 operations will solve this 'problem' it must be noted that part 135 operations are not guarantees of ultimate safety and are not immune to mishaps and fatalities. I would also add that no matter how consciencious and thorough one is these are machines, things break and sometimes people get hurt. This is why the word accident was created. Instead of

painting EVERY operator/business as being "BAD" and in need of correction I would suggest each operator should be treated on an individual basis using the current regulations. Should an organization (no matter if it involves rotorcraft, bi-plane, vintage war plane or balloon, etc.) begin having an inordinate number of problems or at worse a fatality, then the FAA has a duty to investigate and offer suggestions (changes in maintenance, refresher updates with the pilot(s), or a temporary time period where certain information will be presented to the FAA/NTSB to show they are improving their operation and rectifying their problems. If after a certain time period there is no improvement then the operator will be subjected to a higher level of administrative action. In contrast, I do not believe if one major airline was having internal organizational problems (not mechanical/parts problems) that caused problems or even fatalities the FAA would then SHUT DOWN or propose regulations for ALL of them to comply with nor do I believe the airlines would stand idly by with regulations that would ultimately cost more $$$ to comply with thereby reducing their profits. I firmly believe given the number of operators out there and given the extremely small number of incidents, this illustrates the consciencious effort these people are making, doing everything in their power to insure the safety of their patrons - their livlihood - their customers today and for tomorrow. Additionally, the general aviation community is just now recovering from the post 9/11 tradgedy and given the estimates of the number of businesses that would now be out of business is this really the path government should be taking? For a moment, think about the total losses that this proposed rulmaking will cause. First is the amount of taxes lost - gas, property, sales and income. As most work out of small airfields our business is a major part in keeping it open and if we go so will they. Next is the loss in jobs. The pilots, A&P's, linecrew, secretaries and everyone associated will now become unemployed and for who knows how long. Lastly is the loss of the thrill of flying that we as pilots ENJOY and try to share with anyone that will go up with us. This too will be gone - WHY??? In conclusion, I believe the FAA is rushing forward to 'fix' a problem that does not truly exist with legislation that will do far more damage and ultimately do more harm to the aviation community. Rather, the facts, figures and true history should be placed in perspective to the overall picture and be analyzed. Should this 'real' evidence someday indicate a problem exists then current regulations can be modified to address them. These modifications would be made applicable only to those operators that are causing the problem or are in need of FAA 'guidance'. Those operators who are conducting their businesses by the rules and making every effort to be safe will continue to operate under the current regulations and be exempted from the modified rulemaking and will continue to make a living by serving the public. In essence this results in a WIN - WIN - WIN for everyone.....

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1174)

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Date: 03/01/04 12:56 PM
Author: Ernie G. Arredondo (no profile)
Subject: RE: Just my .02

As I understand it, Airlines carrie people from point A to point B. Tour rides are usually from point A to point A. Are the FAA buracrats that naive? On airlines you pay for the distance, on joy rides you contribute for the joy of flying.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1190)

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Date: 03/01/04 02:09 PM
Edited: 03/01/04 02:14 PM
Author: Joe D. Yancey (no profile)
Subject: Don't mess with history, no one is being hurt here

In perservation of history, some people say that Pearl Harbor never happened, some people say that Hitler never did the horrors that he did. Keeping history around such as the old WWII and earlier aircraft and understanding what people had to go through to win these wars, with the equipment available at the time is worth perserving. Having this equipment around and still functional for people to see, touch and feel, also to ride in, without history there is no future. The small contributions that are being paid to museums for such efforts is a big tribute to keeping museums open for everyday public viewing and to maintain these aircraft in the conditions they are in today. The FAA has more important things to do than spend time worrying about who got a ride in a antique airplane and if they paid to ride in it or not, this does not make them a airline. The FAA is a organization to keep public massive transportation safe for public travel.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1193)

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Date: 03/01/04 03:09 PM
Author: Rick Pellicciotti (no profile)
Subject: virtual meeting as a part of the record

Will a complete record of the posts in this virtual meeting become part of the docket on the NPRM?

I suggest that each person that posts a message to this virtual meeting include a request that their post be considered as a comment on the NPRM and entered into the docket.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1200)

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Date: 03/02/04 11:34 AM
Author: William E. Walker (no profile)
Subject: my comment

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1264)

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Date: 03/02/04 11:53 AM
Author: Brian Battuello (no profile)
Subject: Simple fun

I strongly oppose addition regulation of small plane tour operations.

My wife and I like to travel, and we particularly enjoy finding small tour operations at local airports or seaplane bases. If we are staying in an area, it means a lot to us to take a short tour with a local pilot, who often grew up in the area, and provides a great overview (literally) of the countryside, including local geology and history.

We have no illusions that the 20 year old 182 at a small airport is the same as an American Airlines 777. But we are happy to put our trust in the pilot and loving owner of the plane in return for the experience of seeing the area through his or her eyes.

A few people in Washington, for reasons we can only guess, want to take this long-time pleasure away. I only hope that an outpouring of support for small aviation can keep this from happening.

Thanks!

Brian Battuello & Frances Ross

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1265)

Date: 03/02/04 01:15 PM
Author: JonThornburgh (no profile)
Subject: This NPRM Will Seriously Harm General Aviation

This NPRM can be broken down into four major aspects:

1. The elimination of commercial pilots flying under FAR Part 91 to conduct "sightseeing" flights within the 25 miles presently allowed under FAR 119.1(e)(2);

2. A change in the number of hours of flight time for a private pi-lot to conduct a sightseeing flight for a charitable cause,

3. A change in minimum altitude and cloud clearance for flight op-erations,

4. A requirement that passengers wear a life preserver for flights over water.

In addition to the four main aspects of the NPRM noted above there are other relatively minor proposals such as a requirement for passenger briefings, a "helicopter performance plan," and helicopter operation within the height/velocity diagram at all times.

In reference to items 3 and 4 listed above (minimum altitude, cloud clearance, life preserver) and the other minor proposals, I have no objection.

However, I see no reason for a change in flight time from 200 hours to 500 hours for charitable flights. (Item 2 above.)

I STRONGLY OBJECT to the elimination of the 25-mile sightseeing rule presently available under today's rules. (Item 1 above.)

ARE PART 135 SIGHTSEEING FLIGHTS REALLY SAFER THAN PART 91 SIGHTSEEING FLIGHTS?

The FAA claims that the changes proposed by this NPRM will in-crease the safety of sightseeing tours and decrease the number of accidents. The FAA proposes to eliminate the provision granted under FAR 119.1(e)(2) that allows commercial pilots, under FAR Part 91, to give sightseeing flights within 25 miles of the departure airport. According to this proposal, all sightseeing flights would have to be conducted under FAR 121 or 135.

The FAA believes that flights under Part 135 would be safer than flights under Part 91. The FAA states:

"The requirements of Part 121 and 135 are stricter than those of Part 91. Parts 121 and 135 contain requirements for aircraft equipment performance and maintenance, crewmember training, crewmember fight and duty time limitations and rest requirements, reporting and recordkeep-ing and flight locating." (Page 60573, column 2A.)

However, the FAA's own statistics belie the FAA's assertion of increased safety. On page 60573, column 2B, that FAA notes that there were 53 accidents and 72 fatalities under Part 135 operations between 1993 and 2000. However, there were only 38 fatalities by Part 91 opera-tors. Obviously the "stricter requirements" of Part 135 still allowed for almost twice as many fatalities as Part 91 commercial air tours.

To bolster the FAA's argument for the need for more stringent sightseeing regulations, the NPRM cites 12 very tragic accidents on pages 60573 and 60574. It's interesting to note that 7 of the 12 acci-dents involved helicopters, and 9 of the 12 accidents were in the Ha-waii Islands. It's apparent that the extraordinary demands of flying a helicopter, coupled with the wind and changing weather conditions in Hawaii are quite possibly unique hazards. This does not justify chang-ing sightseeing regulations that will affect thousands of commercial pilots throughout the rest of the United States.

Furthermore, as least two of the accidents were flights conducted under Part 135. (The accidents at Volcanoes National Park and Niagara Falls were under Part 91. The FAA does not specify whether the other eight accidents were Part 135 or Part 91 operations.) In addition, seven

of the deaths resulted from a lack of life vests (the accidents at Volcanoes National Park, and the island of Kauai.) Furthermore, fa-talities resulting from at least seven of the accidents were largely caused by poor judgment, including both accidents by Part 135 pilots. Simply increasing flight time has never been a guarantee of good judg-ment, as seen by the accidents involving airline pilots with thousands of hours of flight experience.

ACCIDENTS ADDRESSED BY THE FAA IN THE NPRM

Here is a summary of the accidents which involved poor judgment:

1. Waipio Valley: flight up an enclosed canyon (by a Part 135 pilot.)

2. Maui: flight into terrain. The pilot failed to monitor his route of flight and got lost. The pilot had falsified his employment history (another Part 135 pilot.)

3. Volcanoes National Park: failure to provide life vests.

4. Molokai: the pilot allowed rotor RPM to decay while hovering only 50 feet above the water.

5. Alaska: failure to provide life vests.

6. Iao Valley: flight into terrain in poor visibility

7. Waialeale Canyon: flight into terrain in poor visibility.

Interestingly, the accident at Waialeale Canyon occurred only six miles from the departure airport, indicating that even the arbitrary 25-mile rule doesn't guarantee a safe flight. The FAA doesn't specify the distance of the other accidents from the departure airport.

I contend that there is nothing in these accidents that warrants a drastic change to the present sightseeing rules. Forcing a pilot to conduct sightseeing flights under Part 135 will not guarantee good judgment. I agree that flying higher above the ocean and wearing life vests can save lives. However, the FAA can easily require Part 91 pi-lots adhere to these precautions. In fact, there is already a require-ment under FAR 91.509 that all occupants be provided with life vests.

THE FAA'S COST ANALYSIS OF IMPLEMENTING NEW SIGHTSEEING RULES

Starting on page 60582 the FAA analyzes the cost of implementing the NPRM. I contend that the FAA has no way of projecting what the costs will be to sightseeing operators over the next ten years. Even Congress is not able to estimate the national budget from one year to the next. The FAA admits that its projections are pure speculation. Time and again the FAA "estimates" the number of operators that the rule will impact and the costs. Here are a few quotes:

1. "...this analysis estimates that one or more provisions of the proposed rule could affect approximately 2,100 operators and 4,400 air-craft." (Page 60582, column 1A)

2. "The proposed rule is estimated to cost approximately $238 mil-lion ($148 million, discounted) over ten years." (Page 60582, column 2A)

3. "The FAA expects that Part 91 sightseeing operators would take one of three options following issuance of the rule..." (Page 60582, column 2A)

4. "The FAA estimates there are a total of 1,670 operators who con-duct operations under Part 91..." (Page 60582, column 2B)

5. "Approximately 41 percent of these operators conduct air tours less than 10 hours a year." (Page 60582, column 2C)

6. "Based on these cost categories, the FAA estimates that affected Part 91 entities would incur approximately $137 million ($85 million, discounted) in certification related costs over a ten-year period." (Page 60582, column 2C)

7. "The FAA estimates that the following Part 136 provisions added by this proposal would impose costs on commercial air tour operators...

The costs would be approximately $74.5 million..." (Page 60582, column 3A)

8. "Assuming that about 25 percent of commercial air tour helicop-ters, or 112 helicopters, would be affected by these provisions..." (Page 60582, column 3C0

9. "The FAA estimates that incremental costs associated with this provision [passenger briefings] would total approximately $1.5 million ($900,000, discounted) over ten years" (Page 60583, column 1C)

There are a dozen other "estimates," "approximates," "beliefs," and suppositions on pages 60583, 60584, and 60585. The FAA gives absolutely no supporting data for its suppositions. For example, on page 60583, column 2B, the FAA "estimates that restricting the 25-mile exception under Part 119.1(e)(2) could produce benefits of $48 million ($30 million, discounted) over ten years."

Where is the data to support this statement? Where is the re-search? The FAA simply throws around numerical figures with no sup-porting documentation whatsoever. The FAA even admits as much. See page 60585, column 2A, in which the FAA, itself, states, "The FAA lacks reliable revenue and profit data for many of the entities affected by this rule and, therefore, is unable to explicitly compare potential costs imposed to revenue or profits."

This is the financial understatement of the year. Here's the rea-son why. There are over 120,000 active commercial pilots in the United States, plus another 140,000 ATP rated pilots. Any one of these pilots may give a sightseeing flight within 25 miles without any notification to the FAA whatsoever. So how does the FAA have any possible clue as to how much sightseeing income is earned by these pilots?

One thing is for certain, the vast majority of these Part 91 pi-lots will not continue sightseeing flights if they are forced to do so under the complicated and onerous Part 135 regulations. The FAA esti-mates on page 60585, column 2B, that only 700 Part 91 pilots will stop "providing the service." How can anyone possibly know how many pilots will stop providing sightseeing flights? Only 700 pilots out of 260,000 commercial and ATP pilots looks like a ridiculously low esti-mate to me. Did the FAA survey all 120,000 commercial pilots to find out how many would or would not apply for Part 135 certification? Did the FAA interview even the nation's flight instructors to see how many of them would quit giving sightseeing flights if Part 119.1(e)(2) is modified? On page 60583, column 2A, the FAA candidly admits that it has no idea what the lost sightseeing revenue would be as a result of the changes proposed by the NPRM. I quote: "The FAA is unable to provide a quantitative estimate of these losses." What could be plainer than that statement?

Although the FAA does not presume to estimate the lost revenue to sightseeing operations, the FAA does estimate the number of lost sightseeing hours: "Assuming one-hour tours, there would be approximately 46,000 fewer air tours available to the public..." Forty-six thousand air tours! That's an astronomical number. Not only is the public de-prived of the enjoyment of sightseeing from the air, that's 46,000 hours less flying enjoyment and income for commercial pilots. Forty-six thousand hours times a minimum of $100 dollars per hour comes to $46 million dollars!

That's a $46,000,000 loss to aviation, which is already suffering from the worse economic turndown in history---10,000 furloughed airline pilots, airport closures, outrageous insurance costs, increased liabil-ity lawsuits, expensive Homeland Security directives, daily Temporary Flight Restrictions (TFRs) which restrict air operations, aircraft banned from banner towing over sports stadiums, aircraft banned from overhead Disneyland, and innumerable aircraft restricted from flying in the Washington, D.C. area.

On page 60584, column 2A, the FAA admits that the costs resulting from the changes proposed in the NPRM are considerable: "The FAA con-ducted the required review of this proposal and determined that it would have a significant economic impact on a substantial number of small entities."

Why in the world would the FAA want to compound the many obsta-cles facing aviation today by implementing a costly proposal that has not been definitively shown to enhance safety?

THE HIDDEN NEGATIVE IMPACT OF THE NPRM WHICH THE FAA HAS FAILED TO CONSIDER

On page 60584, column 2B, the NPRM reads: "The FAA requests com-ments on how the dollar value to consumers of the lesser availability of air tours should be estimated in the final rule" I commend the FAA for being open-minded enough to accept public input of the costs associated with the NPRM. Hopefully, this is the FAA's true attitude, and not just words. I shall therefore accept the FAA's request for comments, and will now put forth what will be the greatest negative impact of the NPRM--one which the FAA has not even considered.

What the FAA has failed to consider is this: not only will the change in sightseeing rules drive many small Part 91 air tour opera-tions out of

business, it will also greatly reduce the number of stu-dents who seek to become commercial pilots.

Here is a perfect illustration of what the result of this regula-tion will be:

When I became a flight instructor in the 1970s it was possible for a student to obtain his private, commercial, and even his flight instructor certificate by training entirely in a Cessna 150. In those days a commercial pilot, and even a CFI, did not need an instrument rating, or "complex aircraft" experience. Today, a commercial pilot applicant must have ten hours of complex aircraft flight time (gear, flaps, and controllable propeller) under FAR 61.129(a)(3)(ii,) and he must also have an instrument rating, which requires a minimum of 40 hours of "hood" time.

My question is, "Why did the FAA change the requirements?" When the FAA proposed the change (in the early 1980s, as I recall) the FAA provided absolutely no statistics or evidence that CFIs were having ac-cidents because they didn't have an instrument rating. At that time there were hundreds of CFIs who specialized in teaching aerobatics or "tail dragger" transitions, all in VFR conditions. The famous female instructor Amelia Reid is a perfect example. Many CFIs accumulated thousands of hours of flight time, teaching primary training or aero-batics who never went near a cloud. Therefore, they didn't need an in-strument rating.

The same was true for commercial pilots. I personally instructed scores of students who became commercial pilots without complex flight time or instrument ratings. These pilots flew banner tows, gave sight-seeing flights, took photographs, flew pipeline patrol, counted wild-life for the Forestry Department, flew for the Border Patrol, and flew in motion pictures and hauled cargo---all without an instrument rating. They flew in VFR conditions and not one of these students ever had an accident in the Cessna 150s and Piper 140s that they flew commercially.

Here's what happened when the "complex aircraft" requirement went into effect. I had a student, Bill, who owned a Cessna 172. He was a private pilot with over a thousand hours of flight time. One day I sug-gested that he study for his commercial certificate so that he could recoup some of his aircraft expenses by giving occasional sightseeing flights. Since Bill had so much flight time he was an excellent stu-dent, but his business commitments prevented him from taking his prac-tical test before the new "complex" regulation went into effect.

Bill discovered, too late, that he would have to rent a retract-able-gear Bonanza for ten hours at $100 an hour in order to satisfy the new complex requirement. That's a thousand dollars of "drilling around in the sky in a Bonanza" (as he put it) so that he could thereafter fly his own non-retractable Cessna 172 commercially. So what did Bill do? He quit taking commercial lessons! I therefore lost a commercial stu-dent, and the sightseeing public lost the opportunity to fly with a safe, competent pilot at a reasonable air tour rate.

It was not only Bill whom I lost as a commercial pilot. I lost dozens of other commercial students. It was expensive enough to rent a Cessna 150, let alone a retractable gear Bonanza. Furthermore, to make matters worse, the FAA later determined that an applicant would have to take his practical test in a complex airplane! Simply logging 10 hours of complex flight time was not sufficient. So there went the remainder of my commercial students who had tentatively decided to bite the bul-let and accumulate 10 hours of complex flight time, even though they never intended to fly a complex airplane commercially.

This same scenario happened to flight instructors all across the country. However, when the FAA "estimated" the cost to the aviation community of implementing the "complex aircraft" requirement the FAA never considered the loss of revenue to flight instructors and flight schools that occurred because so many commercial students abandoned their commercial aspirations. The FAA only estimated what the increased cost would be for commercial students who continued with their train-ing.

It was not only CFIs and flight schools which lost revenue. It was also all the entities which support aviation. There were less stu-dents, so there were less airplanes sold. Less airplanes meant less me-chanics were needed. Less insurance was sold, so the insurance industry suffered. Fewer Gleim and ASA flight test guides were sold. Sporty's Pilot Catalog shipped fewer items. The list goes on and on.

So what does this story have to do with the Air Tours NPRM? Sim-ply this: this NPRM will be another nail in the commercial coffin. Unless a pilot is determined to be a professional CFI or an airline pi-lot, what incentive does he have to advance from private to commercial? Under this NPRM he won't even be able to conduct a simple 25-mile sightseeing flight unless he undergoes all the procedures to become a Part 135 pilot.

As a Part 135 Chief Pilot and Check Airman in the 1980s, I can personally vouch for the extensive and onerous requirements to partici-pate in a Part 135 operation. It's even worse today than in the 1980s, and it was bad enough then. Now there's even random drug testing in place, under FAR 135.251.

Am I over-exaggerating the seriousness of the "drop out" problem? Let's take a look at the statistics. When I was instructing in the 1970s there were approximately 850,000 active pilots. Today, 30 years later, there are less than 630,000 pilots. And the U.S. population has doubled.

Why are there less pilots? Some of the reasons include the higher cost of airplanes, fuel, insurance, and tie-downs, airport clo-sures, liability concerns, and a weak economy. But I submit that the single greatest reason for the drastic decrease in the number of pilots is the proliferation of FAA regulations.

It takes more time and effort for a student to become a private pilot today than it did to become a commercial pilot in 1975. There are tail dragger endorsements, high performance endorsements, complex en-dorsements, biennial flight reviews, Class A, B, C, and D airspace, TRSAs, TFRs, Practical Test Standards, computerized knowledge exams, Minimum Equipment Lists, GPS, transponders, ATC procedures...ad infini-tum.

On top of all this, the FAA now proposes to eliminate Part 91 sightseeing. In my opinion, instead of eliminating the 25-mile Part 91 sightseeing provision, the FAA should increase the allowable mileage to 50 miles, which is exactly what it originally was in the 1970s and 1980s.

Aviation needs simplification and revitalization, not more regu-lation. Especially when it cannot be shown that the added regulations will actually enhance safety. A quick look at the Bureau of Transporta-tion Statistics will reveal the sad decline in pilots from 1991 to 2000 (see the table at http://www.bts.gov/publications/transportation_indicators/october_2001/Mobility/csv/US_Active_Pilots.csv.)

PILOT CATEGORY 1991 2000

Student 120,203 93,064

Private 293,306 251,561

Commercial 143,365 121,858

ATP 112,167 141,596

Rotorcraft 9,860 7,775

Glider 8,033 9,387

Total: 686,934 625,241

Notice that ATP increased due to the deregulation of the airlines. Glider increased because the regulations are still relatively simple for glider training. In fact, the FAA promoted glider flying by chang-ing the licensing requirements in 1997. See FAR 61.31(j).

THE AIR TOUR NPRM PROPOSES AN INCREASE IN FLIGHT EXPERIENCE FOR PRIVATE PILOTS CONDUCTING SIGHTSEEING FLIGHTS FOR CHARITY

The FAA proposes to amend FAR 61.113 to require private pilots to have 500 hours of flight time, instead of 200 hours, in order to fly sightseeing flights on behalf of a qualified charity.

I oppose this change.

Why does the FAA feel that this change is necessary? Has there been a rash of charity air tour accidents? If so, were the accidents caused because the pilots only had 200 hours of flight time? Why must a pilot have 500 hours, which is twice the flight time to get a commer-cial certificate?

In the NPRM the FAA gives no examples of charity air tour acci-dents, nor any statistics to show that a 500-hour pilot flying for charity would be safer than a 200-hour pilot. The only rationale for the change is given by the FAA on page 60578, column 2A: "A higher safety standard of 500 hours of flight time for private pilots is pro-posed for charitable and community events because these events typi-cally involve a larger number of passengers, are held over a period of one to three days, and are generally a pleasure activity for the pas-senger."

My response to this entire statement is "so what?" So the chari-table air tour passenger is flying for pleasure. Why does he require a 500-hour pilot, when the passenger being medically evacuated only needs a 200-hour pilot under FAR 61.113(d)(1)? If anything, I'd think that the medivac pilot would have to be more experienced than the pleasure pilot, since he must speed his patient to medical care. Once again, it appears that the FAA is simply pulling ideas out of nowhere, and pro-posing a regulation which will have a severe impact on charities.

CONCLUSION

1. I OPPOSE the elimination of the 25-mile sightseeing tour for com-mercial pilots under Part 91. In fact, I encourage the FAA to increase the 25-mile limit to 50 miles, as it originally was in 1980.

In the alternative, I propose that the FAA at least maintain the 25-mile rule for Part 91 operations, and issue a "Letter of Authority" to commercial pilots to conduct sightseeing flights who have undergone additional training specifically in regards to air tours (such as re-cord keeping, passenger briefings, filing a flight plan, etc.) (See page 60575, column 2C, for a discussion of Letters of Authority.)

2. I OPPOSE an increase in flight time from 200 hours to 500 hours for private pilots who fly for charity.

3. I DO NOT OPPOSE the adoption of minimum altitudes, standoff dis-tance, visibility and cloud clearance for sightseeing tours.

4. I FAVOR the requirement that passengers wear life vests when a sightseeing tour operates over water.

Respectfully Submitted,

Jon Thornburgh Airline Transport Pilot, Certified Flight Instructor (Gold Seal) E-mail: JonThornburgh@pocketmail.com Telephone: 800-971-8710

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1272)

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Date: 03/02/04 01:40 PM
Author: Terry Jones (no profile)
Subject: Rides

Please no more useless regulation. If you take time to think about what you are suggesting, you must realize the harm you're doing, and the lack of any real benefit that will result.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1275)

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Date: 03/04/04 12:57 AM
Author: James E. Holbert (no profile)
Subject: RE: Rides

This change to the regulation is not needed and not warranted and will put working people out of work. Please drop all consideration of changing the FAR 91 sightseeing provisions.

--J. Holbert, Helicopter & multi-airplane ATP; airplane CFII/MEI

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1396)

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Date: 03/04/04 09:33 AM
Author: mark moon (no profile)
Subject: cost/benefit analysis

Clearly, the new proposed regulations will impose costs on those who generate income from sightseeing operations. Presumably, there is some expected benefit from the new regulations. Has a cost/benefit analysis been done? Does it acutally show that the expected benefit exceeds the expected cost? Where can I find such an analysis, which is critical in examining the tradeoffs of any new set of regulations.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1409)

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Date: 03/04/04 10:58 AM
Edited: 03/04/04 10:58 AM
Author: Thomas Harnish (no profile)
Subject: RE: cost/benefit analysis

The cost/benefit analysis (badly flawed) is in the NPRM itself. It's based on very little data, and very poorly thought out. For example, it includes only certification costs, but no operational financial implications, and no ancillary impact such as lost fuel sales, lost pilot salaries, lost tourism dollars. And there's no mention anywhere of the extensive time and expense created when thousands of pilots and hundreds of companies have had to go to their own defense and write comments, contact politicians, and attend meetings in an attempt to bring some sanity to the process.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1425)

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Date: 03/05/04 07:41 AM
Author: Robert Austin Smith (no profile)
Subject: ARE FLIGHT INSTRUCTORS NEXT?????

If the FAA passes this through what is to stop them from putting independent flight instructors out of business by requiring all flight instructing to fall under Part 135????

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1508)

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Date: 03/05/04 11:45 AM
Author: Andy Anderson (no profile)

Subject: 135 for airplane rides within 25 miles

The cost/benefit analysis (badly flawed) is in the NPRM itself. It's based on very little data, and very poorly thought out. For example, it includes only certification costs, but no operational financial implications, and no ancillary impact such as lost fuel sales, lost pilot salaries, lost tourism dollars. And there's no mention anywhere of the extensive time and expense created when thousands of pilots and hundreds of companies have had to go to their own defense and write comments, contact politicians, and attend meetings in an attempt to get some logical thinking. If the reasoning for this rule is the poor record of the helicopter industry in Hawaii, then consider some limitations to helicopter tour ops. The safety record for the fixed wing ops has been very good. Looking into 135 ops for an old aircraft is almost impossible. Data on many of the aircraft is unavailable for purposes of installing some of the mandated equipment. One rule that fits all should not apply in this case (as well as other cases). Now if the idea is to shut down these types of operations entirely, the FAA is certainly on the right track. This rule should be more effective than the security restrictions that were placed on flight instruction after 911. It took out several small operators in our area.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1534)

Date: 03/05/04 01:46 PM
Edited: 03/05/04 01:47 PM
Author: Craig Peterson (no profile)
Subject: RE: 135 for airplane rides within 25 miles

I find it shocking that the FAA would make such a draconian proposal with so little data!

One example which should totally shut down this proposed rule:

You are much (at least 10 times) more likely to have a FATAL accident in one hour of driving than you are if you fly one hour on an Air Tour.

How many kids have future dreams that are ignited by a one hour ride in a car?

How many kids have future dreams that are ignited by a one hour ride in a plane?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1551)

Date: 03/05/04 01:51 PM
Edited: 03/05/04 02:00 PM
Author: William Kelley (no profile)
Subject: This issue may have to be taken to Congress

First I want to complement the many well thought out and presented responses to this NPRM. It is too bad as much thought wasn't put into this NPRM as went into the responses. Well done everyone!

Second I am for the record opposing this NPRM. Don't get me wrong I am all for reasonable regulations that promote safety and protect the general public. However, No case has been made for this draconian increase in the regulations covering these flights. A lack of data on them is no reason to regulate them out of existence. If lack of data is the issue then as many of the other posters have suggested their are simple ways to collect the data, rather then to just regulate the operation out of existence. The fact that there is no data alone is a pretty good argument that additional regulations are not required. If these part 91 sightseeing flights were having an unusual number of accidents it

would be showing up in the NTSB data, even if you can only find it by reading the text. In fact as a number of other posters have pointed out the data used to justify this NPRM could just as easily be used to make the claim that Part 91 sightseeing flights are safer then those conducted under Part 135.

These new regulations would only serve to add additional absurdity to some of the current regulations we already have. I had never thought much about how absurd some of the current regulation sound until I was sitting in the office of our local flight school one day and witnessed what looked like an old Monty Python comedy skit where some business owner or bureaucrat gives a patron the run around quoting silly rule and regulations. An electrician came in an asked if he could hire an aircraft and pilot to fly him to a nearby island where he had a job to do. The flight school operator had to explain to him that even though he had aircraft and flight instructors available and it was a bright and sunny day with light winds he could not legally take his business. The electrician continued to query the flight school owner, at first clearly thinking that the owner was pulling his leg. He kept looking at me and the other pilots sitting there waiting for us all to bust out laughing. The owner tried explained that the FARs didn't allow him to conduct that kind of flight. Parts of the conversation went like this; You teach people to fly here right? Yes we do. Your planes and instructors are good enough to give flying lessons in? Yes, in fact we have an excellent safety record and pass rate. When you give flying lessons you teach people to fly to other airports right. Yes in fact, one of the requirements is a cross country flight of 300 miles. At this point he was completely confused. So let me get this straight, you can teach me to fly, decide when I am ready to solo, teach me to make cross country flights and decide when I am ready to do them solo, including one of 300 miles; but cannot fly me 30 miles to Block Island. Yes that's right. He final left shaking his head, but still convinced that there was some other reason that the flight school didn't want his business because the regulations he was being told about couldn't be true, they just didn't make any sense. I know I didn't do justice to the scene I witnessed. At first it was comical, in fact one of the funniest skits I had ever seen, but it wasn't a skit. And the more I thought about it the sadder it became. Sometimes to truly see how absurd some rules and regulations are you have to step outside of the industry they cover and view them from that perspective. The utter disbelief on the face of that electrician caused me to question many of the regulations that I had always just taken for granted. And this NPRM would just add to the insanity; I have a Commercial License with an Instrument Rating this grants me the credentials to operate as Pilot in Command on flights covering thousand of miles through all kinds of weather conditions carrying my family, friends and business associates. A responsibility I take very seriously! Under this NPRM I would still be able to conduct those flights, but wouldn't be able to take a grandfather and his grandson or granddaughter on a short sightseeing flight on a bright and sunny day. I would be able to make charity flights 4 times a year but not 5. It makes no sense! If this were not so serious it would be funny. But it is serious and it is most decidedly not funny!

All this being said, It seems that the FAA has already made up its mind. The very way the lead in questions for this forum are worded implies that the decision has already been made. So what are our options to stopping this insanity from destroying this industry and further weakening all General Aviation. I fear our only options may be to call and write our elected representatives and ask them to intervene. Contribute to AOPA Political Action Committee. Call the White House and ask if the President is so concerned about jobs why is his FAA Administrator about to regulate an entire industry out of existence.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1553)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

Forum - Part 91 Sightseeing in accordance with 25 mile exception

FAA Response- Drug and Alcohol Testing Edit Delete

FAA Response- Drug and Alcohol Testing Alberta Brown 03/03/04

Post new message in this thread

Date: 03/03/04 05:14 PM
Author: Alberta Brown
Subject: FAA Response- Drug and Alcohol Testing

DRUG AND ALCOHOL TESTING This proposal does not create or amend requirements for drug and alcohol testing. The drug testing requirements have been in place for 15 years (1989). The alcohol testing requirements have been in place for 10 years (1994). Those who want to operate other than in accordance with the rules must petition to the FAA for an exemption. More than 100 exemptions are used per year. Each exemption contains conditions and limitations. Two of these exemptions are issued to organizations (EAA and AOPA) on behalf of their members. Each organization tracks which of their members use their exemption and reports that information to the FAA. This NPRM proposes to eliminate the need for the exemptions.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1384)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

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Forum - Part 121/135 Air Tour Operators and Part 136 Issues

Altitude and stand-off distance requirements. Edit Delete

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Date: 02/22/04 07:13 PM
Edited: 02/22/04 10:21 PM
Author: FAA
Subject: Altitude and stand-off distance requirements.

The recommendations that affect certificated air tour operators are based on NTSB recommendations and the history of commercial air tours in the United States. Many of the proposals have already been implemented successfully in Hawaii under SFAR 71. Some of you have suggested that the NTSB recommendation to establish a national safety rule is not appropriate. In the proposal, we propose allowing deviations when an operator can demonstrate that they can safely operate under the deviation. We encourage you to suggest alternatives that will promote an equivalent level of safety.

Will the proposed altitude and stand-off distance requirements, when considered with deviation authority, contribute to safety?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=695)

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Date: 02/23/04 11:47 PM
Author: Rick Pellicciotti (no profile)
Subject: RE: Altitude and stand-off distance requirements.

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Implementation of this part of the rule will cause me to fly closer to commercial
airline traffic.
At the moment, in my area, I can fly at 1100 feet AGL and be 500 feet below the floor
```

of the TCA above me.
Flying at 1500 feet AGL will put me 100 to 200 feet below the floor of the TCA.
This is bound to cause increased TCAS alerts on the airliners.
Frequently, on VFR days when the airliners are cleared for visual approaches, they decend below the floor of the TCA.
Having 500 feet of margin is ok but 100 feet is not enough in my opinion.

In my slow flying (and landing) biplane, designed for rough field operation,
I am always within gliding distance of a suitable field when I am above 500 AGL.
Flying at 1000 AGL doubles that margin.
There is no safety related reason to fly higher.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=824)

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Date: 03/04/04 09:27 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: Altitude and stand-off distance requirements.

Mr. Pellicciotti,

You don't say what your area is but it is some place where you fly a biplane under a TCA. Your point is a good one. The NPRM is just a proposal and can be changed. The NPRM allows local solutions for local situations. Add details to your comment if you want to. Rewrite the proposed rule language if that is the best way for you.

Thanks

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1408)

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Date: 03/04/04 09:57 AM
Edited: 03/04/04 10:09 AM
Author: Rick Pellicciotti (no profile)
Subject: RE: RE: Altitude and stand-off distance requirements.

First of all, thank you for responding to my comment. My comment on the docket goes into great detail about this but I will summarize it here.

Where I fly my biplane rides, I am clear of the inner most circle of the Class B airspace at all times. I am underneath the next ring out of the Class B airspace for the entire flight. I have flown controllers from the tower on "familiarization flights" several times so that they can better understand my operation.

When I fly at 1000'AGL, I am at 1300'MSL. The floor of the Class B airspace is 1800MSL in the area where I

fly, allowing 500 feet of verticle separation from the airliners landing at the main airport. During the afternoon arrival push, there is a steady stream of jets overhead during our entire flight. We have arranged our pattern of flight to be outside of the approach path most of the time but the southbound landings at the main airport pass directly over my airport.

If I have to fly at 1500MSL, that will only give 300 feet of separation. As this proposed rule is written, I will have to maintain 1500' above obstacles. There is one bridge that I pass over during my flight. It is 200 feet high which would put me at 1700 feet and only give 100 feet of seperation. This is too close for comfort, especially when the airliners are cleared for visual approaches and they descend below the floor of the Class B airspace. I frequently have them pass me at my altitude (1500MSL) on fair weather days.

My proposal? Leave the present altitude minimums and stand-off distances as they are. Do not change them and make a situation more dangerous by having airplanes flying closer together.

Rick Pellicciotti Chief Pilot/Owner Belle Aire Aviation

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1414)

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Date: 03/04/04 10:29 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: Altitude and stand-off distance requirements.

Mr. Pellicciotti,

Thanks. We did read your comments in the docket. There are so many commenters it was difficult to remember which operator you were. We're trying to answer as many comments as possible before tomorrow at 4:30 without extra time for research. The details you provide are helpful and will be considered.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1418)

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Date: 02/24/04 09:34 PM
Edited: 02/24/04 09:53 PM
Author: David John Chevalier (no profile)
Subject: RE: Altitude and stand-off distance requirements.

How have the altitude and stand-off distance requirements done anything to improve safety, for helicopters, in Hawaii? I've never heard an answer from the FAA that focused on helicopters, yet helicopters are well over 90% of the Hawaiian air tour market. I'm still waiting to get a response from the FAA to my earlier post. At this rate we won't get very far in the discussions.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=882)

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Date: 03/04/04 09:49 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: Altitude and stand-off distance requirements.

Mr. Chevalier,

Stand-off distances and altitude limitations can save lives. We realize your passengers may pay for a view of a water fall or a volcano. Of course you want to give that to them. Rotor blades so close to the falls that they hit the rocks or so close to a volcano that the passengers feel the heat is not acceptable. The recent accident in the Grand Canyon where rotor blades struck a wall of rock is an example of too close. People died. Yes we know you are not at the Grand Canyon. Too many times pilots are so low or so close that when an emergency happens the earth shows up before they can do anything about it in spite of their great flying skill and perfectly airworthy helicopter. Tell us what you want for distances and altitudes and we will consider that. We have responsed to at least some of your other posts.

Thanks

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1412)

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Date: 03/04/04 10:50 AM
Author: Thomas Harnish (no profile)
Subject: RE: RE: Altitude and stand-off distance requirements.

If helicopter pilots do stupid things then regulate helicopter operations. Look at your own (meager) data and you'll see that the vast majority of the folks flying sightseeing rides have done so with impecable safety.

Of the two vintage biplane accidents I'm personally familiar with, for example, one was a pilot stunting at low altitude in violation of existing FARs. The other was an engine failure on takeoff, and a classic stall/spin crash, trying to return to the field. New altitude and stand off distances wouldn't have prevented either.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1424)

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Date: 03/04/04 11:50 AM

Author: Casey Riemer (no profile)
Subject: RE: RE: Altitude and stand-off distance requirements.

Ms. Brown,

Was the accident in the Grand Canyon a tour flight? I thought it was a short flight to transport passengers from an airport to a river rafting trip.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1428)

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Date: 03/04/04 05:45 PM
Author: David John Chevalier (no profile)
Subject: RE: RE: Altitude and stand-off distance requirements.

Alberta, I wholeheartedly concur with you that operating so close to terrain that safety is jeopardized is a Careless and Reckless operation. As such it is already covered by regulation. Helicopters hover within 50 feet of other helicopters, on ramps all over the country, day in and day out. This is considered safe by the FAA's own AC on Heliport Design. Pilots must always maintain reasonable safety margins or it is a careless and reckless operation. I believe that tour pilots have often pushed the rules beyond reasonable limits and I would like to have seen some violations made for just one of those instances prior to SFAR 71. I think it would have gone a long way to putting pilots on notice as to what is considered careless and reckless and SFAR 71 may never have been issued. You may argue that it would be difficult for legal to make such a violation stick without more objective limits and I would agree with you to a point. Nevertheless, an LOI is a serious matter to a pilot, it gets their attention. Look at how many LOI's have been issued post SFAR 71 as prior to it. This has been my point; that the FAA needs to take some responsibility for the pre-SFAR situation and accept that enforcement of existing rules was lacking. SFAR 71 was a sledge hammer, an overreaction which was punitive in nature and made by people who had never actually done the job. As I've already stated in an earlier comment I think that the limitations outlined in the petition made by the Hawaii helicopter air tour pilots and operators (posted in Docket #FAA-2003-14830) should be the guidelines that we must live by.

Thank you.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1466)

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Date: 02/25/04 06:45 PM
Edited: 02/25/04 06:49 PM
Author: David John Chevalier (no profile)
Subject: RE: Altitude and stand-off distance requirements.

To the FAA: Please read the NTSB recommendations to which you refer. A primary item in that recommendation was that the FAA works with the Hawaiian Operators on SFAR 71 to resolve our differences regarding altitude and stand-off distances. All

the FAA has ever done in response to this recommendation is to open the docket for comments when SFAR 71 came up for renewal. We have never received any feedback on our comments other than a letter denying an industy-wide petition for lower altitudes. That letter simply states that the FAA has heard it all before. I was hoping to finally be able to have the discussion in this forum that the NTSB had recommended. Your silence for the past nine years has been deafening. The FAA has been shamefully unresponsive to the Hawaiian air tour industry. All of our comments and efforts have gone into a black hole. We have received little to no cooperation from the FAA in our efforts to resolve our differences. To simply ignore your constituents is a mismanagement of power of major proportions. If those responsible worked in the private sector you would be terminated for such a lack of responsibility. We will ask the NTSB to revisit this issue with you. Meanwhile, I hope that you surprise me with a response.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=921)

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Date: 03/04/04 10:21 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: Altitude and stand-off distance requirements.

Mr. Chevalier,

Consider this working with you. Tell us now what you want.

A previous request to basically operate the way you did prior to SFAR 71 was not acceptable to the FAA in the past and likely will not be in the future. We know you didn't want SFAR 71. Do you think air tour regulations for Hawaii might go away?

The proposal has deviation authority that SFAR 71 did not have. A benefit (for you) of a national rule is that we added a process for different parts of the country to operate differently with help from the local operators and local FAA personnel all of whom know the local situation. We and you know that countless hours have been spent on your issues.

You and some others seem to think you can get us into an argument with NTSB or Congress. That's not productive. We adopt their goals. Speak on behalf of yourself.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1416)

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Date: 03/04/04 06:56 PM
Author: David John Chevalier (no profile)
Subject: RE: RE: Altitude and stand-off distance requirements.

Alberta, I do consider this exchange to be working with us. Thank you. If we had ever been able to have public dialogue before I doubt that SFAR 71 would be as it is today. Where you state "A previous request to basically

operate the way you did prior to SFAR 71 was not acceptable to the FAA in the past and likely will not be in the future," are you referring to the petition that I mention in my earlier posts? If so I ask that you please review this petition. It is hardly asking for a return to pre-SFAR 71 and is, in fact, a common sense proposal. We asked that the 1500 feet be maintained in relation to habitable structures and congregations of persons but that helicopter altitude restrictions over other areas is aligned with FAR 135.203 (300 feet over congested areas). In other words we had asked for the restriction to be 300 feet over raw terrain. I believe that 300 feet standoff is also appropriate. Anything more than this, for helicopters, is not. There was no restriction pre-SFAR except as covered under Careless and Reckless. I would further suggest that there be a provision for local deviations from these guidelines; either lower altitudes or higher restrictions where appropriate. The 1500 feet is probably too onerous in many situations due to weather and the ability of operators to get out to and return from the scenic areas. There should be flexibility. I do hope that we can continue to discuss and develop workable solutions.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1476)

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Date: 03/04/04 10:23 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: Altitude and stand-off distance requirements.

Mr. Chevalier,

The same input two days apart? See previous response.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1417)

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Date: 03/04/04 10:30 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: Altitude and stand-off distance requirements.

Mr. Chevalier,

I didn't mean to also answer twice. Sorry.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1419)

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Date: 02/28/04 06:53 PM
Author: Roy Frazee (no profile)
Subject: RE: Altitude and stand-off distance requirements.

Many rules have been made in the name of safety and really are just a bunch of paranoid communism. These rules are NOT needed, leave things alone.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1091)

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Date: 03/04/04 10:36 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: Altitude and stand-off distance requirements.

Mr. Frazee,

Thanks for your participation.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1420)

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Date: 03/04/04 10:42 AM
Edited: 03/04/04 10:42 AM
Author: Thomas Harnish (no profile)
Subject: FAA participation

I don't mean to be cyncial, but I hope no one at the FAA is so small minded as to count posts such as "thank you for your comments" as FAA particpation in a discussion.

You mention elsewhere that you're scrambling to respond to comments before the forum closes this afternoon. Where was this eagerness to be responsive the last two weeks?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1421)

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Date: 02/29/04 06:22 PM
Author: David John Chevalier (no profile)

Subject: RE: Altitude and stand-off distance requirements.

These comments have somehow become unstuck in time. Request that you put them back into chronological order. It makes it more difficult for a reader to follow the threads if they get moved out of the proper place of time.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1130)

Date: 03/04/04 10:49 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: Altitude and stand-off distance requirements.

Mr. Chevalier,

Sorry. We're having some problems too.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1423)

Date: 02/29/04 09:43 PM
Edited: 02/29/04 09:46 PM
Author: Casey Riemer (no profile)
Subject: RE: Altitude and stand-off distance requirements.

Minimum Altitudes for tours compress all air tour traffic at one altitude. This is not a higher level of safety than the existing regulations. Deviations from the rule are possible, but the problems still exist when a deviation altitude is given.

Standoff Distances- when forced to fly anywhere from 500 to 1500 feet from a cliff, tour aircraft are placed in some of the worst areas of turbulence in mountain environments. Flying close to the cliffs is safer than further away. Once again, This is not a higher level of safety than the existing regulations.

Regarding the 1500 foot AGL Minimum Altitude over persons, vessels, or structures. When is the last (or first) time that a tour aircraft has caused harm to a person, vessel, or structure?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1141)

Date: 03/04/04 12:00 PM

Author: Alberta Brown (no profile)
Subject: RE: RE: Altitude and stand-off distance requirements.

Mr. Riemer,

Compression of all the air tour operators at one altitude: We agree that is not a higher level of safety. When we mandate a minimum altitude every single one of you fly exactly at it. No one goes a foot above. We give the minimum, not the maximum. You create your own compression. If you could get together and agree on a safe solution, the FAA wouldn't need to mandate. Please don't say we give no credit for your past efforts. We are aware of genuine past efforts and do give credit for them. We can mandate routes that will keep aircraft separated from each other, airplanes separated from helicopters, high wing separated from low wing, piston separated from turbine, etc. We could also try and limit how many tours are allowed in certain locations at certain times. Surely you don't want that. We also want you to be successful and your passengers to get what they paid for. Any new altitude will have the same compression as any old altitude. We welcome solutions. The proposal offers deviation authority.

Stand-off distance: Not all cliffs are next to a mountain valley. What about cliffs at the ocean's edge? What stand-off distances do you want in various cases or do you want just one? Any mandate we create has to work for the whole country and be the "minimum". We are willing to consider what you want. To be so close that you hit rock is not acceptable. We know you don't want accidents either and have the experience to solve this. The deviation authority in the proposal is for local issues.

What is the last (or first) time that a tour aircraft has caused harm to a person, vessel, or structure?: Assuming you don't hit the person and the vessel and structure have no persons in them, you do have the persons on board to think about. The altitude was designed to give the pilot time to find a suitable landing area that might give the persons on board including the pilot a reasonable chance at survival. If you have specific areas in mind that might be appropriate for a lower altitude, we will consider what you have to say. That is what the deviation process is for. Again, the rule standard is for the whole country with deviation authority for specific areas as appropriate.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1430)

Date: 03/04/04 03:22 PM
Edited: 03/04/04 04:20 PM
Author: Calvin Dorn (no profile)
Subject: RE: RE: Altitude and stand-off distance requirements.

In the response to Mr. Reimer you stated "When we mandate a minimum altitude every single one of you fly exactly at it. No one goes a foot above." You would have us believe that every tour aircraft flying is at their required minimum. While tour pilots frequently operate at the minimum altitudes to do a tour and see things from the aircraft, it is erroneous to state that no one goes a foot above. What the regulations have done is put an artificial floor on how low a pilot is allowed to fly regardless of terrain, weather, or airspeed.

The industry has gotten together and agreed with a safe solution. Unfortunately that industry solution was dismissed by the FAA without any discussion.

No we do not want further mandates by the FAA. Prior to SFAR 71 the seperation of aircraft was a concern as it

is everywhere aircraft fly. The current concern and problem was caused by SFAR 71. Certainly we do not want to be limited to how many tours we may conduct in a day, month, or year. That has not been a safety problem before, and is only became a major concern when SFAR 71 was enacted. To reduce accidents on our Nations roads and highways perhaps we should arbitrarily restrict individuals from driving any more miles than they did 7 years ago.

QUOTATION: "Not all cliffs are next to a mountain valley. What about cliffs at the ocean's edge? What stand-off distances do you want in various cases or do you want just one? Any mandate we create has to work for the whole country and be the "minimum"." Yes, you are correct, and we should all abide by the requirements of the time proven FARs. One minimum set for the entire country is already in place and we do not need new mandates that do not take into consideration specific terrain, weather, type of aircraft flown or other localized considerations.

QUOTATION: "Assuming you don't hit the person and the vessel and structure have no persons in them, you do have the persons on board to think about." I am sorry, but we always have the safety of aircraft and the persons on board to think about. Why do people on the ground change the safety of how high an aircraft flys?

QUOTATION: "The altitude was designed to give the pilot time to find a suitable landing area that might give the persons on board including the pilot a reasonable chance at survival." So what in fact you are saying is that only Air Tours need more altitude for emergencies?

If the basic altitudes are proven to not be safe then we should change those regulations. Let us not put new regulations in place for one type of flight and ignore the other types of flights. Putting bad mandates into place and then writing deviations around the bad mandates is not a viable solution. It would be far better to involve the industry as a whole at the beginning and get the cooperation of all concerned to propose good regulations that all concerned can understand and work with.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1458)

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Date: 03/02/04 03:47 PM
Author: michael muetzel (no profile)
Subject: RE: Altitude and stand-off distance requirements.

"Will the proposed altitude and stand-off distance requirements, when considered with deviation authority, contribute to safety?"

No.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1292)

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Date: 03/04/04 12:10 PM

Author: Alberta Brown (no profile)
Subject: RE: RE: Altitude and stand-off distance requirements.

Mr. Muetzel,

No? You may want to volunteer as an expert witness on the latest fatal accident where a wall of rock was struck. If you do have expertise, your industry might benefit from it.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1433)

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Date: 03/04/04 05:15 PM
Author: Thomas Harnish (no profile)
Subject: RE: RE: Altitude and stand-off distance requirements.

That, Alberta, is a new low note in this forum. Your sarcasm is totally inappropriate for a federal employee involved in a process that could take a way the livelyhood of hundreds of people. It did not go un-noticed.

What's more, it only proves that you don't have a clear idea what it takes to create a safe environment...or even what constitutes a problem.

It *is* clear that Hawaii helicopters operations have had a problem. But that doesn't suggest every operator needs to be subjected to new regulations. And one pilot who used bad judgement doesn't mean every pilot needs to be subjected to new regulations.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1463)

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Date: 03/04/04 06:19 PM
Author: Richard "Lash"Larew (no profile)
Subject: RE: RE: Altitude and stand-off distance requirements.

Ms Brown, This accident is still under investigation. If it is found that the aircraft was operated too close to the terrain,than the existing FARs would deal with this accident. This is the point I was trying to make with my previous comment about the existing FARs being adequate for altitude and stand-off.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1473)

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Date: 03/04/04 05:47 AM
Edited: 03/04/04 05:52 AM
Author: Calvin Dorn (no profile)
Subject: RE: Altitude and stand-off distance requirements.

It is apparent that the FAA considers SFAR 71 to have been successful in Hawaii while the industry based in Hawaii disagrees with that premise. Air Tour operators have also prepared and submitted statistics that would indicate that SFAR 71 was not successful. The FAA should indicate how exactly it has determined SFAR 71 to be "successful".

SFAR 71 places a minimum altitude of 1,500 feet AGL on all aircraft conducting air tours. If the same aircraft is transporting passengers over the same area but they are not actively looking out the window, only 135 altitude and cloud clearance regulations apply. An obvious question then becomes, why is it more dangerous when the passengers are looking out the window? Are the 135 regulations lacking in safety considerations for the passengers?

With the current authorizations under SFAR 71 given to most helicopter operators in Hawaii, minimum altitudes of 500 feet AGL are allowed in site specific areas. The FAA would then have us to believe that if a vehicle, vessel, structure, or people were viewed on the ground while at 500 feet, the pilot should immediately climb to 1,500 AGL for safety. Safety or noise abatement?

In addition, how is it that an altitude of 500 feet AGL is safer than a 5-15 foot hover over a suitable landing area? Could it be that conducting an approach to a hover is too dangerous for air tour passengers? Makes flying a helicopter rather difficult to conduct safely. The aircraft are already certified and have parameters in the Operators Manual, why are new regulations required to operate helicopters safely?

With the current SFAR 71 rules in place, and as close as I can ascertain with the proposed new regulation, pilots are subjected to unreasonable and conflicting rules. In 14 years of operations in Hawaii I have not been able to explain adequately to pilots who are new to Hawaii, why a 135 Charter Flight has different altitude restrictions than an Air Tour flight over the same area. The only answer available is that we are only complying with the current regulations, and it has nothing to do with safety.

Lets not write more regulations, lets get all sides together to come up with regulations that will actually improve safety for aviation in general while also making the regulations easier to understand and comply with.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1400)

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Date: 02/23/04 09:12 AM
Edited: 02/23/04 09:13 AM
Author: Wyatt Bell (no profile)
Subject: AGL Altitudes

Safety will not be improved by limiting AGL altitudes based upon engine-out emergencies demanding a forced landing or autorotation resulting in casualties.

I read most NTSB reports regarding fatal aviation accidents and I do not believe there is a statistical basis for concluding certain altitudes will lessen the risk of fatalities in a forced-landing situation.

In other words, if you took an arbitrary look at operating above and below 1,000 feet AGL from the NTSB records for all operations, would one find increased fatalities based upon engine-outs below the 1,000 feet? I do not believe this is the case.

This should be a maintenance/reliablity issue.

These limitations will have a dramatic impact on allowable flights with no guarantee of improved safety.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=697)

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Date: 03/04/04 12:24 PM
Author: Alberta Brown (no profile)
Subject: RE: AGL Altitudes

Mr. Bell,

You make some good points. HAI has recently submitted their comments to the docket also. We appreciate the details. What do you propose? We need something that works for the country not just your area but we do offer the deviation authority for local areas.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1438)

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Date: 03/04/04 03:36 PM
Edited: 03/04/04 04:12 PM
Author: CHARLES CHUNG (no profile)
Subject: RE: AGL Altitudes

Analysis of accident statistics in Hawaii by an aviation consultant, Conklin and de Decker, have confirmed that SFAR 1,500 foot altitude restriction has not accomplished the intent of the SFAR in reducing accident and injuries due to loss of power in cruise. In fact it may have made the problem it intended to solve worse. The NTSB has commented that the proposed artificial 1,500 feet AGL minimum altitude places helicopters and fixed wing traffic at risk as they are forced to share the same airspace. Part 135 already has an altitude restriction for helicopters, that is 300 feet AGL when flying over congested areas. This was a well thought out standard carefully taking into consideration the unique design characteristics of helicopters and proven to be safe and practical. Better to leave it alone than to start meddling with this standard unless you are prepared to conduct an extensive and thorough scientific analysis regarding this issue. Helicopters are designed to fly lower than airplanes, and by design has the capability of flying slow or safely hover with no forward momentum. If you are going to require helicopters to fly at airplane altitudes, you are taking away the utility of helicopters. Helicopters are perfectly capable of operating safely at 300 feet.

The proposed regulation contains the provision for helicopter deviations down to 500' AGL over specific areas and 300' AGL for Cat A multi-engine helicopters. The preferential treatment for multi-engine helicopter is not justified in light of the fact that accident statistics do not support the presumption that multi-engine helicopters have lower fatality rates. In fact there have been studies that showed the opposite is true. The preference for multi engine helicopters is an old historic remnant from the early days of airplane development when airplane engines were not as reliable as they are today. Hence the need for the second

engine. This supposition is no longer valid, even though there are some countries in the world that still refuses to let go of this archaic presumption. Additionally, this is totally ignoring the fact that almost all helicopter flown in air tour operations are conducted using single engine helicopters in the U.S. and in some parts of the world. The deviation process will only result in uneven treatments of operators depending who is issuing the deviation, and the location of the operator. I recommend using the current Part 135 requirement of 300 feet AGL over congested areas. It is best to keep any regulations simple as possible, especially one that has proven to have worked safely for many years.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1459)

Date: 03/04/04 07:08 PM
Edited: 03/04/04 07:40 PM
Author: Don Ballard (no profile)
Subject: RE: RE: AGL Altitudes

Charles,

I take issue with your comments regarding multi-engine helicopters.

There are several things to consider regardng the issues of single-engine helicopters versus twin-engine helicopters:

Most single-engine pilots/operators (in the United States) don't realize how much safer having that other engine can be if you fly the aircraft correctly, in a profile consistant with the h/v diagram.

Most helicopters realize a significant aerodynamic performance increase around 30-35 knots, having completed the transition to forward flight(and into clean air) beyond translational flight and disturbed air. Twins realize their best single engine flyaway capability at this airspeed as minimum... called VTOSS (Takeoff Safety Speed).

Below VTOSS with a single engine failure in a twin, your decision/reaction is dependent on available altitude. If you can trade altitude for airspeed and reach VTOSS at least, you may be able to fly away single-engine (obstacles and available power permitting) and land later on where you want (like at your destination or the airport you departed from), with a roll on type landing.

This is why medium twins will often fly their final approaches at a steeper angle, to provide a single-engine altitude/airspeed safety margin greater than a shallow approach would provide.

If you are too low to accellerate to VTOSS when one engine quits, (or if High DA prevents single engine climb performance altogether) at least that other engine will alow for a powered approach at full/contingency (OEI) power, which is better than initially drooping the rotor and having only decaying rotor enertia to save you at the bottom, as in a single.

I also take issue with your statement regarding fixed-wing aircraft. As aircraft designs got bigger I believe it became necessary to divide power into smaller packages for weight and balance reasons, not safety, although in larger aircraft it became a by-product. Not so with muli-engine helicopters. The use of more than one engine is only for safety, and no other reason. BTW, the USMC got rid of all of their single-engine helicopters years ago. Maybe they know something you should know too.

In any event, I do not understand why you are attempting to unravel all the hard work that went into educating the FAA

about twin-engine helicopter capability and finally getting them to provide some relief on minimum altitudes. You should be focusing more on providing objective information for alternatives that provide for equivalent levels of safety, not attacking other segments of the aviation community by attempting to villify the type of aircraft they choose to operate.

Moreover, the biggest risk a single-engine air tour operator faces is engine failure. Obstensibly, "power failure" is the reason for minimum altitudes, helicopter flotation devices, passenger PFDs, etc. While some operators are out there buying 1.8 million dollar helicopters with so called quiet technology in hopes of gaining favor with the NPS and the Public there are those that have put their efforts and resources into tangible safety, such as redundant systems available in most twin-engine helicopters.

Do not think that the FAA cannot see through the thin veil. They are well aware of the intensity of competition. This is not the proper forum for competitive attacks, but rather a place for the entire aviation community to pull together and mold this NPRM into something we can all live with.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1477)

Date: 03/05/04 02:28 PM
Edited: 03/05/04 02:39 PM
Author: David John Chevalier (no profile)
Subject: RE: RE: AGL Altitudes

Don,

I disagree with you. The statistical data does not support your contentions. Yes, some of us are out there buying 1.8 million dollar helicopters, and not just for the incentives prescribed by law. It would be much easier for us to spend $500,000 for good old TwinStars than 1.8 million for new EC130's. As you well know, it is not simply the huge difference in down-payments, monthly mortgage or lease payments but insurance payments as well. Insurance is primarily based upon aircraft value. There is great economic incentive for any of us to buy the older twins. The engines that these twins use are the same engines that were in wide-spread use prior to SFAR 71. Since SFAR 71 there has been a tremendous shift to newer technology engines and the statistics for Hawaii paint a clear picture. Although the EC130 has only one engine it is a mature variant of the reliable Ariel series engines. Moreover, it also has a dual hydraulic system, much more reliable, simplified and efficient anti-torque system (new generation Fenestron) and a greatly improved fuel metering system. The FADEC (Full Authority Digital Electronic Control) has a back-up electrical channel as well as a third hydro-mechanical backup system. The glass cockpit design instruments with a FLI (First Limitation Indicator) make for a much reduced workload for the pilot in terms of instrument panel scan. It is of great benefit to the pilot requiring less time for his head to be in the cockpit – a great safety benefit, especially compared to the scan demands of a TwinStar. I can go on with comparisons if need be but for now will let the statistical data speak for me. Your statement " the biggest risk that a single-engine air tour operator faces is engine failure" may have been true at some time in the distant past but it is certainly not the case today. The biggest risk we face is poor pilot judgment.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1562)

Date: 02/23/04 04:44 PM
Author: John Sullivan (no profile)
Subject: Minimum altitudes and Standoff distances

There is a route and altitude system in the Grand Canyon and routes to get to the Grand Canyon that have worked extremely well from a safety standpoint for many years (SFAR 50-2 in 1987). The system has helicopter traffic crossing some ridges at less than 1000 FT AGL in some areas and often with airplane traffic stacked on top, sometimes going in the opposite direction. The new minimum altitudes required in this rule would mandate changing a very good system and requiring the convergence of traffic and thereby increasing the risks of a mid air collision. In the very busy air tour environments such as the Grand Canyon, the FAA should be very reluctant to do anything that causes a joining together of routes and operations without careful analysis and justification. Likewise with the standoff distances. There is one area in the Grand Canyon over the Hualapai Indian Reservation where there is a volume of helicopter traffic every day which hugs a canyon wall on a climb-out portion of a route. This in necessary to separate traffic this climb traffic from descending helicopters which are going into different sites nearby. Eliminating the wall route because of a standoff distance rule will probably converge traffic in a narrow area and the net result will be less safety rather than more.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=775)

Date: 03/04/04 01:09 PM
Author: Alberta Brown (no profile)
Subject: RE: Minimum altitudes and Standoff distances

Mr. Sullivan,

Your comments are great. Thank you for them.

There is no intent to cancel what is working at the Grand Canyon. The Grand Canyon has a comprehensive route map with approved routes and altitudes. There is an operator procedures manual that is already approved by the FSDO. There are standards in the procedures manual and the airspace is outlined by a Special Federal Aviation Rgulation to include entry and exit points. You have all worked hard to develop safe procedures. We have the information we need to allow that to continue. Part 136 was not designed to disrupt existing FSDO agreements. It is designed to encourage them.

We may differ some on the Descent Canyon tours. Those tours do not come under the authority of the Grand Canyon SFAR because they are in fact outside of the park and outside of the SFAR. We are familiar with the details of the tour. Hugging the canyon wall during the S-turn climb may be more for the visual experience of your passengers than for safety. The Canyon walls are beautiful to see. There's no doubt about that. The FSDO may need to determine if sufficient flat terrain exists to allow a suitable landing without roll over in case of an emergency during the climb. Likewise, the FAA is concerned about the descent point into Descent Canyon. It may be too close to the canyon walls.

The NTSB is still investigating the recent accident. Preliminary statements seems to indicate that impact with the canyon wall occurred when one helicopter passed another helicopter. Passing at a high rate of descent in an area that was narrow enough for a motorcycle operator to jump over does make one wonder. We let the NTSB finish their investigation without trying to do it for them. They will issue recommendations when they are finished.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1440)

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Date: 03/05/04 02:41 PM
Edited: 03/05/04 02:57 PM
Author: John E. Becker (no profile)
Subject: RE: RE: Minimum altitudes and Standoff distances

Alberta, I think that you are misinformed regarding the helicopter routes at Grand Canyon West. Papillon has flown the routes at Grand Canyon West since they have started up and down traffic from the GCW airport. This flight was not designed as a scenic tour but rather transportation to and from the Colorado River. It is in the best interist of the operator to do that as safely and efficiently as possible. Operators from Las Vegas and The Grand Canyon meet routinly to talk with the Hualapai tribe and each other regarding safety issues at GCW. Papillon has a dedicated Safety manager spend time each month at Grand Canyon West to evaluate the operation. To think that operators are doing "S" turns to enhance a tour is not only unsafe given that there are useally aircraft behind you, but it is also not efficient. The decent site has also recently been changed to a new location allowing for a gradual even decent into the canyon. This Canyon is much wider. This change was a result from the tragic accident that occured in decent canyon this past summer. I have no idea where the misinformation came from that the accident happened while passing another aircraft. That is simply not the truth. All the operators at GCW have a pro-active in keeping this operation safe. We are the people who have a true grasp on the operation. The FAA needs to spend more time evaluating our operations and become better informed on the operation prior to puttin a blanket fix to the whole industry.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1565)

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Date: 02/23/04 08:51 PM
Edited: 02/24/04 01:23 PM
Author: David John Chevalier (no profile)
Subject: Success of SFAR 71

How does the FAA justify the statement that SFAR 71 has been successful in Hawaii? The turbine engines in use in the Hawaii air tour industry have certainly become more reliable since the SFAR has been in effect. Does SFAR 71 take credit for that? (There have been 45 engine failures in helicopter air tours over the past eighteen years in Hawaii; 35 of those occurred in the nine year period pre-SFAR while only ten have occurred in the equivalent nine year period post-SFAR 71). By the way, this is the first time that I've ever had the chance to have a serious discussion with the FAA on SFAR 71. As the CEO of the largest air tour operation in Hawaii I am thrilled that this will be brought out to the light of day for discussion.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=798)

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Date: 03/04/04 01:20 PM
Author: Alberta Brown (no profile)
Subject: RE: Success of SFAR 71

Mr. Chevalier,

Let's start with this - The FAA takes no credit at all for anything. If we tried to take any credit at any time in any place, just cancel it.

Any air tour success or failure has a combination of causes. You and your industry are part of that. A previous response to you recognized the very genuine efforts you and your industry have made. We meant it.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1442)

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Date: 03/04/04 07:29 PM
Author: David John Chevalier (no profile)
Subject: RE: RE: Success of SFAR 71

Are you saying that the FAA does not credit SFAR 71 with reducing accidents? Would you agree that we need more time for dialogue?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1483)

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Date: 02/24/04 10:28 PM
Edited: 02/24/04 10:30 PM
Author: Bruce W. Tice (no profile)
Subject: Altitude and stand-off distance requirements

Almost afraid to bring it up for fear of more potential regulation, but let me see if I understand this correctly...under the proposed rule, I pay for a "sightseeing tour" in southeast Alaska and my pilot must maintain the specified altitudes and distances established for the flight. Later that day I board the same aircraft, with the same pilot at the controls, for a "scheduled or charter flight" to a destination in the same vicinity of the previous "tour"(same VMC). We're now able to fly at lower altitudes without the same distance concerns!? Why is the "tour" treated differently?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=886)

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Date: 03/04/04 01:54 PM
Author: Alberta Brown (no profile)

Subject: RE: Altitude and stand-off distance requirements

Mr. Tice,

Your suggestion is? We think you suggest that the air tour operators use the same regulations that others in part 135 use. Is that correct? Are you referring to our previous comments about part 91 air tours being like air carriers?

We're not against you. All of you are providing input to all 3 forums. If we had it to do over again, we would also change how we set up this process. Because we have a time limit and many of you have complained about slow responses from the FAA we don't want to research the docket to understand the details of your situation. We have read all the documents in the docket at least once. Let's face it. Rulemaking is a long process. We usually answer in years, not minutes. Thanks for your patience.

See if this helps you and others:

Some existing air tour operators currently working in Hawaii and or The Grand Canyon have suggested we just let them use the existing part 135 rules that all the part 135 operators not conducting air tours use. We agree to relook at that. Some, none, or all of it might work.

Some of the operators currently conducting air tours under part 91 are like part 135 on-demand day VFR single pilot operators.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1445)

Date: 02/25/04 09:30 PM
Author: Mitchell L Williams (no profile)
Subject: Just enforce the altitude restrictions we now have.

We fly at 1000+ agl for the Christmas light rides. We have many good emergency landing sites. Climbing another 500ft does not add much to safety, and reduces the visual enjoyment of the sightseeing ride.

Mitch Williams Chickasha Wings Inc

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=929)

Date: 03/04/04 02:04 PM
Author: Alberta Brown (no profile)
Subject: RE: Just enforce the altitude restrictions we now have.

Mr. Williams,

Your commnet is well described and would most likely be a candidate for a deviation. It is possible a deviaiton could be issued to allow you to continue exactly as you have been. We don't know exactly your conditions but your local FSDO could help.

The proposed 136.21 allows for such deviation.

The basic standards are for the nation. The deviations are for your individual needs. Not all deviation requests will get approved but your's so far seems reasonable.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1447)

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Date: 03/05/04 04:23 PM
Author: John E. Becker (no profile)
Subject: RE: RE: Just enforce the altitude restrictions we now have.

Alberta, I keep hearing about deviations... If we all will be operating on deviations, why have the rule in the first place! I do not understand how this new rule that most will be deviating from will increase safey.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1593)

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Date: 03/16/04 02:58 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Just enforce the altitude restrictions we now have.

Mr. Becker,

Not every operator will qualify for or receive a deviation. For those that are granted we don't expect any two will be the same unless more than one operator is doing the very same flying in the same airspace under the same conditions. The Grand Canyon could be such a place. Most of the nation is not like that at all.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1774)

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Date: 02/27/04 08:18 PM
Author: Richard "Lash"Larew (no profile)
Subject: Altitude restrictions air tours

The proposed 1500 ft altitude restriction will not improve safety and will increase the risk of midair collisions. This statement is based on the special investigation report adopted 1 June,1995 by the NTSB. The report goes on to say that, based on testimony given by the FAA, the 1500 ft was chosen arbitrarily. How can the FAA justify this altitude restriction for "safety" when the NTSB has recommended against it and the altitude was chosen arbitrarily and not with a factual basis? In over 15 yrs of flightseeing operations, we have had only one fatal accident. This accident occured in Juneau,Ak in May 1998. Tragically this midair collision occured at 1500 ft altitude. The helicopter was operating in conformity with a letter of agreement that specified the altitude and route when the collision occurred with a fixed wing being operated by the FAA. Our company operates 20 helicopters in Alaska on a 100-day seasonal basis. If this altitude restriction is imposed, it will make flightseeing in Alaska uneconomical due to the 5% to 10% increase in VFR weather day cancellations. This will result in over 13 million dollars of lost revenue for our company. When you add up all the economic losses by all the Alaskan flightseeing operations, it will exceed the FAA preamble estimate for the total economic impact of this proposed rule. The current FARs regarding minimum altitudes work.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1047)

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Date: 03/03/04 10:13 AM
Author: Rick Leishman (no profile)
Subject: RE: Altitude restrictions air tours

The concept of one altitude fits all is hard to justify. Our operation is within 5 miles of the Nassau airport and under the approach path. If I am forced to fly 1500 feet, in the approach path, how can that possibly be an increase in safety. It becomes a hazard for me and the traffic landing at the airport. Part 135, which we operate under, should already provide a "higher level of safety". I see no need for further regulations, if the ones that are already in place are not good enough how will making a new regulation help.

Rick Leishman

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1336)

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Date: 03/04/04 02:35 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Altitude restrictions air tours

Mr. Leishman,

Your situation would qualify as a deviation request. Also please see other responses made on this subject today's date (3/4).

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1451)

Date: 03/04/04 02:31 PM
Author: Alberta Brown (no profile)
Subject: RE: Altitude restrictions air tours

Mr. Larew,

Thank you for your informative and well-written comment.

This proposal does not intend to change or undermine approved local procedures that are working. What it would do is give these local procedures the force of law by documenting them in a deviation which we will reference in your operations specifications (a legal document).

The Alaska operators should be lauded for taking a positive approach and developing local working agreements. If your operation is well deined in a route and altitude structure that is already approved by the FSDO and documented in your operations specifications, you are all set. Nothing in this proposal is intended to cancel that.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1450)

Date: 02/28/04 10:48 AM
Author: Joseph R. Maridon (no profile)
Subject: Altitude and Stand of Distances

Is there any data or evidence that this will improve safety? Seems to me that any accident that occured with untentional contact with the ground involved violation of existing rules.

Much of my flying in a vintage biplane is under class B airspace. I can not get to 1500 feet AGL without class B clearance until I am out from under class B. I can request that clearance but does an already busy ATC want to accommodate me for a shot transition? What do I do if they tell me to stand by? Imediately return to the airport and refund the money? Or on the return just hold for however long it takes burning more fuel than than the fee will cover? I presently monitor the departure airport tower frequency throughout the flight. Helps me a lot with situational awarness with other aircraft. If I have to deal with another ATC that monitoring will go away.

The design of the class B air space seems to have taken the existing gound clearence rules into account. I am sure there will be no adjusting of the class B airspace to accomidate this rule change.

On the tours I do I am comfortable at 1000 feet AGL. There are portions of the tour where I climb to 1500 AGL to be a good neighbor. I have done tours over dry lakes that I would be comfortable, though not legal, at any altitude. What sense does it make to have to be at 1500 feet AGL over a dry lake bed?

I consider the take off and initial climb to be the worst situation and most likely for an engine out. Often the tower will offer me an early turn out on takeoff. If I have passengers I respectivly decline that offer until I get to a comfortable altitude over the runway. I offer this to illustrate that many of us operate to higher standards than the regulators could ever impose on us.

The existing rules are sufficent.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1066)

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Date: 03/04/04 02:55 PM
Author: Alberta Brown (no profile)
Subject: RE: Altitude and Stand off Distances

Mr. Maridon,

Another well written and to the point comment. You stated how you conduct business, how the rule impacts you, and why you would like some relief from the provisions that you believe will impact you the most.

Since you refer to "biplane" you are likely operating under the part 91 25-mile exception. The information you have given sounds like a perfect candidate for a deviation request. A deviation approved by your local FSDO could allow you to continue as before. This proposal allows for deviations. The 1500 feet is proposed for the nation with deviation on a case-by-case basis for local situations.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1454)

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Date: 02/29/04 09:46 PM
Edited: 02/29/04 09:49 PM
Author: Casey Riemer (no profile)
Subject: FAA PARTICIPATION ON FORUM

It is interesting that this VIRTUAL PUBLIC MEETING is not being "attended" in any apparent way by the FAA. In this thread, the only FAA participation is their opening statement.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1142)

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Date: 03/02/04 03:49 PM
Author: michael muetzel (no profile)
Subject: RE: FAA PARTICIPATION ON FORUM

"It is interesting that this VIRTUAL PUBLIC MEETING is not being "attended" in any apparent way by the FAA. In this

thread, the only FAA participation is their opening statement."

Well, Casey, we wanted them to stay our of our lives.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1293)

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Date: 03/04/04 03:01 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: FAA PARTICIPATION ON FORUM

Mr. Muetzel,

We're here.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1456)

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Date: 03/04/04 02:59 PM
Author: Alberta Brown (no profile)
Subject: RE: FAA PARTICIPATION ON FORUM

Mr. Reimer,

Your name sure rings a bell from previous FAA responses. Sorry we're not faster.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1455)

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Date: 03/04/04 08:52 PM
Edited: 03/04/04 08:56 PM
Author: John E. Becker (no profile)
Subject: Minimum altitude restriction

A minimum altitude restriction and terrain standoff distance is a huge issue at the Grand Canyon. We have an FAA approved route structure in place and it is proven to be safe. To comply with this proposal helicopter traffic would be in conflict with the fixed wing route structure. Would you suggest to move the fixed wing traffic even higher then they already operate? In portions of the Canyon they now have to operate at 9,500. In short our system is not broken, it is proven safe. Why are we trying to fix it. I think that the FAA does not really understand the impact that this issue will have in the Grand Canyon.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1488)

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Date: 03/16/04 02:46 PM
Author: Alberta Brown (no profile)
Subject: RE: Minimum altitude restriction

Mr. Becker,

There is no intent to cancel what is working at the Grand Canyon. The Grand Canyon has a comprehensive route map with approved routes and altitudes. There is an operator procedures manual that is already approved by the FSDO. There are standards in the procedures manual and the airspace is outlined by a Special Federal Aviation Rgulation to include entry and exit points. You have all worked hard to develop safe procedures. We have the information we need to allow that to continue. Part 136 was not designed to disrupt existing FSDO agreements. It is designed to encourage them.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1770)

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Date: 03/05/04 10:38 AM
Author: thaney r silva (no profile)
Subject: minimum altitude restriction

I think that is gonna be a huge issue put the helicopters in the airplane traffic here in the Grand Canyon , unless the FAA changes the airplane traffic even higher , but is that a good idea???, we've been operating safely here in the Canyon for many years , and i think the FAA should rethink this whole restriction issue, and then will continue making happy custumers from all over the world.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1523)

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Date: 03/16/04 02:47 PM
Author: Alberta Brown (no profile)
Subject: RE: minimum altitude restriction

Mr. Silva,

There is no intent to cancel what is working at the Grand Canyon. The Grand Canyon has a comprehensive route map with approved routes and altitudes. There is an operator procedures manual that is already approved by the FSDO. There are standards in the procedures manual and the airspace is outlined by a Special Federal Aviation Rgulation to include entry and

exit points. You have all worked hard to develop safe procedures. We have the information we need to allow that to continue. Part 136 was not designed to disrupt existing FSDO agreements. It is designed to encourage them.

Please do read the responses to others to include Mr. Becker and Mr. Sullivan.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1771)

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Date: 03/05/04 11:41 AM
Author: Randy D. Miller (no profile)
Subject: Over here Alberta!

Ms. Brown,

Since this is the last day of this "forum", do you think you'll have time to wander over to the other two sections: "Part 91 / 25 Mile" and "Charity / Community" and spend some quality time over there fielding the NUMEROUS questions that have been posed to you?

That would really be great. Thanks!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1533)

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Date: 03/16/04 02:48 PM
Author: Alberta Brown (no profile)
Subject: RE: Over here Alberta!

Mr Miller,

Been there. Will be back.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1772)

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Date: 03/05/04 03:29 PM
Author: Dave Muhr (no profile)
Subject: minimum altitude and stand off distance requirements

After reading the post's regarding the new part 136, from the FAA responses, it sounds like many operators will have grounds for deviations due to unique local situations. Why then put a 'one size fits all' rule into effect that does actually fit all? The system in the

Grand Canyon works. We have established routes and altitudes that keep seperation between fixed wing and helicopter traffic. With no guarentee for deviation approval, how does the new rule increase our safety while operatining in the Grand Canyon SFRA? Adittionaly, as per a previous post, the intent of Part 136 is not to disrupt existing FSDO agreements. How can this be avoided when every operator will need a deviation authorization while having to comply with part 136 until authorized to deviate? The new part 136 is not the solution. It will create a huge impact on the tour industry. Is it possible to extend the public meeting to further discuss potential solutions?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1575)

Date: 03/16/04 02:55 PM
Author: Alberta Brown (no profile)
Subject: RE: minimum altitude and stand off distance requirements

Mr. Muhr,

There is no such thing as one rule that can fit all the operators in the nation. That is why the deviation authority is available. It is not appropriate for every single operator to expect a deviation.

As responded to others at the Grand Canyon there is no intent to do away with what works at the Grand Canyon. It has taken a long time to get to a good system. You all have worked hard and we don't want to cancel what you have accomplished.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1773)

Date: 03/05/04 04:03 PM
Edited: 03/05/04 04:07 PM
Author: Bob Engelbrecht (no profile)
Subject: Altitude and Stand Off

I basically concur with the comments that the minimum altitudes and stand off distances are excessively restrictive and do not enhance safety. In Southeast Alask where weather and topography are major factors these requirements will push aircraft to the same areas and altitudes and will ultimately result in a large increase in cancellations. When there is a 2,000' ceiling everyone will be at 1,500' and down the middle of the valley rather than on the routes that were established by the operators and the local FSDO to seperate traffic and minimize noise. Alberta mentioned in an earlier response that if we had an FAA approved plan in Juneau we would be all set. The problem is the local letter of agreement is not FAA "approved" In the early years of its development it was signed by the local FSDO. Recently they have been reluctant to sign on although they express support and belief in the value of the agreement. If that is a result of pressure from above or being reluctant to do anything out of the mold at the local level is hard to tell. In our area non tour flights carry passengers in the same general areas as the tour operations using the same aircraft. It does not make any sense that there would be two different standards for tour and non tour operations.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1588)

Date: 03/16/04 03:42 PM
Author: Alberta Brown (no profile)
Subject: RE: Altitude and Stand Off

Mr. Engelbrecht,

Thank you for your good comments.

Some others have brought up the part 135 not doing air tours in the same airspace as part 135 doing air tours and each using separate rules. Some operators do both air tours and charters.

About approved documents - there are many manuals, letters of agreement, letters of authorization, procedures, company agreements, out there that no one knows all the approvals. We thought you were referring to an FAA- approved document. So we are learning too.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1775)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

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Forum - Part 121/135 Air Tour Operators and Part 136 Issues

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Date: 02/22/04 07:04 PM
Edited: 02/22/04 07:34 PM
Author: FAA
Subject: Other ideas that would establish an equivalent level of safety.

Please share with us other ideas you have that would achieve a level of safety that is equivalent to the proposal and impose fewer burdens on operators.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=691)

Date: 02/25/04 07:09 PM
Author: David John Chevalier (no profile)
Subject: RE: Other ideas that would establish an equivalent level of safe

These burdens should rightfully be shared equally for all FAR Part 135 operations. How can you speak of an "equivalent level of safety" that would be vastly different from other Part 135 operations? Ah yes, because you will make us subject to Part 136 and be able to do anything you want. Conquer and divide. Well done! But wait, why should Part 136 not have an equivalent level of safety with Part 135? This question will not go away.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=922)

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Date: 03/03/04 10:59 AM
Author: Alberta Brown, FAA (no profile)
Subject: RE: RE: Other ideas that would establish an equivalent level of

Mr. Chevalier,

We agree that any air tour burdens (and benefits) should be shared equally with all part 121/135 operators that are also conducting air tours. Part 135 and part 136 are completely different parts to be used for completely different reasons. Part 135 is a certification rule. Part 136 is a place to put all commercial air tour regulations so they can be found without going to multiple places. The purpose of part 136 was contained in 2nd FAA Response. Granted that wasn't put into this forum. We thought existing carriers understood what part 136 was. We also know that everyone is reading all three forums since there are responses from existing air carriers in all three. Regardless, we apologize for any confusion and paste the part 136 response again here. Perhaps the separate forums wasn't the best way to handle this Internet meeting. We are new at this and wanted to provide an additional way to communicate in addition to the traditional way.

---------- Part 136 NTSB did not tell us to create a new part. The sightseeing industry has evolved and we have regulations specifically aimed at air tour operations. Regulations have been in place at the Grand Canyon since the 80's and Hawaii since the 90's. We have some Grand Canyon regulations in part 93 which is a place for airspace rules and some in

SFAR 50-2. Hawaii has regulations in SFAR 71. With the implementation of the National Park Air Tour Management Act, each national park will have rules specifically for that park. When Congress legislated air tour management plans for national parks, we had to put those rules somewhere. We decided not to do another SFAR so we created part 136. The previous SFAR 78 for the Rocky Mountain National Park was moved into part 136. We thought it would be efficent to have all the sightseeing regulations in one place. ----------

We realize the written word is not always the best way to express thoughts but we really don't understand the rest of your comments. Do you want to keep SFAR 71 the way it is? You think the FAA can do whatever it wants? The proposal is what we want. Part 136 as proposed provides the air tour operators more regulatory flexibility than has ever been provided before. The deviation process described in 136.21 allows operators to develop sutitable alternatives to the rules and get them approved and incorporated into their operations specifications. This allows approval of unique operations regardless of where in the nation those operations occur. The deviation authority in the proposal is much broader than the deviation authority in SFAR 71.

We know that the operators in Hawaii never wanted regulation in the first place. It has been 10 years since SFAR 71 came into being. The courts have ruled in favor of FAA. We know you don't like that.

The FAA is not against you at all. You provide a service that the public enjoys. We want you to be sucessful. We are aware of efforts on behalf of the Hawaiian air carriers and organizations such as HAI to improve service. We know you have purchased new engines. We know your national park issues. We know your noise issues. You have been through lots. This proposal is not parks or noise. What about the proposal would you like to change?

We would like to move forward with you not against you.

Thanks

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1339)

Date: 03/03/04 05:52 PM

Edited: 03/03/04 06:19 PM
Author: Charles Chung (no profile)
Subject: RE: RE: Other ideas that would establish an equivalent level of

Ms. Brown,

Is is an understatement indeed when you state that having multiple virtual forum "wasn't the best way." It is not working. For example you have yet to respond on substantive issues in the Altitude and stand off distances, Cloud clearance, Over water flights, Helicopter Performance plan requirements sections, and here we are almost at the deadline of March 5. I was beginning to think the FAA was not going to respond to any of the numerous comments submitted by the industry members. I also take issue with the fact that you are taking Mr. Chevalier's comment out of context and misinterpreting his point. You are proposing to target a specific segment of the aviation industry, in this case, air tour operators, to impose a higher set of safety standards than the requirements under the existing Part 135 without verifiable and reliable empirical evidence to support it. Air tour operators operating under the Part 135 already meet or in many cases exceed Part 135 requirements. The usual ARC process to vet safety concerns with the input from the affected industry was completely bypassed in this instance. Your FAA response #2 is totally missing the mark when you state that "an ARC can be very lengthy and everyone is not involved in the development of the rule." First of all, an ARC process can be assigned a definite time limit as in the case with the Part 135/125 ARC. Secondly, it is infinitely better to have some industry input in the rulemaking process than not none at all. A limited number of air tour operators participating in the ARC can just as effectively represent the air tour industry. This concept is not new as it is being done in the Part 135/125 ARC, and in other aviation committee meetings by countless organizations.

Part 135/125 ARC is already examining the entire Part 135. It would make sense to address any air tour safety concerns within that ARC instead of adding a yet another part to the FAR. Alternatively, a separate ARC with the industry members knowledgeable in this area to vet air tour safety concerns would be a better solution. Virtual internet form cannot replace the value of having continuous and spontaneous face to face meetings between the FAA and the industry representatives. If this were not the case, most major corporations would eliminate their flight departments. The value of conducting a meeting where ideas are exchanged and clarified is priceless.

Your statement that "they do not want to wait" puzzles me as to what careful observation led you to this belief. If anything, a vast majority of air tour operators that I spoke to would prefer the FAA wait and work through different issues carefully to see its potential implications, both economic (which is significant in this case) and safety, before issuing a new rule. If you read numerous comments posted

by air tour operators throughout many different forums here, you will understand my point.

The basis for this NPRM on National Air Tour Safety Standard is based on SFAR 71, which was issued as an emergency rule on September 26, 1994, bypassing the usual regulatory process. It is worth noting that this SFAR 71 was renewed twice without going through the regulatory committee process of addressing the relevant issues with the industry. You have stated in your response to Mr. Riemer that you agree with the NTSB comment regarding SFAR 71. The Board clearly stated that there is no reliable basis for attributing "a decrease in air tour accidents in Hawaii to the issuance of Special Federal Regulation 71, which currently governs the air tour industry in that state and is the basis for the proposed rule."

Through this NPRM, you are starting out from a severely restrictive standpoint. You have failed to consider the design characteristics of helicopters in drafting this NPRM, as indicated by the altitude, cloud clearance and prohibition of flying in the shaded area of the Height Velocity Chart (Contrary to the previous FAA stated position).

This is identical to the way Europeans conduct their regulatory process, which, by the way, has had a chilling effect on aviation. Certainly, safety should be the driving force behind a regulatory process, but only after a thorough cost benefit analysis has been conducted. If the purported increase in safety is dubious at best and dwarfed by the economic impact this regulation will bring, then one should reconsider implementing it. The FAA is under a mandate to implement Operational Risk Management. You say you have studied the economic impact this regulation will bring on the air tour operators, but it does not appear so based on the statements you have issued so far. One operator alone in Hawaii have calculated $4 million in 2003 lost air tour revenue due to SFAR 71 alone. There are times when fine tuning an existing regulation is a better solution than adding a new regulation.

My recommendation is for the FAA to either withdraw this regulation or at a minimum, postpone the issuance of the final rule until an ARC is formed to address the air tour safety concerns, giving the opportunity for the industry experts and representatives to participate in this rulemaking process.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1386)

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Date: 03/03/04 06:32 PM
Edited: 03/03/04 07:55 PM
Author: David John Chevalier (no profile)
Subject: RE: RE: Other ideas that would establish an equivalent level of

Alberta, We are all new to this internet forum concept and we will all learn as it becomes a more familiar tool. I think it is a wonderful tool, a way to bridge the gap between Washington and the far flung areas around the country. It is far superior to the traditional way of simply submitting comments to the powers that be with no follow-up chance to react to how they've been interpreted. Please forgive the cynicism in my earlier comment; it is borne of ten years of pent-up frustration from being singled out and then ignored.

Part 135 is a certification rule? I think you will agree that 135 prescribes the Rules governing us. Part 119 is certification. I understand that Part 136 is a place to put all commercial air tour regulations so they can be found without going to multiple places. But wouldn't this logic also apply to all sectors of commercial aviation?

My concern is that this sector will continue to be treated as Hawaii has been treated under SFAR 71. Do I think that the FAA can do whatever it wants? I'm afraid that I do. I've seen it done with SFAR 71. If Part 136 will bring true dialogue and partnership with the FAA then I'm for it, I pray for it to be. We need to rebuild the trust that has been compromised between the Hawaiian operators and the FAA. We hear from the rest of the country that it is fine for Hawaii but do not bring it to their back yard. Self interest is a compelling force.

To answer your question "What about the proposal would you like to change?" please revisit the petition that was submitted by the Hawaii Helicopter air tour industry and entered into the docket on the last renewal of SFAR 71 (Docket # FAA-2003-14830). This was truly a consensus document from the people who actually do the job under the SFAR. I believe that it should be given great weight in your deliberations.

The Ninth Circuit Court of Appeals ruled in favor of the FAA because the FAA is the expert in matters of safety and promised the court that there was an imminent National Rule which would rectify the discriminatory nature of SFAR 71. That imminent rectification has not happened in over nine years and is a material breach of trust with that court.

Thank you. I hope we can continue this dialogue.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1388)

Date: 03/01/04 08:14 PM
Author: Don Ballard (no profile)
Subject: If it isn't broke why fix it?

It appears to me that:

The air tour industry is concentrated in three geographic areas; Hawaii, Grand Canyon and Alaska. The heaviest concentration of flying occurs in Hawaii and Grand Canyon. It therefore follows that these two geographic areas understandably have had a higher number of incidents and accidends. as well as a corresponding increase in public opposition, for vaious reasons but public complaints are related primarly to noise and frquency of operations.

These two geographic areas are both covered by SFARs, each of which has been refined and adjusted for a decade. The end result is a specially tailored regulation that works for both the public and the operators within their unique and special operating environment. Of course the SFARs are a compromise and neither special interest groups in the public sector or the operators are completely satisfied with the regulations. However, it is worth noting that the public has calmed down as it appears that there is little if any public bashing of the air tour industry in the press as there was in the pre-SFAR era and the opertors have flourished. Many operators have doubled, even tripled the size of their fleets since implementation of the SFARs.

While it may seem to the FAA that the proposed CFR Part 136 regulation is a elegant solution for management and oversight of the air tour industry in general I fear it will only achieve the opposite. It is simply too much too soon for the already overburdened air tour operators and understaffed FAA to deal with. All it will serve to do at this juncture is antagonize all partiers concerned and drive a begger wedge between industry and the FAA.

Part 136 appears to be a knee-jerk reaction to some outside pressures, perhaps the NTSB recommendations and/or political pressure resulting from the collective efforts of special interest groups.

I do not feel that the industry is ready for, nor does it need further regulation. SFARs are the appropriate vehicle for dealing with air tours operations that are concentrated within specific areas. Penalizing the entire industry with Part 136 is not. Part 91, 135, 119 and 121 are more than

adequate. Do you really believe that creating another regulation is going to solve the problem. Somebody within the FAA needs to show some leadership and start steering the ship.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1222)

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Date: 03/03/04 11:16 AM
Author: Alberta Brown, FAA (no profile)
Subject: RE: If it isn't broke why fix it?

Mr. Ballard,

Thank you for your comments. We agree that regulations for Hawaii and the Grand Canyon have been refined over more than 10 years. You seem to be saying that the SFARs have been a success and that you prefer the SFARs over the current proposal.

We are aware that some operators have doubled and tripled the size of their fleets since implementation of the SFARs. We are pleased and hope the success continues. When the SFARs were developed the tour operators said what the part 91 operators are saying now about the FAA putting them out of business. It is not our intent to put operators out of business.

If there is something specific about the current proposal that would improve it, please send your suggested rewrite.

Thanks

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1343)

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Date: 03/03/04 01:23 PM

Edited: 03/03/04 02:15 PM
Author: Don Ballard (no profile)
Subject: RE: RE: If it isn't broke why fix it?

Ms. Brown,

Please do not misinterpret my comments as a glowing testimonial for the success of SFAR-71. SFAR-71, as written, is a onerous regulation that, in my opinion, went way too far. If not for the hard fought for deviations by the operators the industry would have come to a halt. I will only concede that the public sector, most vocally opposed to air tours, is apparently pacified. I do not believe that it necessarily improved safety. In fact, it may have been the cause of the three worst fatal crashes in the history of Hawaii's helicopter air tour industry. While I pointed out that the air tour industry has flourished post SFAR-71 I was not suggesting that it did so because of SFAR-71, but rather in spite of SFAR-71. No doubt, tourism in Hawaii is growing and it appears that it will continue to do so for some time to come. It only follows that as long as air tours are not illegal that the industry will continue to grow right along side of it.

Perhaps it was timely and appropriate to deal with the public perception issue at the time (1994) through SFAR-71, even though it was cloaked under the guise of safety. I am not in disagreement with minimum altitudes and stand-off distances for noise abatement. Public compatibility with the industry is key.

However, if safety is truly the issue the FAA has done little to provide incentives for operators to upgrade to aircraft with redundant systems. Indeed, the FAA had at one time discouraged it. Nevertheless, it is encouraging that the FAA has at least aknowledged the increased security of redundanct systems aircraft within the NPRM by providing additonal operational flexibility for these aircraft.

My concerns are that the FAA is now proposing to force this overbearing regulation on the entire country in the form of CFR Part 136. Part 136 is not simply a "pidgeon hole" to neatly place all of your Air Tour regs, it is a massive set of new regulations that will alter general aviation forever affecting tens of thousands of people who earn a living in GA. This includes the entire spectrum of manufacturers, suppliers, service providers, not to mention slamming the door shut on opportunies for young people to pursue a professional pilot career. I am especially opposed to removal of the 25 sm provision. Clearly a vehicle is needed for low time pilots to build experience.

The FAA makes distinctions with regards to Airspace, why not with Air Tours. The problems are regional, not National. What the FAA is attempting to do with this

NPRM is impose the equivalent of Class B Airspace on the entire country.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1367)

Date: 02/24/04 03:14 AM
Author: John Townsley (no profile)
Subject: Establishing a data base and history to allow trend analysis

One of the purposes of the new rules, according to the introductory material provided by the FAA, is to permit development of a data base that can then be used to assess whether there is really a problem. It appears that the NTSB is speculating on the existance of a problem, and that the FAA is responding by assuming there is truth to the speculation.

There is s science known as "statistics". It involves sampling. Perhaps, rather than exercising a blanket regulatory approach that demands that the entire population of pilots, commercial Part 91 operations, and community events be subjected to onerous regulations, the FAA should consider devising a sampling scheme that would allow collection of data on pilot qualifications, safety related issues, and actual accidents associated with local part 91 sight seeing for hire, and local Part 91 charitable flights. At this juncture it appears that the FAA proposals border on arbitrary and capricious, as they are not founded on data, but rather on supposition that the NTSB assertions might (MIGHT) be true.

The sampling scheme might include FAA inspectors visiting a subset of events to observe procedures and to discuss pilot qualifications with participating pilots. This would be quite easy to do as nearly all community events where rides are given are well publicized. This would shift the burden of data collection FROM the pilot community TO the FAA. A desireable outcome because there would be no excessive regulatory burden. Data would be valid because a random sample of the total population of events could be included in the data set. A regulatory approach ignores the efficiencies of sample design and imposes unnecessary costs for compliance on both pilots, non-pilot passengers, and the general public. Unless there is a sound sampling scheme it is not possible to determine whether the proposed regulations are imposing excessive costs (in terms of compliance and avoidance of the need to comply) on citizens of the US.

In the absence of a solid data set, regulations such as those proposed do not appear warranted.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=832)

Date: 03/03/04 11:57 AM
Author: Alberta Brown, FAA (no profile)
Subject: RE: Establishing a data base and history to allow trend analysis

Mr. Townsley,

The NTSB and the FAA have said that we need a database. That is true. The purpose of the database is not to see if there is a problem.

The FAA does use statistics. An FAA economist completed a regulatory evaluation (dms docket # 54). Other economist reviewed that work. Sampling was used to develop that document. We used available data. There is not an abundance of data available. Hence, the need of a database.

You see the current proposal as a blanket rule. Some see the existing 25-mile exception as a blanket loophole that has not kept up with the enormous increase in air tours. The FAA needs to be proactive and not wait for overwhelming data. There is enough data to think the air tour industry has outgrown the 25-mile exception.

Thanks

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1352)

Date: 03/03/04 01:25 PM
Edited: 03/03/04 02:54 PM
Author: Robert B Mincer (no profile)
Subject: RE: RE: Establishing a data base and history to allow trend anal

I agree. 50 miles would seem much more reasonable.

It seems there's not even a significant amount of data to justify collection of more data, or even an expectation of "overwhelming data". This response makes this proposal look even more look like a solution in search of a problem.

"Loophole" is defined as an evasion of compliance. I think many of us would take issue with that. When the original Part 119 exception was first made, can you state what the acceptable number of Part 91 air tours should have been, before the regulation was "outgrown"?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1368)

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Date: 03/03/04 08:23 PM
Author: Don Ballard (no profile)
Subject: RE: Part 91; 25 sm operating authority

Ms. Brown,

Part 91 is presently the spawning ground for future air carriers. Few operators/entreprenuers started their businesses without first proving that they could under the provisions of Part 91. It takes a long time to create demand for a product. Few people have the resources or the time to go through the certification processes first before ever turning the first dollar of revenue. Without the 25 sm authority another barrier is created. The end result is that those already in business will no longer have to compete. They will simply get bigger. But perhaps this is what you seek. Fewer companies to manage and more control over those that you do.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1391)

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Date: 03/03/04 10:15 PM
Author: David John Chevalier (no profile)
Subject: RE: RE: Establishing a data base and history to allow trend anal

Alberta,

A database of statistics is a necessary tool to be able to put the air tour industry into perspective. Few realize how many hours of air tours are actually flown. Neither the FAA nor the NTSB can adequately address this industry without this information. We have attempted to gather this information, on a national basis but are unable to get all companies to respond. Some are paranoid of giving out such information to potential competitors; some just don't want to be involved. The FAA is in a perfect position to be able to quickly construct such a database. Require every air tour company to report the number of hours of tours that they've conducted, for each of the past ten years. Every company has this information; they just need to be leaned on by you to get it. I would also suggest that they provide you their approximate number of take-offs and landings over that timeframe. A review of aircraft logs or financials makes this one an easy task. I hope to get a response to this so that I can address potential concerns. We've done it with those willing to participate so we know that it can be done, and done quickly.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1393)

Date: 03/04/04 09:10 AM
Edited: 03/04/04 09:12 AM
Author: Waldo Wright's Flying Service (no profile)
Subject: RE: RE: Establishing a data base and history to allow trend anal

Ms. Brown,

DATABASE: I think that many of us agree that there is a need for a Part 91/119.1(e)(2) database. But to try and downplay the importance of a credible database and what it can/will be used for is not justified. You purport that "the purpose of the database is not to see if there is a problem", yet you and your FAA economist based his entire argument on the NTSB accident database, "sampling", and the infamous GRA report, which was so badly done that I was insulted. Your FAA economist went so far as to include accidents with Private Pilots in command to bolster the statistics, which then was used to substantiate NPRM 4521. Now, we all know that only commercial and ATP rated pilots can legally operate these types of tours, why didn't you?

There were 3 vintage aircraft accidents resulting in 7 fatalities in your 8-year study. 1 was a mechanical problem, the other two were low-level acrobatics (violations of FAR 91.303). Would Part 135 certification have prevented any of these unfortunate accidents? The

purpose of the Part 91.119.1(e)(2) database would be the basis to compare the accident rate per hours flown as it relates to Part 135 operations, and possibly Part 91 operations. This can be used to "SEE IF THERE IS A PROBLEM". What I'm getting at is you used a database, and statistics derived from it, to support your argument to potentially KILL THIS INDUSTRY. I suggest you compile the necessary Part 91 database to accurately compare it against other segments of the aviation industry. NOT ESTIMATES. Many of us Part 91 operators would be more agreeable to regulation if there indeed was a safety problem. Show us a problem and back it up with credible evidence/data.

INSURANCE: Because of this issue alone, Part 135 certification is a moot point. Since your FAA economist failed to do his homework on this subject, I took the iniative. My insurance underwriter, AIG, the world largest aviation insurer, does NOT insure single engined piston 135 operations. Please keep in mind this is the LARGEST insurer in the world. Now, there is, I have found, a much smaller company that will insure me, however my premium will be raised by 200 to 400 percent. Cased closed. My biplanes are not certificatable as Part 135 air carriers anyhow, but the insurance issue would be the last nail in the coffin, just as it will be for other aircraft that would be eligible for Part 135 certification. Why is this? Well, further questioning revealed that if there is a claim, attorneys usually go after larger settlements because the operator was "holding himself out to a higher LEVEL OF SAFETY than a Part 91 operator". Please keep in mind that your economist stated in the Preliminary Regulatory Evaluation that no increase in insurance is expected. Looks like their cost of implementation data, as presented, is now a little skewed.

Your FAA economist, and the group of economists that signed off on the Preliminary Regulatory Evaluation, now look about as credible as the data that they used, and the finished product that they produced. They did whatever it took to compile justification for the conclusion that your office wanted.

Ms. Brown, your office cannot hide behind the guise of being "proactive" (as it pertains to NPRM 4521), just because the FAA has been accused of being "reactionary" in the past. If there is enough data to think the air tour industry has outgrown the 25-mile exception "loophole", as you purport, and the safety record of the Part 91 sightseeing industry is exempliary, as your own data seems to suggest, then I fail to see what we are gaining from 4521.

I fear that NPRM 4521 will go the way of the SFAR 71 and will ultimately be decided in a court of law. With the lack of data, the FAA will be in a precarious position. However, only time will tell. The entire G/A industry may well be holding their collective breath as a judge decides the fate of the industry.

Many people have said this both on the docket and during this forum, but NPRM 4521, if enacted, will be The DEATH BLOW to general aviation.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1406)

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Date: 03/05/04 10:11 AM
Author: Robert G. Lock (no profile)
Subject: RE: RE: Establishing a data base and history to allow trend anal

Well said Waldo Wright's. Your comments are "right on the money." Am proud to be associated with you.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1519)

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Date: 03/03/04 07:05 PM
Edited: 03/03/04 07:36 PM
Author: Don Ballard (no profile)
Subject: RE: NTSB Database

The following was extracted from the NTSB's Special Investigation Report PB95-917004 on Hawaii Helicopter Air Tour Accidents/Incidents Occurring between October 1, 1988 to April 1, 1995. There were 29 events as follows:

Loss of power: 18 (62.06%; Loss of control: 3 (10.34%); Mid air 1 (3.44%); CFIT 1 (3.44%); Adverse weather 1 (3.44%); Forced landing 1 (3.44%); Hard landing 1 (3.44%); Dynamic rollover 1 (3.44%); System failure 1 (3.44%); Gear collapsed 1 (3.44%).

As I recall, this document was submitted by the NTSB during a series of public hearings held by the NTSB in late 1994, I believe just prior to SFAR-71 implementation.

I think it would be instructive for the FAA and industry if the NTSB were to prepare another such report covering a corresponding seven year period beginning with the date that SFAR-71 was

implemented. I am sure many of us would like to compare this data. If there has been no measurable improvement, as I suspect, what then, would the FAA's argument then be for CFR Part 136 as it is now written? I have no problem with creating a "place" like CFR Part 136 to put all of the air tour regs, but thinking rather than knowing that imposing the framework of SFAR-71 on the rest of the country is going to improve safety is wrong thinking. We, industry and the regulators both, need to have more factual information before venturing too much further out on the slippery slope.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1389)

Date: 02/27/04 02:30 PM
Author: Richard Larew (no profile)
Subject: Other ideas that would establish equivalent levels of safety

Have all operators providing commercial air tours certified under part 135. Incorporate the current proposed NPRM in the ongoing rewrite of part 135. Passengers riding on air tours and on demand charters should expect the same levels of training and safety.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1018)

Date: 03/03/04 12:12 PM
Author: Alberta Brown, FAA (no profile)
Subject: RE: Other ideas that would establish equivalent levels of safety

Mr. Larew,

Thank you for your comments. The NPRM does propose that all operators providing commercial air tours be certified as air carriers (121/135). We agree that the passengers expect the same level of training and safety. Most of the part 91 air tour operators are similar to part 135 VFR single-pilot operators.

We did suggest an alternative to part 135 (see 3rd FAA response) for "vintage" to start discussion.

We are open to alternatives.

We posted discussion of the "ongoing rewrite of part 135" (see 2nd FAA response).

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1358)

Date: 02/28/04 02:19 PM
Author: mark boyd (no profile)
Subject: Is safety more important than capability? Does NTSB run FAA?

The simple and clear way to make aviation fatalities go to zero is simply make flying illegal. This should be very obvious. If the FAA has safety as it's only goal, it should impose this rule, and then advertise itself as a smaller, weaker sub-branch of the NTSB. Over a few years, this would save a lot of money, since the FAA would only need one employee: an FAA historian.

I think flying should remain at the same safety level over time, and not improved. If it was at an acceptable level of safety in 1970, why do we need more safety now? Was the FAA careless and reckless in 1970? This seems to be the message by these new safety concerns.

Accidents and fatalities in California have decreased by about 40% in the past 35 years. I recommend the number of hours required in all categories (for license and for part 135 operators and for all parts of the CFR) be reduced by 50%.

This will greatly increase the capability of aviation, increase the pool of potential pilots for all operations, reduce the cost (and therefore the pressure on pilots to take questionable flights), and increase flying enough that more of the "passengers" are educated accurately about the risks and capabilities. This will also reduce the number of accidents and fatalities per hour of flight, partly because the insurance companies will have more adjusters and regulators (paid for by the increased business) to pinpoint problem areas.

In the worst case, the capability of aviation is greatly increased, and the wisely accepted safety levels of 1970 will recur. In the best case, safety is greatly improved along with capability.

Yep, so reduce the required hours by half. This should reap the capability benefits of new manufacturing techniques, better accident cause tracking, GPS and other navigation improvements, the increase in installations of autopilots, etc.

All this with no decrease in accepted levels of aviation safety. A win-win situation.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1082)

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Date: 03/03/04 12:18 PM
Author: Alberta Brown, FAA (no profile)
Subject: RE: Is safety more important than capability? Does NTSB run FAA

Mr. Boyd,

Thank you for your time and participation.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1360)

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Date: 02/28/04 09:41 PM
Edited: 02/28/04 09:45 PM
Author: Bruce W. Tice (no profile)
Subject: Why didn't I think of that!?

Other ideas that would establish an equivalent level of safety...hmm...let me think...I've got it, but it's not an idea...it already exists and it has worked well for years in southeast Alaska! It is a 70+ page document known as the "Letter of Agreement" and it was put together, and is refined each year, by numerous helicopter and fixed-wing tour operators that share the airspace in that neck of the woods during the summer cruise season. The local FSDO gets involved as well. It deals with appropriate altitudes, directions of flight, frequencies to monitor and noise abatement procedures. It is referred to numerous times by various respondent's in the comments section pertaining to this NPRM. Check it out! I'm sure a similar agreement, with area specific refinements, would work just as well anywhere else. No need for the bureaucratic umbrella that would treat all operators the same.. .except, of course, for those that would have to close their doors for good!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1103)

Date: 03/03/04 12:28 PM
Author: Alberta Brown, FAA (no profile)
Subject: RE: Why didn't I think of that!?

Mr. Tice,

We are very familiar with Letters of Agreement, Letters of Authority, etc. They are all deviations. The NPRM proposes to allow deviations. Deviations are submitted by the operators to the FAA for review. Some are reviewed at the district level, some the regional level and some at Headquarters.

Thanks

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1361)

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Date: 02/29/04 10:24 PM
Author: Casey Riemer (no profile)
Subject: increase safety

In their comment to this proposed rule, the NTSB stated that, "…The Safety Board also notes that the NPRM attributes a decrease in air tour accidents in Hawaii to the issuance of Special Federal Aviation Regulation 71, which currently governs the air tour industry in that state and is the basis for the proposed rule. The Board does not believe that there is a reliable basis for this conclusion because of the current lack of an accurate, verifiable method of collecting and tracking flight activity data for specific segments of nonscheduled 14 Code of Federal Regulations (CFR) Part 135 flight operations…."

This statement by itself shows that the FAA has little basis for their position that the new regulation is needed. If the FAA can't prove that SFAR71 made tour flighs in Hawaii safer, how can they prove that the proposed national air tour rule is needed at all?

Part 135 is a good set of regulations. If there are tour safety issues that need to be improved upon, include them in the Part 135 rewrite.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1154)

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Date: 03/03/04 12:44 PM
Author: Alberta Brown, FAA (no profile)
Subject: RE: increase safety

Mr. Reimer,

The FAA did not propose to amend SFAR 71. If the proposal does not become final, SFAR 71 will remain.

The proposal happened first. The NTSB comments to the proposal happened second. We agree with the NTSB comment reference SFAR 71.

If there are particular items in the proposal you would like changed, let us know. We responded on the part 135 rewrite in FAA Response #2. We agree with you that part 135 is a good set of regulations. They can't be perfect though or you wouldn't be part of rewriting them.

Thanks

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1362)

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Date: 03/04/04 10:25 PM
Author: Casey Riemer (no profile)
Subject: RE: RE: increase safety

Ms. Brown,

I am unclear about your statement, "The FAA did not propose to amend SFAR 71."

Could you please explain this comment?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1499)

Date: 03/01/04 12:06 PM
Author: Scott Bowerbank (no profile)
Subject: Part 91/135 regulations

It appears it is the FAA's plan is to make it nearly impossible for the Commercial Aviation industry to conduct business safely and legally. By imposing more unnessary rules for the sake of creating rules will only increase the cost of doing business for all operators, and those that can't afford to comply with the new regulations (due to the effect on their businesses) will probably reduce costs in other safety sensitve areas. We don't have major safety issues within our industry to warrent such new regulatory requirements. If you were to impose restrictions to the way the general public drives their automobiles like you want to control the aviation businesses, you'd have a back lash like you have never seen before. I for one would like to see your research that shows how these new regulations would save lives, money and make everybody feel more comfortable about aviation. In addition, I would like to see your research on the finacial impact it would have on Operators. If it doesn't do those things, it is a waste of time, money, and dangerous to the future of aviation in the United States of America. Leave the regulations as they are. Sometimes it is much more smart to decide to do nothing, instead of make changes for sake of saying you made changes.

Scott Bowerbank Director of Operations Westcor Aviation, Inc. Scottsdale, AZ

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1186)

Date: 03/03/04 01:00 PM
Author: Alberta Brown, FAA (no profile)
Subject: RE: Part 91/135 regulations

Mr. Bowerbank,

There is no plan to make it nearly impossible for the industry to conduct business safely and

legally. Our research is in the docket already. You are an existing air carrier. What about the proposal is increasing the cost of your business and how would you like it changed? What is so expensive to your air carrier as to cause a reduction in safety?

Thanks

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1363)

Date: 03/01/04 05:12 PM
Author: Gary Kauffman (no profile)
Subject: Safety Applied Equally

Have all operators providing commercial air tours certified under part 135. Incorporate the current proposed NPRM in the ongoing rewrite of part 135. Passengers riding on air tours and on demand charters should expect the same levels of training and safety

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1213)

Date: 03/03/04 01:03 PM
Author: Alberta Brown, FAA (no profile)
Subject: RE: Safety Applied Equally

Mr. Kaufman,

You agree with what we proposed in the NPRM. Our response to the part 135 rewrite was posted in FAA Response #2.

Thanks for your comments.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1364)

Date: 03/03/04 04:35 PM
Author: Thomas Harnish (no profile)
Subject: RE: Safety Applied Equally

Your obviously didn't bother to read what the NPRM proposes or any of the comments here.

Do you realize that the Part 91 air tour accident rate, by the FAA's own data, is actually substantially safer than Part 135?

Can you offer any rational basis for your opinion?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1381)

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Date: 03/01/04 09:49 PM
Edited: 03/01/04 09:52 PM
Author: Preston Myers (no profile)
Subject: Part 91/Part 135

The solution is to add a requirement to Part 91 for minimum altitudes, visibility and cloud clearances for sightseeing tours. This now covers all flights whether under Part 91 or Part 135. There is no requirement to add more regulatory burdens (Part 136) thereby adding more confusion to pilots while they are flying. This also covers existing operations for charity flights. Adding more layers of regulation creates more stresses on pilots and this contributes to the accident rate.

SFAR 71 had little effect on fixed-wing aircraft. It has had a profound effect on helicopter flights.

Post SFAR 71 may have reduced the total accidents in Hawaii but has also contributed to more fatalities. Most pilots believe this is a direct correlation to flying higher and faster. Pre SFAR 71, the accidents for helicopters, for the most part with some exceptions, were minor or none for injuries.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1231)

Date: 03/03/04 01:17 PM
Author: Alberta Brown, FAA (no profile)
Subject: RE: Part 91/Part 135

Mr. Myers,

We think you agree that one place to find all the air tour rules is a good idea but you recommend that place be part 91, not part 136. All pilots use part 91, not only those pilots in part 135. We thought part 136 would be better because only those pilots conducting air tours would use it at all. Putting all the air tour rules into part 91 is also creating another layer. We appreciate another viewpoint though and will consider it.

We need more specifics on the remainder of your comment. The FAA made you fly faster? We welcome comments from helicopter air tour pilots and want to understand your issues.

Thanks

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1366)

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Date: 03/02/04 11:05 AM
Edited: 03/02/04 11:06 AM
Author: Frank L. Jensen, Jr. (no profile)
Subject: What is the Justification for an FAR Part 136?

By now, in this year of 2004, it would seem that the Federal agencies charged with regulating aviation and ensuring aviation safety would consider several factors before proposing new, extraneous and counterproductive regulations such as FAR Part 136. 1.) What is the justification? Do the actual statistics support it? 2.) What is the economic impact? 3.) Could any existing regulations be tweaked to achieve the desired result more efficiently? 4.) How much time and energy will the operators have to spend communicating with the FAA on this totally unjustified proposal?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1259)

Date: 03/03/04 01:29 PM
Author: Alberta Brown, FAA (no profile)
Subject: RE: What is the Justification for an FAR Part 136?

Mr. Jensen,

Part 136 has been final for over a year. This proposal would not create it. Statistics and economic impact are addressed in the docket already(dms comment #54).

If you have specific comments about the proposed change to 136.1 we would like to have them? We welcome alternatives.

Thanks

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1369)

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Date: 03/02/04 11:58 AM
Author: Casey Riemer (no profile)
Subject: Lack of FAA Participation

For the record, this thread has been active for 9 days now and the FAA has not participated in the discussion except to make their initial statement.

In all seriousness, this process is not working.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1267)

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Date: 03/03/04 01:41 PM
Author: Alberta Brown, FAA (no profile)
Subject: RE: Lack of FAA Participation

Mr. Reimer,

We apologize for not responding sooner. You do show up in other than this forum and you have been reading other FAA responses so we trust that has been some help. A virtual meeting on the Internet is new for us. The intent was to offer an additional source of communication between the public and the FAA. We will try to do better.

Thanks

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1371)

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Date: 03/04/04 02:37 AM
Edited: 03/04/04 02:39 AM
Author: Casey Riemer (no profile)
Subject: Lack of FAA Participation

Ms. Brown,

If the point has not been made yet I will make it now. Sorry if I'm being redundant.

This Virtual Public Meeting is so new and different that so many affected operators and pilots know nothing of its existence. Many do not have access to the internet or the knowledge to use it. The experience and thoughts of too many good pilots and operators is not being accessed through this process.

It does appear that there is now some meaningful dialog occurring, but the short timeframe established for the VPM is not going to be sufficient to deal with the issues involved.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1397)

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Date: 03/02/04 11:53 PM
Author: Rick Pellicciotti (no profile)
Subject: NATA Survey Request

NATA has published a survey on their website. They are requesting all persons that will be effected by this rule complete the survey whether they are NATA members or not.

NATA Survey Link

Rick Pellicciotti Chief Pilot/Owner Belle Aire Aviation

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1324)

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Date: 03/03/04 01:43 PM
Author: Alberta Brown, FAA (no profile)
Subject: RE: NATA Survey Request

Mr. Pellicciotti,

We are aware of it. Thanks.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1372)

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Date: 03/03/04 03:58 PM
Author: Randy D. Miller (no profile)
Subject: Selective FAA Response

Has anyone noticed that when Ms. Brown "responds" to any post it is either to someone who has agreed (in full or in part) to something she has written or to the NPRM itself?

How convenient it must be to be able to sort through all these posts, and just selectively reply to the ones that are buying into this utter nonsense and igore the rest!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1375)

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Date: 03/03/04 05:01 PM
Author: Don Ballard (no profile)
Subject: RE: Selective FAA Response

Randy,

I am sure that Ms. Brown is as human as the rest of us and is no more protected from her emotions than we are ours. Because the NPRM is so far reaching and has such potential for devastation to many livelyhoods within our industry it is understandable that many remarks are highly subjective, sarcastic and in many cases plain rude.

It may be more productive for us to work with Ms. Brown and her staff on a more objective basis. I think that it is more than clear to her and her team that the aviation community does not feel that Part 136 is needed nor wanted. However, it appears highly unlikely that it is going to go away. Perhaps we should put more effort into working with her to modify Part 136 to be more compatible with industry while still achieving the FAA's goals.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1382)

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Date: 03/03/04 05:53 PM
Edited: 03/03/04 05:54 PM
Author: Randy D. Miller (no profile)
Subject: RE: RE: Selective FAA Response

Don,

I do agree that we all need to work together. However, the point is that THIS is NOT working.

You are one of the few people that Ms. Brown has responded to, and guess what? She took one little part of your first post (that she thought was a glowing testimonial of SFAR-71) and you had to write back and correct her that what she gleaned from your post wasn't actually your point at all!

That was MY point! She selectively responds to the slightest indication that someone agrees with the slightest portion of this nonsense, and ignores the majority of the negative (dissenting opinions) posts....which is 99.9% of this forum!

I WANT to work with the FAA on this, the point is that "they" are NOT listening.

Once again, the ONLY way we can have any effect on the outcome of this proposal is to send our comments in to the official FAA docket where they have to be recorded and addressed (however, I wonder now if that will even do any good).

Call your Congressman and let's hope and pray that AOPA and EAA have more "pull" than the rest of us (even though we number in the thousands).

Randy D. Miller Vintage Aviation, Ltd.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1387)

Date: 03/04/04 12:12 PM
Edited: 03/04/04 12:28 PM
Author: Casey Riemer (no profile)
Subject: FSDO capabilities

I posted this in the "FAA Response" thread, but that thread is not getting any FAA participation.

Our local FSDO recently processed a new Part 135 Certificate for a Part 91 tour operator. It is my understanding that it took over 4 years to accomplish the transition.

The FSDO staff is already overwhelmed with the Part 135 operators they have on their books. It is my position that this proposed rule will lead to a situation that provides a LOWER LEVEL OF SAFETY for all Part 135 operations than exists right now unless manpower and funding issues are addressed.

Has funding and manpower been accounted for to accomplish the certificate processing and oversight for the Part 91 operators that will make the transition to Part 135? If this proposed rule is implemented and no funding is available to increase the number of inspectors at the FSDOs, how will the needed deviations from the rule be processed in a timely manner?

I don't think that anyone will argue that Parts 91 and 135 of the FARs are acceped by the industry and have evolved through time to become a very good set of regulations. If there is real evidence that there is a problem with safety in tour operations, I think that the existing rules should be adjusted instead of creating a new set of regulations that will spread the limited resources of the FAA out even more than they are stretched right now.

Here is a question that needs response from operators and the FAA: Are there any FSDOs that could not use more inspectors than they presently have to accomplish the tasks that the current FARs mandate?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1436)

Date: 03/05/04 10:26 AM
Author: Alberta Brown (no profile)
Subject: RE: FSDO capabilities

Mr. Reimer,

The FAA staffing level is always an issue. The proposal wery clearly recognizes that the FSDO's will not be able to certificate part 91 air tour operators in a timly manner. That is why we proposed transition operations specifications. Contractor personnel in Washington D.C. working with FAA would develop and automate a set of transition operations specifications based on the application. These automated documents would be issued quickly via computer with only minor workload to reflect the particular operator. No operator would be forced out of business waiting for certification.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1520)

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Date: 03/05/04 03:35 PM
Author: Casey Riemer (no profile)
Subject: RE: RE: FSDO capabilities

This is all well and good for the part 91 operators becoming Part 135. What I am concerned about is the fact that the FAA is not going to provide more inspectors when there are more Part 135 operators. The inspectors on staff will also be tasked with overseeing more operators, while you readily admit that "staffing is already an issue".

Where is the equal level of safety here?

Unfortunately I have business to attend to and I will not be able to address this and other matters further. This process is not working as well as it could.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1579)

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Date: 03/04/04 04:01 PM
Edited: 03/04/04 04:05 PM
Author: Richard (no profile)
Subject: Alberta Brown, Ref Other Ideas

Ms Brown, I've made several comments and read all the comments made by the FAA and other participants. It appears to me that the FAA and tour industry need more time to comment and work on this draft regulation. I would be willing to participate in a committee (ARAC?) to address the NPRM. I am currently Chairman of TOPS (Tour Operators Program of Safety), HTOC (Helicopter Tour Operator Committee HAI) and a member of the NPOAG (National Parks Overflight Advisory Group). I understand the issues and think a committee can work to establish regulations that will work for all parties.Please don't rush this process.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1461)

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Date: 03/04/04 07:39 PM
Author: David John Chevalier (no profile)
Subject: RE: Alberta Brown, Ref Other Ideas

I would also be willing to serve on an ARAC for this issue.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1485)

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Date: 03/16/04 11:12 AM
Author: Alberta Brown (no profile)
Subject: RE: RE: Alberta Brown, Ref Other Ideas

Chevalier,

There is no such ARAC as you know. If one should ever develop you would be a great person to have on it.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1763)

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Date: 03/16/04 01:52 PM

Author: Alberta Brown (no profile)
Subject: RE: Alberta Brown, Ref Other Ideas

Richard,

This proposal doesn't involve an ARAC. If one should be developed you would be a good candidate for it. Also see FAA Response #2.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1768)

Date: 03/04/04 10:05 PM
Author: Michael Hurst (no profile)
Subject: FAR 125/135 ARC Rotorcraft Work Group Comment

I am chair of subject workgroup. The rotorcraft work group wishes to go on record as requesting an extension to the comment period to allow this issue to be brought forward either as a separate workgroup in the ARC, or as part of the rotorcraft WG. We have posted this comment on the Federal Register also. We have serious concerns about altitude, cloud clearance, and other parts of this NPRM which could bleed over to FAR 135 helicopter operations. Equipment issues are in the WG also which would impact tour operations. Thanks, Mike Hurst Chairman Rotorcraft Workgroup FAR 125/135 ARC

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1497)

Date: 03/16/04 11:13 AM
Author: Alberta Brown (no profile)
Subject: RE: FAR 125/135 ARC Rotorcraft Work Group Comment

Hurst,

Thanks for the comments.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1764)

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Date: 03/05/04 01:12 AM
Edited: 03/05/04 01:15 AM
Author: William J, Smith (no profile)
Subject: FAR 136

I am a 25,000-plus-pilot for Bali Hai Helicopters, a Kauai(Hawaii)-based-91-tour operator. We have been in business since 1986 and have never had an accident nor incident, yet many of our 135 counterparts on this island have. How is 136 going to make us any safer? In fact, the associated costs with it may put us out of business. Surely, this is not in the public interest. Please be advised that this is an election year and that most small business owners vote. At this point, Kerry is looking better all the time. (Kindly pass this on to Karl Rove.) By the way, I have never met a 25,000-plus-hour-FAA pilot. Why then, are you guys with perhaps 2000-3000 flight hours, allowed to dictate national aviation policy that is so harmful to America's citizens? My point is that FARs 91 and 135 are more than adequate to govern the helicopter industry. Enforce them. Don't create another layer of regulation which is harmful to the users to implement and a nightmare for the administrators to oversee? What's next? FAR 137, 138, 139, ad infinitum?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1505)

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Date: 03/16/04 11:15 AM
Author: Alberta Brown (no profile)
Subject: RE: FAR 136

Mr. Smith,

Thanks for your comments.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1765)

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Date: 03/05/04 11:39 AM
Edited: 03/05/04 11:40 AM
Author: Randy D. Miller (no profile)
Subject: Over here Alberta!

Ms. Brown,

Since this is the last day of this "forum", do you think you'll have time to wander over to the other two sections: "Part 91 / 25 Mile" and "Charity / Community" and spend some quality time over there fielding the NUMEROUS questions that have been posed to you?

That would really be great. Thanks!

Randy D. Miller

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1532)

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Date: 03/16/04 11:51 AM
Author: Alberta Brown (no profile)
Subject: RE: Over here Alberta!

Mr. Miller,

Have now gone there and will go back again.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1767)

Date: 03/05/04 04:21 PM
Edited: 03/05/04 04:22 PM
Author: Bob Engelbrecht (no profile)
Subject: Equivalent Level of Safety

Equivalent level of safety is the key issue here. It should be equivalent for all 135 passenger carrying operations not just air tours. There are a number of good ideas in the proposed rule but they make as much sense for the aircraft flying passengers to Haines as the one flying to the glacier between Juneau and Haines. Part 135 is the place to make the appropriate changes. It will be much clearer to find the requirements there than to change how we fly based on whether we are flying passengers on an air tour or for some other purpose.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1592)

Date: 03/16/04 11:50 AM
Author: Alberta Brown (no profile)
Subject: RE: Equivalent Level of Safety

Mr. Engelbrecht,

You seem to be a part 135 operator who does air tours in addition to other part 135 flights. You suggest that the proposed rules go into part 135 and not into part 136 because it would be easier for you to follow one set of rules. You also think these proposed rules should apply to all part 135 operators, not just those conducting air tours.

These are some valid points. Thanks for making them. If we totally missed your meaning, the docket is still open until April 19.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1766)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

Forum - Part 121/135 Air Tour Operators and Part 136 Issues

Over-water flights and flotation devices. Edit Delete

Over-water flights and flotation devices.	FAA	02/22/04
RE: Over-water flights and flotation devices.	Gary Kauffman	03/01/04
RE: RE: Over-water flights and flotation devices.	Alberta Brown	03/04/04
Flotation Devices	Wyatt Bell	02/23/04
RE: Flotation Devices	Alberta Brown	03/04/04
RE: RE: Flotation Devices	Wyatt Bell	03/05/04
Over water floats and personal flotation devices	John Sullivan	02/23/04
RE: Over water floats and personal flotation devices	David John Chevalier	02/25/04
RE: RE: Over water floats and personal flotation devices	Alberta Brown	03/04/04
RE: Over water floats and personal flotation devices	Alberta Brown	03/04/04
One Size Does Not Fit All	Daniel Anderson	02/26/04
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Floats & PFD's	Bob Engelbrecht	03/05/04
RE: Floats & PFD's	Alberta Brown	03/16/04

Post new message in this thread

Date: 02/22/04 07:07 PM
Edited: 02/22/04 10:22 PM
Author: FAA
Subject: Over-water flights and flotation devices.

The recommendations that affect certificated air tour operators are based on NTSB recommendations and the history of commercial air tours in the United States. Many of the proposals have already been implemented successfully in Hawaii under SFAR 71. Some of you have suggested that the NTSB recommendation to establish a national safety rule is not appropriate. In the proposal, we propose allowing deviations when an operator can demonstrate that they can safely operate under the deviation. We encourage you to suggest alternatives that will promote an equivalent level of safety.

What concerns and recommendations do you have about the proposed requirements for over-water flights and flotation devices?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=694)

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Date: 03/01/04 04:47 PM
Edited: 03/01/04 04:48 PM
Author: Gary Kauffman (no profile)
Subject: RE: Over-water flights and flotation devices.

I believe that a new Part 136 in not warranted at all as every concern he FAA has raised can be addressed in Part 135.

Specifically with regard to over water flights as they pertain to helicopters this is already addressed in Part 135. If the FAA recommendations are to have all non Part 135 operators comply with this new Part 136, then, in that case, why not have all air tour operators comply with Part 135.

While it is reasonable to have floatation equipment on helicopters, if operating outside a reasonable ability to autorotate to land, it is unreasonable to have a new requirement to address this. If the floatation equipment requirement is mandatory over water, regardless of the aircrafts ability to land on land, then this requirement should be amended to make exceptions for Ops that could autorotate to land.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1210)

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Date: 03/04/04 04:23 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Over-water flights and flotation devices.

Mr. Kaufmann,

Part 136 is a place to put all the air tour rules in one place instead of in part 93, SFAR 50-2, SFAR 71, etc.(see FAA Response #2).

The accident in Hawaii that prompted these NTSB recommendations makes us realize that the part 135 rules concerning overwater flights are not sufficient. How can any pilot autorotate to a shoreline when the shoreline is a high cliff going vertically from the ocean? In that case you would say let those who cannot autorotate to shore bear the burden. We agree. That is why we wrote proposed 136.21. If you can show that your route of flight will always be within autorotation distance of shore and you will not be blocked at any point on the route by a cliff or other obstruction that will keep you from reaching shore before reaching the water, then you have an excellent case for a deviation.

We did propose that all air tour operators comply with part 121/135 as appropriate.

Thanks

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1462)

Date: 02/23/04 09:33 AM
Author: Wyatt Bell (no profile)
Subject: Flotation Devices

This is a common sense proposal and should be enacted for all operations.

There was an accident this past summer in Alaska, however, which demonstrates even with the proposals within the NPRM, it may not eliminate casualties.

In this instance, an operator was flying a wheel-equipped Cessna 180. The route of flight chosen put the aircraft over the water past any engine-out glide back to land.

It is not known whether the occupants had deployed life vests. The woman passenger was found by a fishing vessel and it was not disclosed whether a life-vest was being worn.

Even then the water temperatures would have doomed the pilot and passengers had they not been rescued within 15 minutes or so. This will be a problem in cold environments such as Alaska.

This particular operator went into SW Alaska and landed on a beach to pickup passengers. If the operator had been required to have floats for this overwater operation, the fatalities might have been prevented. However, the NPRM only affects helicopters. Do you believe a helicopter will sink any faster than a high-wing Cessna on wheels (which will most likely flip and incapacitate the passengers)?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=698)

Date: 03/04/04 05:16 PM
Author: Alberta Brown (no profile)
Subject: RE: Flotation Devices

Mr. Bell,

We appreciate your comments. They are well written.

Yes, the water temperatures in Alaska make water ditchings even more hazardous than in warm water locations. The life vests are proposed for both airplane and helicopter occupants including the pilots. They need to be worn (not stay in an unopened package)prior to the overwater location(not after there is an overwater emergency) and the passenger briefing needs to happen prior to the overwater portion also.

You are proposing to mandate aircraft floats for both airplanes and helicopters or at least some airplanes. We will consider that but let's discuss it some more.

The accident you site was conducted in violation of the existing part 135 rules. There are lots of kinds of airplanes as you know. Airplanes do tend to float on the wings (high or low). Retractable gear airplanes can impact the water gear up but don't modify well to floats. Airplanes tend to flair and lift the nose. If the nose hits the water first they do tend to flip. The helicopters without floats tend to roll and sink quickly without wings to float on. If they are able to autorotate though they may land softer than an airplane.

You are brave. There will be lots of mail on this. Cost will be an issue. We welcome more discussion.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1464)

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Date: 03/05/04 04:14 PM
Author: Wyatt Bell (no profile)
Subject: RE: RE: Flotation Devices

Thank you Ms. Brown for your response.

When you say the operator was conducting flight in contravention of Part 135 would you kindly elaborate?

Individual flotation is required if you are past glide back to land under Part 135. Is this correct? Was this particular operator flying without PFD?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1590)

Date: 02/23/04 03:59 PM
Author: John Sullivan (no profile)
Subject: Over water floats and personal flotation devices

One size does not fit all. Hawaii is an island/maritime environment and floats are probably a good idea there. Here in the Las Vegas/Grand Canyon environment, things could not be much different. While we do have a large resevoir(Lake Mead)to cross, there has never been an instance of a water ditching here. Helicopters can and should cross the lake at narrow points and at a sufficient altitude to be able to land on dry land in the event of an engine failure. Passengers would be better off to be in non float equipped helicopters that are flying higher and are required to be able to land on dry land in the event of a power loss, rather then be in float equipped helicopters that are flying at lower alititudes and that will go into the water in the event of a power loss. The FAA has the authority and ability under current regulations to ensure that pilots are maintaining proper altitudes when crossing resevoirs to ensure passenger safety in the event of a power loss.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=760)

Date: 02/25/04 08:55 PM
Edited: 02/26/04 02:59 PM
Author: David John Chevalier (no profile)
Subject: RE: Over water floats and personal flotation devices

The most important aspect of emergency floats to consider is the weight. I know, we have them on all of our aircraft. It will cost you 160 lbs of useful load. If you can reach a suitable landing area on shore, at all times during your flights it is absurd to take such a performance hit. That performance is an extra margin of safety in and of itself. The FAA could always put such a requirement in your ops specs if they wanted, just as the could have done for the Hawaiian Operators, 90% of whom were certified under 135, even prior to SFAR71. This is all a Red Herring to justify Part 136. Keep in mind that Part 136 is based on SFAR 71. They have never debated this rule because the altitude and stand-off distances are indefensible. Part 136 then is based on a hollow foundation. There were well over 720,000 hours of helicopter air tours flown in Hawaii during the nine years preceeding SFAR 71. During that timeframe there were five fatalities attributable to engine failure. If lifevests had been worn four of those five people would have survived. One fatality from engine failures in 720,000 hours - and at a time period when no altitude restrictions were in place! Now go back and look at the FAA justification for these altitude requirements. If the FAA had done a small fraction of the surveillance in Hawaii (enforcing existing FAR's) before SFAR 71 as they have spent on the SFAR there would not have been pressure for it in the first place. There is no need for Part 136 nor SFAR 71.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=927)

Date: 03/04/04 06:13 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: Over water floats and personal flotation devices

Mr. Chevalier,

We responded to all the altitude and stand-off comments John. Daniel Anderson says SFAR 71 is imperfect but works well. You're a smart man with lots of experience. There are no red herrings. You're so angry about being regulated 10 years ago you can't seem to get past it. This is an opportunity for discussion you have not had in this form ever before. It is forcast to end tomorrow.

You say you put on floats and it caused you to lose performance. You deleted a passenger seat to regain performance. Ok, what do you want?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1471)

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Date: 03/04/04 05:36 PM
Author: Alberta Brown (no profile)
Subject: RE: Over water floats and personal flotation devices

Mr. Sullivan,

Your comment is to the point and makes sense.

If in fact the rotorcraft you operate on air tours in the Las Vegas/Grand Canyon area are in a route structure that is approved by the FSDO and always able to reach a suitable landing spot,you have good basis for a deviation.

If along some portion of the route the walls of a canyon or cliff are in fact the shorline, you have an obstruction that would need to be dealt with. A reroute around the area could certainly avoid the cost of floats but it might reduce the visual experience you want to preserve. You decide.

Someone said (can't think who just now) that if you turn the Grand Canyon upside down it looks like Hawaii and if you turn Hawaii upside down it looks like the Grand Canyon. Every operator thinks they are unique. The FAA proposal mandates a standard for the whole country but allows deviation in local areas as appropriate. The burden to show equivalent safety is with you. We are willing to work with you.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1465)

Date: 02/26/04 03:55 PM
Edited: 02/26/04 04:01 PM
Author: Daniel Anderson (no profile)
Subject: One Size Does Not Fit All

This thread points out that it simply does not work to employ a "one size fits all" approach in promulgating new air tour regulations. As the former president of the United States Air Tour Association (USATA), I had the pleasure of flying with operators (both fixed wing and helicopter) in Hawaii, Grand Canyon, Alaska, New York, Tennessee, Florida, California, and elsewhere. What struck me was how the unique qualities of each environment required unique procedures in order to ensure saftey and profitability.

In Hawaii, operators are subject to SFAR 71, a set of rules that are unique to the operating conditions of salt water, steep terrain, sea level, and volcanic activity. Although imperfect, SFAR 71 works well because it was uniquely tailored to Hawaii.

By contrast, operators at Grand Canyon (including Las Vegas and the S. Rim), are faced with extreme desert conditions, high altitude, and significantly more traffic. Although it too is imperfect, SFAR 50-2 has done a good job of improving safety because it was tailored to the unique environment of the Grand Canyon.

Now, with the Proposed Rule, it appears that the FAA is ignoring the lessons that it has learned in the past, namely, that effective safety regulations necessarily entail standards that are unique to the environment in which they are applied.

Personally, I think it would be far more wise to exempt operators conducting flights under SFAR 50-2 and SFAR 71 from the new rules because these operators already have a system in place that works. With respect to the remainder of the country, the rules that apply to operators flying over the glaciers and iceberg strune bays of Alaska cannot possibly be the same as those that apply to operators flying over the parking lots of Disney World in Orlando. For that reason, the proposed rule would be better designed as a "rulemaking rule."

Like the National Park Service was required to do at national parks with respect to air tour park management plans, the FAA should create local rules where local rules are needed, and tailor those rules to that specific environment with the input of local operators.

Although national air tour standards sound appealing, and seem simple enough at first blush, those associated with this industry know that trying to create national standards applicable everywhere that air tours are conducted is simply impractical. I urge the FAA to consider a more localized approach toward the promulgation of any new national air tour regulations, and abandoned the "one size fits all" approach.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=965)

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Date: 02/27/04 06:46 PM
Author: Casey Riemer (no profile)
Subject: SFAR71 in Hawaii

On what basis do you make the statement that SFAR71 works well in Hawaii?

If we can get more pilots interested in participating on this forum I imagine that you will get a different perspective. Unfortunately the pilots that fly here have been trying to discuss the problems with SFAR71 for over 9 years and they do not feel that they are being listened to.

A clear case of this occurred last year when almost every helicopter pilot agreed to a proposed change to the SFAR and we were ignored by the FAA. Look at the final reply to the NPRM for the extension of SFAR71 for documentation of this.

With regards to having operators subject SFAR50-2 & SFAR71 being exempt from this new regulation I think that you need to come for a visit to Hawaii and really learn about what it does to our operations. We have always felt that if a regulation based on SFAR71 were to be spread across the entire country that there would be a huge outcry. It looks like we were correct.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1041)

Date: 02/29/04 05:33 PM
Edited: 02/29/04 06:05 PM
Author: David John Chevalier (no profile)
Subject: RE: One Size Does Not Fit All

Dan, Your comments are a revelation to me. I finally understand that what we face on SFAR 71 stems from a conflict of paradigms. You represent the perspective of the majority of aviation, which is, the fixed wing perspective, coupled with the belief that SFAR 71 was "tailored" for Hawaii. The FAA itself is a reflection of that majority. The altitude and stand-off distances must seem reasonable to you from this fixed-wing perspective. Although they share most of the same rules and regulations, airplanes and helicopters are two very different animals. If this intrinsic difference of perspective can be recognized and understood within the FAA it will be a huge leap forward for aviation.

Although it is clear that SFAR 71 was designed from a fixed wing perspective it, unlike SFAR 50-2, cannot be referred to as "tailored". It was enacted under emergency conditions with no input from the Hawaiian air tour industry, which is over 90% helicopters. The Hawaii helicopter operators took the FAA to court because we could not get them to work with us on the altitude and stand-off requirements of this reg. They were clearly of the opinion that they knew better and have never attempted to work out these differences with the helicopter operators, as was recommended by the NTSB.

We do not want to be exempt from the new National Safety Rule if it can replace SFAR 71. We are desperate for a change or elimination of this unfortunate regulation. The requirements that make sense, such as the wearing of a Personal Floatation Device (PFD), could be instituted without an SFAR. The altitude and stand-off distances, as applied to helicopters under SFAR 71 have been a disaster for the helicopter air tour industry in Hawaii, both from a business as well a safety perspective. It has done little to promote safety and indeed, looking objectively at the data, SFAR 71 is a dangerous regulation. I believe that a poll of every Hawaiian Helicopter air tour pilot and operator would discover that virtually every-one of them believe that it is a dangerous regulation. It is unconscionable that our concerns have never been publicly debated. Has SFAR 71 contributed to two, and possibly three, fatal CFIT helicopter accidents? Are helicopter tour pilots more concerned with complying with the regulation than considering the best course of safety for

fear of an LOI? Have the altitude restrictions resulted in traffic compression and an increased exposure to mid-air collision? How much money has been spent on special FAA teams from the mainland brought in to enforce the altitude restrictions? Could at least some of this money be better spent on assisting operators with enhanced training and resources?

Right here, right now we have an opportunity for an advancement in how rotary-wing flight is understood and regulated. This understanding would result in a safer air tour industry for the public and a leap forward for the mainstreaming of helicopters in aviation. Now is the time.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1129)

Date: 03/01/04 01:27 PM
Author: Daniel Anderson (no profile)
Subject: RE: RE: One Size Does Not Fit All

I stand corrected. It has been some time since I was involved with the air tour industry, and it was my understanding that the majority of the problems with SFAR 71 had been worked out. Obviously I was wrong. David Chevalier is, in my opinion, perhaps the most knowledgable individual that I know on the subject of SFAR 71, and a person of unimpeachable character. I certainly defer to David's judgment on this topic as he is in a far better position than I to comment on the adequacy or inadeqacy of SFAR 71.

It concerns me that even after all of these years, and the admonition of former NTSB Chairman Jim Hall, that the FAA still has not addressed the problems mentioned in David's post. Perhaps the lesson here is that, if the FAA does not have the ability to remedy problems that still exist in Hawaii, how do they propose to manage these rules nationwide?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1192)

Date: 03/04/04 05:58 PM
Author: Alberta Brown (no profile)
Subject: RE: One Size Does Not Fit All

Mr. Anderson,

Although you misunderstand the rule your comments are appropriate. The FAA realizes we cannot develop and should not develop a standard for every possible air tour scenario. We propose basic standards but then allow for local deviation. For example, the Grand Canyon Operators Procedures manual could be the basis for requesting a deviation, the Grand Canyon SFAR map that has approved routes and altitudes could be included in a deviation. The working

agreement that the Alaska operators have with the FAA could be included in a deviation.

It was not the intent of the FAA to write a one size fits all rule and in fact we did not. However, you are not the only person who has this so we take the blame for not writing it well. Some have not read it and go by the hype being broadcast. The proposal gives deviation authority that goes beyond anything prior.

Your previous job indeed sounds wonderful. You have experience most do not have. Thanks for your comments.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1467)

Date: 02/27/04 03:21 PM
Author: Richard Larew (no profile)
Subject: Over water flights

Part 135 already addresses aircraft floats. Personal floatation device changes should be addressed in the on going 135 rewrite. Most helicopter 135 operators conducting over water flights already require their passengers to wear their PDFs.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1022)

Date: 03/04/04 07:10 PM
Author: Alberta Brown (no profile)
Subject: RE: Over water flights

Mr. Larew,

It is true that 135.183 covers overwater. Section 136.15 is different and the definitions of 136 propose what a "suitable landing area" is.

The accident (and maybe others) that created the NTSB recommendation involved a single engine helicopter without floats over water. Power was lost and the helicopter hit the water about 50 yards from shore. The pilot maybe could have reached land but the land was a vertical cliff base not suitable for landing. The passengers had no time/ability to don vests in the high surf. There were unworn vests on board. The helicopter partically sank immediately and then rolled and sank completely. A passenger who survived watched her family die.

Since you say most operators already require their passengers to wear flotation vests when overwater the proposal should not be an issue in that respect.

We responded to the part 135 rewrite comments in our 2nd FAA response which doesn't seem to show up in this forum. Here is a cut/paste from it:

CANCEL THIS RULE AND LET ARC/ARAC DO IT. For those of you unfamiliar with the terms they refer to a practice of letting the public help us develop rules. The FAA uses an Aviation Rulemaking Committee (ARC) or an Aviation Rulemaking Advisory Committee (ARAC) on some rules. Some have said, "We didn't even get to participate in this rulemaking". You do participate through your comments to the docket. Additionally, you are participating now in this public meeting. Some of you are involved in the part 135 ARC and perhaps feel you would have more control of the outcome if this rule were given to that ARC. An ARC can be very lengthy and everyone is not involved in the development of the rule. Obviously, to get anything done, the size of the ARC has to be limited with certain representatives who speak for different segments of the industry. The industries affected by this rule are very diverse and we believe more appropriately represented through a rulemaking proceeding conducted under the Administrative Procedures Act. Regardless of the reasons for the comments there is nothing wrong with using ARC/ARAC for some rules. There are many commenters impacted by this rule who want to know as soon as possible what might happen to them. They don't want to wait. That's one of the reasons for this public meeting on the Internet.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1479)

Date: 02/29/04 10:07 PM
Author: Casey Riemer (no profile)
Subject: Helicopter floats

SFAR71 is similar in wording to the proposed rule in that it prohibits overwater flight beyond the shoreline. However, there are subsections in SFAR71 that addresses floats and personal floatation equipment allowing flight within gliding distance of the shore.

I agree with a previous posting that Part 135 already addresses these issues and the proposed rule is redundant in this area. It does need to be noted however, that the proposed rule will already need deviation authority for Hawaii operators (and others) to deal with this issue.

Is the FAA considering increasing the level of regulation in this area of floatation requirements over the levels of SFAR71? Or is the FAA going to go to SFAR71-like rules?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1149)

Date: 03/04/04 07:15 PM
Author: Alberta Brown (no profile)
Subject: RE: Helicopter floats

Mr. Riemer,

See the previous response to Mr. Larew about flotation on helicopters.

The proposal is what we'd like to go to.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1481)

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Date: 03/02/04 02:55 PM
Edited: 03/02/04 02:56 PM
Author: Ronald Thisted (no profile)
Subject: Chicago shoreline or SF Bay Tour charity flight prohibited?

Under 136.13 as proposed, it would be illegal to make a sightseeing flight on the water side of any coastline, *whether or not within gliding distance of shore or a suitable landing site* unless all occupants are wearing uninflated life preservers at all times during the flight. This is explicit in 136.13(a), and applies to all aircraft, not just helicopters. Note also that Subpart A of 136 would be mandatory (even for limited charity flights).

Creating a one-size-fits-all rule that is silly for Cessna 152s or Piper Cubs does nothing to advance safety other than making compliance virtually impossible.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1281)

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Date: 03/05/04 09:36 AM
Author: Alberta Brown (no profile)
Subject: RE: Chicago shoreline or SF Bay Tour charity flight prohibited?

Mr. Thisted,

This proposal would require that overwater air tours be conducted with each occupant wearing a life vest. The proposed 136.21 allows a deviation when appropriate. Subpart A of 136 is proposed to be mandatory for all conducting commercial air tours.

The minimum standards are for the whole country with liberal deviation authority for specific areas. The local FSDO is familiar with local issues and could approve specific requests.

The final rule is not written. You seem to be recommending that occupants should not have to wear a life vest.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1515)

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Date: 03/03/04 08:55 AM
Author: Steve Bassett-USATA (no profile)
Subject: Over Water

This entire issue is quite easy to address and doesn't need another regulation to do it. If applicable, it is already addressed adequately in an operator's FAR Part 135 op specs. If it requires further attention, deal with it (and the rest of this NPRM applicable to "commercial air tour operators") in the ongoing Part 135 rewrite. The simple answer to whether floats and life jackets are needed is – if an aircraft flying over water is close enough to land to make an emergency landing if necessary, floats and life jackets should not be required. You have heard extensively from operators in Hawaii, Alaska and at the Grand Canyon on this issue. They are the experts when it comes to managing air tour operations. It behooves the FAA to listen to their expertise – at least this once.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1333)

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Date: 03/05/04 09:52 AM
Author: Alberta Brown (no profile)
Subject: RE: Over Water

Mr. Basset,

We are listening to the air tour operators. Many have only complained about the existing SFAR 71 which has been in place for ten years. This proposal does not address that. Rules should not be inserted in operations speciations. The minimum standards are appropriate for all air tour operators. Deviations from the standards are appropriate for operations specifications since they apply to a particular operator. Hundreds of air tours are currently conducted without operations specifications. Many have told us we don't have enough inspectors to do the work. Having inspectors write rules in operations specifications would be unworkable and not reasonable. Rules are written at FAA Headquarters.

We previously responded concerning the part 135 rewrite. We cut/paste here:

CANCEL THIS RULE AND LET ARC/ARAC DO IT. For those of you unfamiliar with the terms they refer to a practice of letting the public help us develop rules. The FAA uses an Aviation Rulemaking Committee (ARC) or an Aviation Rulemaking Advisory Committee (ARAC) on some rules. Some have said, "We didn't even get to participate in this rulemaking". You do participate through your comments to the docket. Additionally, you are participating now in this public meeting. Some of you are involved in the part 135 ARC and perhaps feel you would have more control of the outcome if this rule were given to that ARC. An ARC can be very lengthy and everyone is not involved I the development of the rule. Obviously, to get anything done, the size of the ARC has to be limited with certain

representatives who speak for different segments of the industry. The industries affected by this rule are very diverse and we believe more appropriately represented through a rulemaking proceeding conducted under the Administrative Procedures Act. Regardless of the reasons for the comments there is nothing wrong with using ARC/ARAC for some rules. There are many commenters impacted by this rule who want to know as soon as possible what might happen to them. They don't want to wait. That's one of the reasons for this public meeting on the Internet.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1516)

Date: 03/03/04 08:57 AM
Author: Steve Bassett-USATA (no profile)
Subject: Over Water Operations

This entire issue is quite easy to address and doesn't need another regulation to do it. If applicable, it is already addressed adequately in an operator's FAR Part 135 op specs. If it requires further attention, deal with it (and the rest of this NPRM applicable to "commercial air tour operators") in the ongoing Part 135 rewrite. The simple answer to whether floats and life jackets are needed is – if an aircraft flying over water is close enough to land to make an emergency landing if necessary, floats and life jackets should not be required. You have heard extensively from operators in Hawaii, Alaska and at the Grand Canyon on this issue. They are the experts when it comes to managing air tour operations. It behooves the FAA to listen to their expertise – at least this once.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1334)

Date: 03/04/04 06:11 PM
Edited: 03/04/04 07:29 PM
Author: Jason N. Williams (no profile)
Subject: Over water Operations

I have some questions for the FAA.

NTSB recommendation No. A-99-57 recommended that the FAA, "Require all occupants of single-engine airplanes and single-engine helicopters operated for hire (air taxi and air tour) to wear life preservers when the aircraft is operating over water, whether float-equipped or not, unless it is operated at an altitude that allows it to reach a suitable landing area in the case of an engine failure."

1. Why does the FAA want to exceed the NTSB recommendation by also including multiengine aircraft?

2. Why does the FAA want to include flights that are overwater and could easily reach a suitable landing area in the case of an engine failure? EVEN MULTIENGINE AIRCRAFT?

We are a Part 121 operator, flying Grand Canyon tours and comply with all Part 121 restrictions relating to life preservers. It seems to me that if current 121 regulations are less restrictive than the proposal -- then something is wrong. Either current 121 regulations relating to life preservers are weak (I don't think so), or the proposed Sec 136.13 is way overboard in scope. Are 121 carriers like United and American next??? They fly over Lake Mead also.

I know you've heard this more times that you desire but, one size does not fit all. Remember, NO tour aircraft or helicopter has ever ditched into Lake Mead. You are not going to improve on that statistic by applying more restrictions.

Our initial estimates show that complying with the life preserver proposal will cost us nearly $400,000 the first three years and then nearly $95,000 every subsequent year. It is foolish to require us to spend that when there will be NO improvement in the ditching statistics.

Thanks for the opportunity to comment.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1470)

Date: 03/05/04 02:11 PM
Author: Alberta Brown (no profile)
Subject: RE: Over water Operations

Mr. Williams,

See previous comments to Mr. Sullivan at the Grand Canyon reference deviation authority (Sorry we're out of time to repeat and think you all read all FAA responses anyway).

Your quote of NTSB recommendation A-99-57 appears to be correct. It includes air taxi as well as air tour. We did not propose to change air taxi so we did less than NTSB recommended in that respect.

Some very quick research which is always dangerous reveals that back in 1995 when the NTSB first made these recommendations (see dms #137, NTSB report on air tour safety, page 26) the issue was discussed as NTSB Recommendation A-95-62. It did include all helicopters but did not include air taxi.

"Require all occupants of helicopter air tour flights to wear life preservers when the helicopter is operating over water, whether float equipped or not, unless it is operated at an altitude that allows it to reach a suitable landing area in the case of an engine failure."

Hadn't better write an answer at the moment. Please help research if you have the time.

Thanks for the good comment.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1559)

Date: 03/05/04 02:24 PM
Edited: 03/05/04 03:17 PM
Author: Jason N. Williams (no profile)
Subject: RE: RE: Over water Operations

Ms. Brown,

Forgive me, but I fail to see an answer to my questions.

Let me restate:

1. The NTSB recommendation reference life preservers ONLY applied to single engine aircraft. Why did the FAA expand that to multiengine??

2. That same NTSB recommendation only applied to SINGLE ENGINE aircraft that COULD NOT reach a suitable landing area in event of an engine failure. Why did the FAA include single engine flights that COULD reach a suitable landing area??

3. Why did the FAA include MULTIENGINE aircraft that can reach a suitable landing area in the event of an engine failure.

BOTTOM LINE: WHY DID THE FAA FAR EXCEED THE NTSB RECOMMENDATION????

Thanks again.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1561)

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Date: 03/04/04 09:20 PM
Edited: 03/04/04 09:48 PM
Author: John E. Becker (no profile)
Subject: over water operations

I would like some clearifacation on when a helicopter is going to be required to have floats and life jackets. What is considered overwater flight? a pond, lake, river? Any time a helicopter breaks shoreline leads me to believe that any body of water regardless if size or depth meets this requirement. Our helicopters never operate out of glide distance to a safe landing area. To my knowledge there has never been a tour aircraft from Las Vegas land in lake Mead. We operate in the desert, are we suggesting that our passingers wear life jackets for the entire 1.5 hour round trip flight when we only fly briefly over lake Mead. Has the FAA looked closely at how this would impact the tour industry. The estimated costs alone to purchase and install floats on our fleet at Las Vegas exceeds $630,000.00. We would also have a potential loss of $11,000.00 in revenue per day as a result of the extra weight and the need to remove one passinger from the flight.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1489)

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Date: 03/05/04 02:23 PM
Author: Alberta Brown (no profile)
Subject: RE: over water operations

Mr. Becker,

See previous response to Mr. Sullivan at the Grand Canyon reference deviation authority. Overwater is overwater regardless of how big the area of water is.

See the proposed 136.13 (d) for preservers: ... if the air tour operator shows in accordance with the deviation procedures under 136.21 that the water over which the aircraft is to be operated is not of such size and depth that wearing a life preserver, as prescribed in this section, would be required for the survival of its occupants in the event the flight terminates in that water.

Floats are 136.15. It also has deviation authority.

It's sure possible to ditch into Lake Mead and drown. It's your flight path that can be modified.

Remember that the NTSB recommended and we proposed rules that apply nation wide.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1560)

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Date: 03/05/04 10:01 AM
Author: Randy D. Miller (no profile)
Subject: Over here Alberta!

Ms. Brown,

Since this is the last day of this "forum", do you think you'll have time to wander over to the other two sections: "Part 91 / 25 Mile" and "Charity / Sightseeing" and spend some quality time over fielding the NUMEROUS questions that have been posed to you?

That would really be great. Thanks!

Randy D. Miller

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1518)

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Date: 03/05/04 02:29 PM
Author: Alberta Brown (no profile)
Subject: RE: Over here Alberta!

Mr. Miller,

It's nice to be wanted. I'll continue posting (which wasn't the original plan). You just won't be able to come back and disagree. FAA heaven!

Seriously, we wanted lots of participation and we got it. This is an example of the FAA doing more with less. Everyone has my e-mail and the docket is open until April 19th.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1563)

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Date: 03/05/04 03:48 PM
Author: Randy D. Miller (no profile)
Subject: RE: RE: Over here Alberta!

Ms. Brown,

I realize that my last post was written somewhat tongue-in-cheek and I hope you see my point. For whatever reason, you have focused your attentions (primarily) on one segment of this discussion and have ignored the majority of the posts in the other areas. I appreciate your "response" and your attempt at humor as well.

However, this is a serious issue and peoples passions, careers, and pocketbooks are at stake here not to mention the future of General Aviation.

Do you have ANY IDEA what the consequences will be to our industry if you succeed in ramming this legislation down our throats? Do you even care?

To actually put in writing that "FAA Heaven" is when you can write your one-sided views of an issue as controversial as this one, in an environment where the rest of us can't participate, is the most idiotic (well, almost as idiotic as your biplane ride = airline analogy) that I've had the displeasure to read during the past 2 weeks!

I don't really care if you were kidding or not. What you just said, is how most of us feel about this entire process. You are forcing this bogus, unfounded, unnecessary legislation down our throats and our responses are nothing

more than a nuisance to your agenda.

Welcome to Socialism.

Randy D. Miller

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1582)

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Date: 03/05/04 01:41 PM
Author: Dave Muhr (no profile)
Subject: overwater float requirement deviation

If an operator has a case for a deviation under 136.21, is there a grace period for compliance with the regulation while the application for deviation is considered, or will the operator be required to comply immediately?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1547)

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Date: 03/05/04 02:40 PM
Author: Alberta Brown (no profile)
Subject: RE: overwater float requirement deviation

Mr. Muhr,

Traditionally emergency rules are put out quickly and have to be complied with quickly also.

Other rules usually have at least 30 days and rules where equipment has to be purchased usually have time to buy the equipment, install it and train the crews.

A deviation that has been asked for and granted previously for the same location can normally be handled quickly. New deviations may cause the local FSDO to evaluate your request for a longer period. If the FSDO is very familiar with what you are asking for it could go quickly. If your request is not considered valid for a deviation a denial can be quick too. We don't know your situation.

Thank you for the good question.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1564)

Date: 03/05/04 03:10 PM
Edited: 03/05/04 03:12 PM
Author: David L. Hardin (no profile)
Subject: Floats & PFD's

To: FAA Rulemaking Forum

From: Dave Hardin Chief Pilot Papillon Airways, Inc. Las Vegas Base of Operation

Re: Impact of Notice of Proposed Rule Making for FAR Part 136

Dear Sirs/Madams; 3/5/04 Below are listed some of my concerns with the NPRM for Part 136 currently under consideration. The effects on safety are eyewash only & don't actually effect improvements, & the economic impact on the Hualapai tribe alone is staggering. We currently operate AS 350 & EC 130 series aircraft from Las Vegas to the west end of the Grand Canyon.

FLOAT INSTALLATIONS AND LIFE JACKETS;

1. Initial purchase and installation costs per aircraft are staggering while not improving safety over the existing "remain within gliding distance of shore" regulation. 2. Annual and incremental maintenance inspection costs. 3. Loss of revenue due to the fact that the floats will not be MEL-able. Due to the location of the floats, I anticipate passenger damage upon entering and exiting the aircraft and normal wear and tear. Down time for the fleet could be estimated at 6.5 flights reflecting a loss of revenue every 12 months of $ 9126.00 4. We would be required to re-make the passenger briefing videos at an estimated cost of $5,000.00 (one time charge). The passenger briefing cards would also need to be re-made at an estimated cost of $2000.00 5. There is an industry wide shortage of float equipment that is available to be purchased. This shortage would be further exacerbated by the requirement of all tour operators' compliance. It is questionable if we would be able to comply with these requirements within the 120 days. This also brings up the issue of discrimination against the tour operators as EMS, ENG, Utility, etc are able to fly over bodies of water & not be governed by these requirements. 6. Passenger injuries due to the need to climb over the floats are estimated to be 4 per year possibly resulting in personal injury lawsuits. 7. Life Jackets must be sent off annually for inspections. They cannot be inspected in house. This requires a need for additional stock to supplement while they are in the inspection process. 8. There would be additional training requirements of approximately ½ hour per pilot per year to train them on Pre-flight inspection and operational use of this system. We have hired 18 pilots in the last 12 months. This would equate to an estimated annual cost of $450.00 9. Installation of Float systems would decrease the ground speed of the aircraft and increase the round trip time. I estimate that the average per trip flight time would increase by 1 tenth per flight. This would impact us as follows:

a. Increase in annual flight hours of 645.4 flight hours without increasing revenue. With DOC's of approx $350.00 per hour, this equates to a cost of $225,875.00 annually. b. The aircraft currently burn 43 gallons per hour. I believe this would increase to approximately 45 gallons per hour. This equates to an additional fuel cost of $75,465 for the additional 645.4 hours of flight & an additional $49,604.88 for the additional 2 gallons per hour onto the total annual flight time. c. It is estimated that the float system will add an additional 80 lbs per aircraft. This impact is huge in the terms of loss of seats. I estimate that we currently go out at max gross weight on 4 of our aircraft 90% of the time. These 4 A/C represent 50% of our current fleet. Unfortunately in this business the bulk of our customers come in groups, usually in pairs. The loss of one additional seat will equate to two seats 80% of the time. This equates to a loss of 5227.3 seats at a loss of annual revenue of $ 1,359,098.00. d. We currently fly 4 and sometimes 5 trips a day to the canyon. Our last flight goes out 1-1/2 hours prior to official sunset. We currently plan 2 hrs and 15 minutes from takeoff to return to base. Due to the increased flight time we will lose an additional 18 minutes per day in turn around time. The length of daylight will decrease an average of 1 minute per day of each day as you approach our schedule change dates annually. This occurs 3 times per year. This equates to a loss of the last flight of the day 18 days at each of the 3 schedule changes. With 11 aircraft this costs us 54 flights per aircraft, per year causing a loss of $833,976.00 in lost

revenue. e. We currently and annually experience problems with maintaining enough seat inventories to satisfy our clients. The loss of the number of seats that this issue equates to could be sufficient to cause us to lose one or more multi-million dollar clients. This cost is immeasurable. f. The Hualapai tribe currently charges us $25.00 per landing for refueling our aircraft. We currently refuel on approx 85% of our flights. With the increase in payload and decrease in groundspeed, we would need to refuel an additional 5% of the time. This equates to an additional 322 fuel stops at an annual cost of $8050.00 g. With the installation of floats, the minimum operational weight of the aircraft goes to 3263 lbs per the flight manual supplement. Our current aircraft empty weight ranges from 2911 lbs to 2962 lbs. Several of our flight products require dropping our passengers off at an outlying airport and returning home empty. When we land we would have 10% fuel on board & the pilot. Under this scenario we would have 2 aircraft requiring a minimum pilot weight of 160 lbs & 2 A/C requiring a minimum pilot weight of 170 lbs. I currently have 3 pilots weighing less than 170 lbs that this would impact. These outlying drop-offs occur approximately twice daily year round or 730 times per year. These 3 pilots represent 20% of the flight department and a subsequent loss of 146 of these flights per year. This loss of revenue is estimated at $220,752.00 annually.

SAFETY CONCERNS FOR FLOATS

The addition of floats to our scenario does not increase the safety factor, but rather decreases it. We currently remain within gliding distance of shore on all of our flights. The only body of water we cross is Lake Mead & the widest point is only 4 miles. We cross this area within ¼ mile of the shoreline on each outbound & inbound leg. Per the proposed rule, we would have to have floats for flying over the Sewer treatment plant ! We need a little common sense injected into this rule.

1. An additional area to be considered with the installation of floats is a scenario where the pilot has an increase in the available areas for forced landing, specifically the water. While this increases his surface it also increases the possibility of rollover on the water & subsequent drowning of passengers that is not inherent with a solid surface landing. This equates to possible lawsuits pertaining to deaths that may not have occurred on land. 2. The Flight Manual Supplement list performance changes to be a reduction of 50 FPM in the climb performance capabilities of the aircraft. While this may seem to be a small loss of performance, it further degrades our takeoff capabilities that are stretched to the limits with the altitudes and temperatures that we operate under in the canyon during the summers. We could possibly be forced to reduce our flights further during high DA days. 3. The Flight Manual Supplement lists a reduction of rotor rpm during autorotation of 20 RPM. The ramifications of this reduction in performance are obvious. I would hate to be in the position of life or death depending on this margin. (Lawsuits are won and lost on margins smaller than this) 4. The flight Manual Supplement explains that with inflated floats you cannot open the front cabin doors like normal. You can only exit the aircraft by "Jettisoning" the doors. This causes a loss of one of your exit possibilities (normal door operation) & it is the method that passengers are most familiar with and are likely to try first. A large majority of helicopters capsize during or after water landings. This confusion could cost valuable time & possible lives in a water egress scenario.

Dave Hardin

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1571)

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Date: 03/16/04 11:09 AM
Author: Alberta Brown (no profile)
Subject: RE: Floats & PFD's

Mr Hardin,

You have provided a lot of detailed information. Thank you for that. If you have read the previous responses concerning

overwater you know that this proposal does have deviation authority. If the only water you go over is Lake Mead, which is very possible to drown in, you may want to either not go over it or present a good justification for deviation authority. The Grand Canyon does have approved routes and manual and map, etc. You are in a position to work with the FAA and develop a procedure that works for you. It is true that you are not over the water most of the time and it is not the ocean but overwater is overwater. Your own comments admit to the dangers. The comments you present show us how capable you are at creating justification for a deviation.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1762)

Date: 03/05/04 03:43 PM
Edited: 03/05/04 03:44 PM
Author: Bob Engelbrecht (no profile)
Subject: Floats & PFD's

The requirement for passengers to wear a PFD on over water flights is common sense and should be a requirement in 135 so that it applies to all operations carrying passengers not just air tours. The issue of "suitable landing area" vs. the current 135 requirement is an appropriate one for consideration but again the same standard should apply to any 135 operation. The requirement for floats should be for flights conducted beyond the autoroational distance of the shore (or a suitable landing area if that is how the decision goes) but in any case the same standard needs to be applied to all 135 operations.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1581)

Date: 03/16/04 10:48 AM
Author: Alberta Brown (no profile)
Subject: RE: Floats & PFD's

Mr. Engelbrecht,

Thank you for your comments. We will consider them.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1761)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

Forum - Part 121/135 Air Tour Operators and Part 136 Issues

FAA Response - Public Meetings Edit Delete

FAA Response - Public Meetings Alberta Brown 03/06/04

Post new message in this thread

Date: 03/06/04 06:05 PM
Author: Alberta Brown
Subject: FAA Response - Public Meetings

FAA RESPONSE – PUBLIC MEETINGS

The FAA holds a face-to-face public meeting on some rules and has done so for many years. The majority of rules do not involve such meetings. This proposal involves the whole nation including Alaska and Hawaii. Where would be the best place to meet? Some have suggested a "series of meetings". If we held a series of meetings in say Boston, New York, Chicago, Los Angeles, Honolulu, etc. each of you interested in attending would have to get to one of them. They are held during normal working hours Monday through Friday. If you operate in rural areas and have to work most days, which many of you have told us you do, that could be a problem.

Have you attended face-to-face public meetings? One that comes to mind had one person in the audience. We think he worked in the building and was on break. Others have quite an audience. We never know how it will go. Normally the rulemaking team of four attends and at least one other FAA employee who actually conduct the meeting. We usually have to hire a contractor to arrange the logistics of travel, booking hotel rooms, renting a meeting room, providing microphones, chairs, tape recorders, copy machines, etc. Everything said has to be transcribed. The cost for all the travel, per diem, and other expenses of the meeting comes from our budget. The meeting usually lasts a couple of hours or less depending on how many want to present prepared comments. Speakers stand at a microphone and read. The FAA listens. The FAA may interpret intent concerning something in the NPRM if specifically asked.

Once the comment period closes the FAA team gets together and comes up with a final rule considering your comments to the docket and any public meetings. The team product goes through coordination

within the FAA. Then it goes to the Department of Transportation. Then it goes to the Office of Management and Budget. Then it comes back to the FAA to be prepared for the Federal Register. Then it goes to the Federal Register. Then it gets published. Anyone reviewing the document may request changes so it goes back and forth. All of this is for rules that don't overlap the interests of other agencies. If more agencies are involved, it takes longer. It may take years before you see any FAA response in writing about the rule.

The virtual public meeting on the Internet was done to try and reach those who couldn't attend a face-to-face public meeting; to try new ways to reach the public; and to save money; and to come up with a better product. It is optional and done in addition to any traditional process. It is 24 hours a day, 7 days a week. This is new for us too. Some things about it we hope to improve on. You're overwhelming participation made it impossible to respond to all of you within the time limit of the meeting. Therefore, we will continue to respond for a while even though the meeting has ended. A very few have said that not everyone has access to the Internet. The ones who said it did have access. We found that most do have access either at home or at work. Even coffee houses have access now although for a fee that would be far less than transportation to a specific city. Additionally, access is available at public libraries for free. Everyone is this country has access to a public library.

The docket is still open until April 19th. Comments to the docket can be sent via the Internet. They can also be mailed from any public mailbox. We think we can reach everyone who wants to participate. We haven't said we won't hold public meetings and don't fear meeting face-to-face.

Everyone has money problems and so do we. Each face-to-face meeting (one location), in round numbers, runs up to $30,000.00. The cost of the virtual public meeting, in round numbers, is about $4,000. It's your tax money.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1608)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

Forum - Part 121/135 Air Tour Operators and Part 136 Issues

Cloud clearance issues. Edit Delete

Cloud clearance issues.	FAA	02/22/04
IFR separation	James T. Cheatham	02/25/04
RE: IFR separation	Alberta Brown	03/05/04
RE: RE: IFR separation	Jim Pratt	03/05/04
Definition of a cloud	Gordy Cox	02/26/04
RE: Definition of a cloud	Alberta Brown	03/05/04
RE: RE: Definition of a cloud	Plane Ride Info	03/05/04
cloud clearance	Casey Riemer	02/27/04
RE: cloud clearance	David John Chevalier	03/03/04
RE: RE: cloud clearance	Alberta Brown	03/05/04
RE: RE: cloud clearance	David John Chevalier	03/05/04
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RE: cloud clearance	Alberta Brown	03/05/04
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Cloud clearence	Richard Larew	02/27/04
RE: Cloud clearence	Alberta Brown	03/05/04
NO NEW PARTS	Gary Kauffman	03/01/04
RE: NO NEW PARTS	Alberta Brown	03/05/04

Post new message in this thread

Date: 02/22/04 07:06 PM
Edited: 02/22/04 10:22 PM
Author: FAA
Subject: Cloud clearance issues.

The recommendations that affect certificated air tour operators are based on NTSB recommendations and the history of commercial air tours in the United States. Many of the proposals have already been implemented successfully in Hawaii under SFAR 71. Some of you have suggested that the NTSB recommendation to establish a national safety rule is not

appropriate. In the proposal, we propose allowing deviations when an operator can demonstrate that they can safely operate under the deviation. We encourage you to suggest alternatives that will promote an equivalent level of safety.

What questions or suggestions do you have about cloud clearance issues?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=693)

Date: 02/25/04 03:02 PM
Author: James T. Cheatham (no profile)
Subject: IFR separation

My understanding of the basic requirements of FAR 91 regarding cloud clearance are established in order to give separation from IFR traffic that may be entering and departing clouds. In what way does flying a tour make it any different? If it is unsafe for an air tour, wouldn't it be unsafe for a 135 flight as well? And if a greater cloud clearance would enhance safety, why wouldn't it apply to all, under 91? I would also remind you that ckouds do not have walls. Judging distances is more an art than a science anyway.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=908)

Date: 03/05/04 12:16 PM
Author: Alberta Brown (no profile)
Subject: RE: IFR separation

Mr. Cheatham,

For air tours, VFR by necessity, minimum cloud clearances are there so the pilot doesn't go into them. Inadvertent entry into less than VFR conditions is a leading cause of accidents, especially in part 91 where instrument rated airmen, IFR currency, and instrument equipped aircraft are less common. The air carriers have always been held to a higher standard than general aviation. Part 91 is general operating rules that all pilots use. Part 91 allows very limited operation by

companies in the business of holding out to the public. One of those limited cases is the existing 25-mile exception. This NPRM proposes that the 25-mile exception go away and those businesses be conducted under part 135. The final rule is not written. That is one of the purposes of this forum and has always been the purpose of the docket. They both allow the public to tell us what they want.

There have been many cases of air tour operators entering clouds. The FAA usually only knows about it when the clouds have rocks and other objects in them. Judging distance has to be learned. Pilots learn to judge the altitude of the traffic pattern from the first flight lesson. The issue of the proposal is not necessarily part 91 or part 135. The issue is air tours.

We posted a possible exception for vintage aircraft. We are open to other exceptions and realize that many air tours are conducted by other than vintage.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1538)

Date: 03/05/04 01:55 PM
Author: Jim Pratt (no profile)
Subject: RE: RE: IFR separation

Alberta:

You stated: "For air tours, VFR by necessity, minimum cloud clearances are there so the pilot doesn't go into them."

This is simply not the case.

If you look at the preamble to 14 CFR part 91.105 (the predicessor to 91.155), the prupose of the cloud distance requirements is to allow for seperation of VFR traffic from IFR traffic. VFR traffic has an obligation to "see and avoid".

A good reference for more info can be found at:
http://www.swaviator.com/html/ISSUEND02/Basics111202.html

This used to be taught in every basic private pilot ground school, and was a part of the AIM. It appeared to bo so basic a knowledge that they now have deleted the reference in the current version of the AIM as to why the cloud clearance rule is there.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1555)

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Date: 02/26/04 08:47 PM
Edited: 02/26/04 08:48 PM
Author: Gordy Cox (no profile)
Subject: Definition of a cloud

Maybe the FAA could define a cloud for us here. There has been enforcement actions and there are more pending, taken on pilots flying too close to clouds under SFAR 71, and yet there is no standardization among inspectors.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=977)

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Date: 03/05/04 12:21 PM
Author: Alberta Brown (no profile)
Subject: RE: Definition of a cloud

Mr. Cox,

And we are the ones with no aviation experience? It sounds like you are involved in violations you would like to solve here. The NPRM isn't about identifying clouds. Pilots have not told us they need help knowing when they are in a cloud or see one coming up.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1539)

Date: 03/05/04 12:33 PM
Edited: 03/05/04 12:33 PM
Author: Plane Ride Info (no profile)
Subject: RE: RE: Definition of a cloud

> Mr. Cox,
>
> And we are the ones with no aviation
> experience? It sounds like you are involved in
> violations you would like to solve here. The
> NPRM isn't about identifying clouds. Pilots have
> not told us they need help knowing when they are
> in a cloud or see one coming up.

Has the general public told you they need the FAA's help in distinguishing between an airline and a local biplane ride?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1540)

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Date: 02/27/04 01:33 AM
Edited: 02/27/04 01:48 AM
Author: Casey Riemer (no profile)
Subject: cloud clearance

In the opening statement for this section it is stated that, "Many of the proposals have already been implemented successfully in Hawaii under SFAR 71."

I ask the FAA to please state the evidence that proves that the cloud clearance regulations in SFAR71 have been "successful". What is the subjective and verifiable methodology for this statement?

Second point: The pre- and post-SFAR71 accidents that occurred in Hawaii which had anything to do with flying into clouds were found to be violations of existing FARs. Enforcement of existing FARs should be the focus here not more regulations that will be impossible for the FAA to enforce and regulate with existing budgets and manpower.

Third point: If an aircraft is on a Part 135 flight, the cloud clearance rules should be the same for all missions. When we fly a tour, our passengers have an expectation that they will see the sights that we advertise. When we fly a tour flight, we need to have better weather to please our passengers than we need for any other mission we fly under Part 135. If we don't please our passengers, we won't be in business too long.

I am the manager of a Part 135 helicopter tour operation in Hawaii. Just today, we cancelled all of our tour flights due to poor weather. We had one charter flight on our books that went out as planned. This would have been our course of action even if SFAR71 was not in place.

To put the point another way: We fly the same aircraft with the same pilots over the same terrain for all of our Part 135 missions. Why should we have differing cloud clearance regulations for tours than any other mission we are permitted to undertake?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=980)

Date: 03/03/04 03:58 AM
Edited: 03/03/04 04:01 AM
Author: David John Chevalier (no profile)
Subject: RE: cloud clearance

I disagree with your inference that the fatal CFIT helicopter accidents in Hawaii (pre and post SFAR) were "found to be in violation of existing FAR's". While I am sure that you are correct that they were ultimately in violation, (by being too close or in the clouds), the way that they got there was not the result of a blatant disregard of regulation but rather from a failure of pilot judgment. I believe that a common thread in these accidents is that the pilots got themselves trapped by moving clouds. What was perfectly legal one minute turned disastrously illegal the next. For instance; a pilot could be perfectly in accordance with SFAR 71, crossing a ridge at 1000 feet AGL into a valley where he can see the other side. The entire back of this valley is clear. There are high or no clouds above him, a mile horizontal to clouds on his right and no clouds below. The pilot fly's a straight line, three miles across the back of that valley but when he turns around his visibility is almost gone. Clouds have poured down behind him, into the valley from the summit, thousands of feet above. (It is a frequent cloud pattern in that valley). He has legally flown into a trap. He is now illegal, in the soup, at least fifteen hundred feet above the valley floor. --- Or how about descending from a mountain summit through a swath of an opening in clouds, where he has over three miles of visibility ahead and to the ground, has over 2000 feet horizontal and clear air

above. Half way down that open swath closes up on him. He started out legal but became illegal.

Regulation can help but can never trump good judgment. There should be a greater focus on enhanced training, such as understanding the micro-weather patterns of a particular valley and annual, professional Human Performance Training. The annual meetings that we've had on SFAR 71 have been virtually useless, with a preoccupation on our disagreements with the FAA. The FAA didn't even come to the last one. If those meetings could be used to create a safe atmosphere, where older pilots share experiences with newer pilots, we could all learn from each other and inculcate a maturing culture of safety. The FAA should lead these local meetings, across the country, by inspectors that are well trained in Human Performance and in conducting a safety meeting. They should come from a perspective and focus on the facilitation of learning rather than a cop ready to give out a ticket. If such a partnership with the pilots and operators were done professionally, there would never be a compromise of FAA integrity. When the focus of rulemaking is CYA rather than pursuit of your stated mission you have truly compromised your integrity and failed in your responsibility.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1330)

Date: 03/05/04 01:31 PM
Author: Alberta Brown (no profile)
Subject: RE: RE: cloud clearance

Mr. Chevalier,

The previous response to Mr. Riemer applies reference education. Your air carrier pilots who have been doing what they do for years should not have to be trained by the FAA about how to stay out of clouds. Some don't know what a cloud is but we trust most do.

We are aware of your efforts to get the air tour operators together for the good of the whole community. Please keep trying. If the inappropriate whining we have received from Hawii during this meeting is any indication of the meetings you refer to, we understand why the local FAA doesn't bother attending. Maybe they didn't have the time to attend. We don't know.

The FAA cannot control the weather in Hawaii any more than you can. You decided to operate air tours there. If your pilots and helicopters are able to operate IFR you might

want to work with the local air traffic personnel to come up with canned flight plans with the ability to go IFR as necessary. This would involve VFR to IFR and back to VFR or some variation of that. You seem to follow repetitive routes from site to site that could be used for your personal flight plan route. We are not the air traffic authority. Just a thought.

Our rules do not cause you to violate the rules, the nature of your tours do. We cannot allow a VFR tour in IFR conditions under any circumstances. There are no compromises on that. We would be interested in flights as described above or any other ideas you have.

Your incoming and our response to it have nothing to do with the issues of this NPRM. But that's ok. This meeting will end today and we like taking about aviation.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1544)

Date: 03/05/04 03:29 PM
Edited: 03/05/04 09:03 PM
Author: David John Chevalier (no profile)
Subject: RE: RE: cloud clearance

Alberta,

I appreciate that you are communicating with us. It may be difficult at times but we both owe it to our respective missions to work through that. I don't mean to be rude but I do think that the attitude here of the FAA needs adjustment. Let's all try to get past our defensiveness and work together as partners rather than adversaries. The FAA is in a unique position to be able to do some great things. Our Ops Specs (B048, section A, paragraph 3) require us to attend an annual SFAR 71 meeting. It is a great opportunity to have all pilots, at each island, come together at one time to discuss safety. It is extremely difficult for us to pull that off voluntarily. I think that it is a great requirement and if we can resolve our differences we will be able to move on to meaningful safety education. This should be the most important common goal that we share.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1574)

Date: 03/05/04 09:13 PM
Edited: 03/05/04 09:29 PM
Author: Casey Riemer (no profile)
Subject: Inappropriate Whining

Ms. Brown,

I have read almost every post on this forum. Some of the posts from Hawaii operators and pilots express frustration with SFAR71 and the proposed Part 136. As others have stated, discussion of SFAR71 is germaine in this forum because SFAR71 is the regulation on which the proposed rule was modeled.

It is apparent that you perceive many of the posts from Hawaii as "inappropriate whining". I ask you to step back from the computer for a while and think about the posts from Hawaii and compare them to the posts from the other 49 states. I don't think that you will really see much of a difference in the "attitude" between the two.

I don't see that there is really any difference in the attitude in the posts from Hawaii and any other state. Do you think that all of the pilots and operators that have anything negative to say about the proposed rule are also whining?

Tour operators, tour pilots and the FAA want the same thing at the end of the day, SAFETY. When proposed rules are put out by the FAA and we are asked to comment on the proposals, most of us take this responsibility seriously. It is our lives and our livelyhoods that are at stake. If you were to come to Hawaii and spend some time discussing our experiences with SFAR71 you would learn a tremendous amount about the rule that is proposed. It also sounds like the Southeast Alaska operators in Juneau would be a valuable group to visit because of their letter of agreement.

I appreciate this opportunity to communicate with you and look forward to more dialog.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1603)

Date: 03/05/04 12:53 PM
Author: Alberta Brown (no profile)
Subject: RE: cloud clearance

Mr. Riemer,

Your 1st point: What subjective and verifiable methodology do you have otherwise? This NPRM does not ask for a vote on SFAR 71. The SFAR has been there for 10 years. The courts decided in favor of FAA. We already know you don't like it.

Your 2nd point: There are those who will always violate rules. Old rules and new rules will be violated. Should there not be any rules? The FAA does focus on education of pilots in the hope of reducing violations and accidents. There are hundreds of educational meetings, brochures, videos, etc. from FAA and groups like AOPA, EAA, ALPA, and many many others. Flight instructors educate every day. They all help us with our education job which helps us with existing budgets and manpower. As a result our inspectors can spend more of their time on enforcement. As an operator you too could educate.

Your 3rd point is unknown. Maybe it is that part 135 on-demand and 135 air tour requirements should be identical? If that is it - how many charters do you conduct while hovering at a water fall at low altitude while other helicopters wait in line to do what you are doing and every helicopter has a passenger in every seat?

The NPRM allows for deviation authority that SFAR 71 does not have. You may comment on the issues if you want to.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1541)

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Date: 03/05/04 05:23 PM
Edited: 03/05/04 05:52 PM
Author: David John Chevalier (no profile)
Subject: RE: RE: cloud clearance

Alberta, Since this is the last day I'd like to jump in here. You ask Casey, "What subjective and verifiable methodology do you have otherwise?" The report that Conklin and de Decker made on behalf of HAI and attached to their comment was done with objective, verifiable methodology. Please refer to this report. Reference his third point is the fact that air tour passengers expect to see the sights. If visibility is obscured they are likely going to ask for their money back. This a natural and stronger disincentive to fly a tour in reduced visibility than would exist for a charter. If commercial rules are changed they should all specify the same, equivalent level of safety - if you are to be consistent.

Your comment "how many charters do you conduct while hovering at a water fall at low altitude while other helicopters wait in line to do what you are doing and every helicopter has a passenger in every seat?" seems to paint a speculative picture of how things would be without the altitude restrictions, (I don't see how it pertains to his comment on cloud clearance). Flight time is what we sell. We don't have time to be waiting in line. When anything like this has occurred it is the exception, not the rule. There is almost always an alternative route and spots that pilots will show that naturally disperse tours when they are running close together. Operators, who best understand the business, should have been involved in the promulgation of SFAR 71. The FAA has not, heretofore, responded to the NTSB recommendation to work out differences with the operators - certainly there has been no meaningful and open dialogue before now. It is appropriate to discuss SFAR 71 here as this is the rule upon which this NPRM is based.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1601)

Date: 03/05/04 05:55 PM
Edited: 03/05/04 06:14 PM
Author: Casey Riemer (no profile)
Subject: RE: RE: cloud clearance

Ms. Brown

By the fact that the FAA is the regulatory body seeking to change existing rules it is incumbent upon the FAA to justify their position with supportive and verifiable data. For you to state, "What subjective and verifiable methodology do you have otherwise?" does not justify the position of the FAA.

I believe I am not alone in stating that I still would like an answer to the question that I posed, "I ask the FAA to please state the evidence that proves that the cloud clearance regulations in SFAR71 have been "successful". What is the subjective and verifiable methodology for this statement?"

I am not arguing that SFAR71 shold be voted upon or anything of the sort. I am asking for the information that the FAA used to make a statement that was posted on this forum regarding the NPRM for Part136.

Second point: Where to do come up with the questions, "Should there not be any rules?" I have stated in previous posts that I feel that Parts 91 and 135 of the FARs are good time-tested regulations. If any modifications to the FARs need to be made for tour flights, the modifications should be made there. I agree that education is the key to reduction of accidents. Pilot judgement is improved through education and not regulation. We are very involved with pilot education.

Third point: Sorry if my point was unclear. You did deduce my point correctly. The last part of my post was, "To put the point another way: We fly the same aircraft with the same pilots over the same terrain for all of our Part 135 missions. Why should we have differing cloud clearance regulations for tours than any other mission we are permitted to undertake?"

In your reply you ask, "... how many charters do you conduct while hovering at a water fall at low altitude while other helicopters wait in line to do what you are doing and every helicopter has a passenger in every seat?" To this query I reply that my point was about cloud clearance issues not hovering in front of waterfalls. I would like an answer to that question.

Thank you.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1602)

Date: 02/27/04 02:40 PM
Author: Richard Larew (no profile)
Subject: Cloud clearence

There is no justification to change this just for air tours. If all providers of commercial air tours are certified under 135 than any changes to the current regulations can be addressed in the ongoing 135 rewrite.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1020)

Date: 03/05/04 01:34 PM
Author: Alberta Brown (no profile)
Subject: RE: Cloud clearence

Mr. Larew,

All previously answered and we know you are reading responses to others.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1545)

Date: 03/01/04 05:18 PM
Edited: 03/01/04 05:19 PM
Author: Gary Kauffman (no profile)
Subject: NO NEW PARTS

There is no justification to change this just for air tours. If all providers of commercial air tours are certified under 135 than any changes to the current regulations can be addressed in the ongoing 135 rewrite.

We do not need a separate and new Part, it should be under Part 135, what is good for airtour ops are good for any commerical ops, including medivac, commercial, firefighting, police, etc.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1214)

Date: 03/05/04 01:35 PM
Author: Alberta Brown (no profile)
Subject: RE: NO NEW PARTS

Mr. Kaufman,

Previously answered. Since some subjects in other forums have not been answered at all, please see previous.

Thanks,

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1546)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

Forum - Part 121/135 Air Tour Operators and Part 136 Issues

FAA Response Edit Delete

1st FAA Response	FAA	02/25/04
THE FAA DOESN'T HAVE ENOUGH INSPECTORS QUALIFIED IN THE VINTAGE	Casey Riemer	02/27/04
700 COMPANIES OUT OF BUSINESS	Casey Riemer	02/27/04
RE: 1st FAA Response	Ron Rex	02/28/04
RE: 1st FAA Response	michael muetzel	03/02/04
RE: 1st FAA Response	Craig Peterson	03/05/04
General Comment	James V. Boone	02/27/04
Stop this insanity	John Ricciotti	02/27/04
TOO MUCH UNNECESSARY REGULATIION	Bob Waymire	02/27/04
RE: TOO MUCH UNNECESSARY REGULATIION	kent ingram	02/29/04
RE: TOO MUCH UNNECESSARY REGULATIION	Steven M. Volovsek	03/02/04
Improve sightseeing regulation doesn't mean "increase"	mark boyd	02/28/04
air tour regs.	James W. Kruger	02/28/04
RE: air tour regs.	Michael O'Dea Frohne	03/05/04
air tour management plan	James W. Kruger	02/29/04
NAT Safety Standards Proposed Rule	Benjamin W. Miller	03/03/04
Ridiculous Regulations	Bill Muszala	03/05/04

Post new message in this thread

Date: 02/25/04 11:55 AM
Author: FAA
Subject: 1st FAA Response

Please do not hit "reply" to this forum. Continue posting to each question.

Hello from FAA. Thank you so much for your participation. I hope to respond in plain language. For example, instead of saying "Code of Federal Regulations Part 135 Section (you get the idea) I'll just give the site. When I say "sightseeing" it includes flightseeing, air tours, commercial air tours, etc. When I say "vintage" it includes WWII and historic. Because I also read all the comments in the electronic docket, I may address some areas that you said in the docket but didn't say in this public meeting. I may use "I" or

"we" or "FAA". I have lots of help. I want to get to the issues and not be a chat room. The worse part is getting started. I'll try to move quickly. This response is posted in all three forums. A response that involves only one forum will be posted only in that forum.

Let's start with some truths: - This rule was not created by the events of September 11, 2001. - The intent of this rule is not to put you out of business. - The FAA does not have Congressional legislation on this rule (yet). Yes there has been legislation on some other rules that involved sightseeing. - This is not a national park rule. - This rule was not started for "noise" reasons. - The FAA is not against charity, veterans, vintage airplanes, private pilots, sightseeing, nonprofit, or lobbyists. - By definition the largest of you is a "small business".

Here are some subjects that come up over and over. I will add to them in future responses.

700 COMPANIES OUT OF BUSINESS Wow, never actually said that and apologize for giving that impression. No intent to put anyone out of business. FAA did a survey of those doing sightseeing in part 91. We have lots of data on the air carriers doing sightseeing. However, we do not have a similar data base on part 91 operators. In preparing the economic analysis we hired a consultant, surveyed the FSDOs, and used data from the FAA General Aviation Survey. Some businesses were found in the phone book , on the Internet, or through other sources. The analysis was based on the proposal of mandating part 121/135 for all part 91 operators conducting sightseeing. It was felt that of all the sightseeing businesses, 700 of them would decide to stop doing sightseeing rather than become a certificated air carrier. These 700 businesses were thought to only conduct sightseeing 10 hours a year. If there had been a database, we would have known been able to assess the impact more accurately.

THE FAA DOESN'T HAVE ENOUGH INSPECTORS QUALIFIED IN THE VINTAGE AIRPLANES. The FAA has many qualified inspectors. It sounds like a great full time job to me. There are organizations who do have qualified individuals and we have used them in the past. This issue can be solved.

WHY DO WE WANT TO REGULATE YOU. Because you look like an airline. A passenger decides to go on an airplane (why doesn't matter). The airplane operator wants money (donations are money). The passenger is happy if part/all of that money goes to a good cause but wants to go on an airplane anyway. Airplane operator gives the passenger what the passenger paid for. What's different about you? Airline passengers and your passengers deserve certain standards. I'm not saying you don't have standards. Many of you operate wonderful companies and make lots of passengers happy and you do it without being an airline. Airlines give to charity too and always have. Some have said the risk is known and accepted. The FAA believes that the passengers do and should look to FAA for appropriate regulations. The passengers shouldn't need to understand levels of safety. The NTSB recommended that we improve regulation of part 91 sightseeing and we agree with them.

Lots more to follow.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=901)

Date: 02/27/04 05:04 AM
Author: Casey Riemer (no profile)
Subject: THE FAA DOESN'T HAVE ENOUGH INSPECTORS QUALIFIED IN THE VINTAGE

What about having enough qualified inspectors for ALL TYPES OF AIRCRAFT? The FAA FSDO in Honolulu recently processed a new Part 135 Certificate for a Part 91 tour operator. It took over 4 years to accomplish the transition.

The HNL FSDO staff is already overwhelmed with the Part 135 operators they have on their books. It is my position that this proposed rule will lead to a situation that provides a LOWER LEVEL OF SAFETY for all Part 135 operations than exists right now unless manpower and funding issues are addressed.

Has funding and manpower been accounted for to accomplish the certificate processing and oversight for the Part 91 operators that will make the transition to Part 135? If this proposed rule is implemented and no funding is available to increase the number of inspectors at the FSDOs, how will the certificates be processed in a timely manner? How will the required inspections for the certificated operators be performed? How will non-required inspections be performed?

I don't think tha tanyone will argue that Parts 91 and 135 of the FARs are acceped by the industry and have evolved through time to become a very good set of regulations. If there is real evidence that there is a problem with safety in tour operations, I think that the existing rules should be adjusted instead of creating a new set of regulations that will spread the limited resources of the FAA out even more than they are stretched right now.

Here is a question that needs response from operators and the FAA: Are there any FSDOs that could not use more inspectors than they presently have to accomplish the tasks that the current FARs mandate?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=989)

Date: 02/27/04 05:19 AM
Author: Casey Riemer (no profile)
Subject: 700 COMPANIES OUT OF BUSINESS

Here is the section of the NPRM that states what the FAA says, "Wow, never actually said that and apologize for giving that impression"

This was copied from page: 60585 of the Federal Register / Vol. 68, No. 204 / Wednesday, October 22, 2003 / Proposed Rules

"Business Closure Analysis The FAA estimates that about 700 part 91 operators currently providing sightseeing flights would elect to stop providing the service. These operators, however, provide relatively few sightseeing flights (fewer than ten hours annually). The FAA concludes, therefore, that sightseeing revenue represents a small percentage of total revenue, and that these operators would remain in business and obtain revenues elsewhere."

I think this is more than an "impression".

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=990)

Date: 02/28/04 10:19 PM
Author: Ron Rex (no profile)
Subject: RE: 1st FAA Response

I don't know any other way to put it...this is the best example of the FAA run amok I've ever seen. What possible reason can you have for proposing this? Biplane ride operators look like an airline!? I've FLOWN for an airline (34 years). I've also given rides in biplanes. Believe me, there is NO comparison between the two. By making a statement like that, you are really showing your lack of knowledge in both these fields. But what annoys me the most is that there is ABSOLUTELY NO evidence that there is a safety problem with Part 91 ride operations, except perhaps helicopters. (If there is a problem with them, then confine any new regulations to them.) If you drive those providing airplane rides...especially in antique airplanes such as biplanes...out of business, you will have caused the demise of one of the great traditions in America. And it will

all have been for no reason. Shame on you if this new rule goes into effect!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1105)

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Date: 03/02/04 03:46 PM
Author: michael muetzel (no profile)
Subject: RE: 1st FAA Response

"Because you look like an airline."

Wow. And I was beginning to think there was no sense of humor here!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1291)

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Date: 03/05/04 01:56 PM
Author: Craig Peterson (no profile)
Subject: RE: 1st FAA Response

I find it shocking that the FAA would make such a draconian proposal with so little data!

One example which should totally shut down this proposed rule:

You are much (at least 10 times) more likely to have a FATAL accident in one hour of driving than you are if you fly one hour on an Air Tour.

How many kids have future dreams that are ignited by a one hour ride in a car?

How many kids have future dreams that are ignited by a one hour ride in a plane?

You can prevent ALL accidents ... By making sure NOBODY FLIES (In which case, I will become a citizen of another country).

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1558)

Date: 02/27/04 03:48 PM
Author: James V. Boone (no profile)
Subject: General Comment

Unfortunately, I am not an aircraft owner nor a pilot. However, I am a life-long aviation enthuasist and have millions of miles of commercial flight experience, less...but still a significant amount... in military aircraft, and "some" in what remains of the private sector. I've been a professional in the aerospace industry for many years.

There are many things that the FAA really needs to do to promote your legitimate missions....you testify to them every year before congress and in other fourms. It strikes me that this set of proposed regulations are completely unnecessiary and restrictive. I would hate to see them implemented and believe that they would quicken the demise of general aviation and deprive our nation of much of its vitality.

Why don't you visit the new wing of the Air and Space Museum of the Smithsonian at/near Dulles airport and contemplate what your new proposals would have done to the wonderful history of aviation represented there? Sure, this is now, that was then, but the vitality of the enterprise is held in the minds of people....not in restrictive regulations.

Please rethink this issue! Quickly, before you make a big mistake....of course, some cynics might say that if you kill off this part of the aviation activity, you will then have time to do your other jobs...but those would just be cynics...right?

The first rule of regulation is much like that in medicine..."first, do no harm." I suggest that you follow that rule.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1024)

Date: 02/27/04 09:32 PM
Author: John Ricciotti (no profile)
Subject: Stop this insanity

As an airline pilot for the past 20+ years I am strongly opposed to the proposed changes to the sightseeing operations in existence. I do not believe that these new regulations (read: restrictions) will increase safety in the least.

This is a waste of the FAA's time and energy. There are unfortunately too many operators in the Part 121 ranks that do not get the FAA oversight that they need to help insure a high level of safety to our traveling public. Spend the FAA limited resources wisely and leave the safe Part 91 air tour operators alone.

Thanks for the opportunity to reply on this subject.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1049)

Date: 02/27/04 11:44 PM
Edited: 02/27/04 11:51 PM
Author: Bob Waymire (no profile)
Subject: TOO MUCH UNNECESSARY REGULATIION

Please stop trying to regulate so much

I have been a pilot since 1970. I spent most of the day enjoying watching the vintage Aircraft of the 2003 National Air Tour, when they were in my Town. I made lots of pictures, and watched many happy and excited people of all ages take rides in these wonderful old airplanes. They have an excellant safety record. without this kind of activity, many people would never have the oppertunity to take a short ride, where they can have such a closeup view of the wonderful world of flight. I have traveled many miles on Airlines, a good way to cross the Country, but not a closeup look at flying. If you have flown in a small plane, and also traveled on airliners, and I am shure you have as an FAA employ, then I am shure you know what I mean.

This brings up something else. We have lost too many jobs in this Country. Lots of these Pilots and ground crew would be out of work. Yours could be next. If you overregulate, grounding too much of General Avaition, yor job could be no longer needed.

THIS PROPOSAL IS JUST WRONG, AND SHOULD BE STOPPED. PLEASE!!!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1053)

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Date: 02/29/04 09:47 PM
Author: kent ingram (no profile)
Subject: RE: TOO MUCH UNNECESSARY REGULATIION

Regulation of sightseeing flights would be like removing all guns for citizens, the thief's and murders would still have guns. Anyone with terrorist intentions sure ain't going to abide by the rules imposed by the FAA. Let Americans continue to enjoy the freedom of flying under the existing rules, more rules sure want make it safer.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1143)

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Date: 03/02/04 08:58 AM
Author: Steven M. Volovsek (no profile)
Subject: RE: TOO MUCH UNNECESSARY REGULATIION

To the FAA:

This brings up something else. We have lost too many jobs in this great Country. Many of these small businesses, pilots and ground crew will be out of work. Your FAA job will be be next. If you overregulate, grounding too much of General Aviation, yor job would no longer be needed.

The internet has provided a connectivity never before utilized in human history. It provides the small "voter" with a connection not available before. It is time we take our freedom back from the bureaucrats. No more NPRMs, no more taxes, no more fines, no more regulations. Government should do what it is supposed to do, provide services with the resources provided. Government should not be self perpetuating organization with all powerful regulating authority. The people

have the power, not the FAA, or the DOT.

No more unnesssary regulation just to raise revenues. No more fees, assessments, taxes, or restrictions, period. FAA: Pay attention here, or you may regulate yourself out of your job.

It is our freedom, part of a larger picture,

Steve Volovsek Suffolk, VA

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1250)

Date: 02/28/04 02:01 PM
Author: mark boyd (no profile)
Subject: Improve sightseeing regulation doesn't mean "increase"

The NTSB said to improve regulation. It didn't say "increase."

Hmmm...perhaps the FAA strategy is to bring out a big hammer and threaten to shut down 700 operators, in the hope that one of the affected operators would work hard to come up with a better solution than theirs. It must be nice (and very cost effective) to be able to intimidate a whole group of pilots into doing your job for you. "We (the FAA) don't have the resources to come up with an intelligent improved regulation, so we'll just make a bunch of operations illegal, and since they won't fly, this is safer." Kind of a caveman approach to safety. Ground all the pilots and the aircraft and you get less accidents.

My wife complained about my newborn infant spitting up. I told her if this was a really serious problem, there was a simple solution. Just stop feeding the baby for about a week. No spit up, no diaper changes, and even the crying would stop completely. I told her this is what the FAA would recommend if they were in charge of infant care.

She decided to keep feeding the baby, and came up with other, better ways to deal with the occasional wayward spit up and messy diaper.

All those employees at the FAA, and you can't tell the difference between "improve" and "increase?" And you can't moderate a more reasonable balance between safety and capability? I'm disappointed.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1081)

Date: 02/28/04 05:15 PM
Author: James W. Kruger (no profile)
Subject: air tour regs.

I have been flying helicopter air tours in a national park since 1980 and have never had an injury so I can see no reason for having more and more "safety" rules.I believe the air tour industry is the safest in aviation. I've been a 135 operator since 1964 (helicopters). To me safety is like common sense, it cannot be legislated. No matter how many rules are implemented there will always be someone who will break them. Meanwhile all of the legitimate operators will suffer under the weight of additional paper work. In addition to safty rules I would like to register my opposition to limits on the number of flights that an operator can make in a year. It prevents me from increasing my operation by limiting how many flights I can make, which in turn limits my income. I won't be allowed to better myself, which I've always been led to believe is the "American Way" Correct me if I'm wrong but there are several countries across the pond that control peoples lives completely. We are getting to close to that system, let's not get any closer. As far as flying safety in my area, it's not the commercial operater who's at fault, it's the private pilots who disregard altitude and distance restrictions and fly low over the lakes and mountain tops in haphazard ways just to try and impress their passengers with their "skills". We don't need more restrictions on our commercial operations, we just need more enforcement of the present rules on the people who break them. To make a long story short, I am opposed to all of the "Air Tour Management Plan as it pertains to commercial tour operators.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1086)

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Date: 03/05/04 04:47 PM
Author: Michael O'Dea Frohne (no profile)
Subject: RE: air tour regs.

I purchased a Stearman aircraft in Sept. and I am now in the process of getting my Commercial rating with the intent of giving others the thrill of flying in an antique aircraft. It disheartens me to be living in such a parnoid world with the authorities wanting to take away the freedom of flight. I agree with others that have participated in this forum ,that with more flight regulations ,there will be less flights and the FAA will put itself out of a job.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1597)

Date: 02/29/04 02:55 PM
Edited: 02/29/04 04:22 PM
Author: James W. Kruger (no profile)
Subject: air tour management plan

I have been flying helicopter air tours in a national park since 1980 and have never had an injury so I can see no reason for having more and more "safety" rules. I've been a 135 helicopter operator since 1964. I believe that safety is like common sense, it cannot be legislated. No matter how many rules are implemented there will always be someone who will break them. Meanwhile all the legit operators will suffer under the weight of additional paperwork. In addition to safety rules, I would like to register my opposition to limits on the number of flights that an operator can make per year. It prevents me from increasing my operation by limiting how many flights I can make which in turn limits my income. I won't be allowed to better myself, which I've always been told is the "American Way" Correct me if I'm wrong, but there are many countries across the pond that control peoples lives completely. It's called socialism and I'm not interested. We are getting to close to that system. As far as flying safety in my area,it's not the commercial operator who's at fault, it's some of the private pilots who disregard altitude and distance restrictions and fly low over the lakes and mountain tops in haphazard ways just to impress their passengers with their "skills". We don't need more rules, just enforce the ones already on the books by coming down on the people who break them. To make a long story short, I am opposed to the Air Tour Management Plan as it pertains to 135 operators.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1125)

Date: 03/03/04 04:26 AM
Edited: 03/03/04 04:27 AM
Author: Benjamin W. Miller (no profile)
Subject: NAT Safety Standards Proposed Rule

These rule changes appears to be due mostly to NTSB recommendations based on findings concerning

accidents that involved Part 135 operators. It seems illogical that these changes will solve safety issues. It will however, put further restriction on an important segment of American general aviation. I fully support the AOPA and the EAA views on this issue and feel the proposed rule not be implemented.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1332)

Date: 03/05/04 02:52 PM
Author: Bill Muszala (no profile)
Subject: Ridiculous Regulations

The FAA has lost sight of its regulation and perceived protection of the public for rides in aircraft. Anybody can purchase a ticket and ride on a part 135 aircraft and the regulations are in place to protect the public. The aircraft that are being flown under part 91 are obviously not airlines. They are for the most part historic aircraft that are not scheduled air carriers. Therefore due to the misinterpretation of part 91 existing regulations, we the public do not need, or require any additional ruling such as NPRM 4521. This rule only furthers the demise of aviation and in no way contributes to public safety.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1567)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

Forum - Part 121/135 Air Tour Operators and Part 136 Issues

Helicopter performance plan requirements. Edit Delete

Helicopter performance plan requirements.	FAA	02/22/04
RE: Helicopter performance plan requirements.	Alan Jenkins	03/02/04
Helicopter height/velocity	Wyatt Bell	02/23/04
Helicopter Operating Limitations	John Sullivan	02/23/04
RE: Helicopter Operating Limitations	Gary Kauffman	03/01/04
RE: Helicopter Operating Limitations	Casey Riemer	03/02/04
RE: Helicopter Operating Limitations	Ross Scott	03/05/04
Helicopters	Scott Bowerbank	03/01/04
H/V concerns	David L. Hardin	03/05/04
Performance Plans & Operating Limitations	Bob Engelbrecht	03/05/04

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Date: 02/22/04 07:05 PM
Edited: 02/22/04 07:30 PM
Author: FAA
Subject: Helicopter performance plan requirements.

Will the helicopter performance plan requirements contribute to safety? If not, why not and what would you recommend?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=692)

Date: 03/02/04 01:15 PM
Author: Alan Jenkins (no profile)

Subject: RE: **Helicopter performance plan requirements.**

I think as others have pointed out, the H/V diagram is not in the limitations section of the of the POH for a Rotorcraft.

If the FAA believe it should be a limitation then the correct way is to require manufacturers to include the H/V in the limitations section such that all rotorcraft operations are constrained in the same way. That is an issue between the FAA and manufacturers.

If the H/V diagram is not worthy of inclusion as a limitation for all operations/aircraft (as is the current situation) then I don't see why anything special need be applied to tours only.

As a further comment Electronic News Gathering, Police and EMS flights would not be constrained by this requirement and yet often operate over densely poplulated areas where in flight emergencies are more likely to injure non-passengers on the ground.

Meanwhile, the passengers of a tour aircraft have by implication accepted the risk of the helicopter flight and the tour flights pose little threat to any non-passengers in the area. It seems to me that, what is good enough for ENG, EMS, Police or even Charter flights over cities is more than sufficient for tours in remote areas.

Alan Jenkins.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1273)

Date: 02/23/04 11:19 AM
Author: Wyatt Bell (no profile)
Subject: Helicopter height/velocity

Does the FAA have any statistics or accident profiles, especially with Part 135 operators, regarding the Height/Velocity envelope?

It is my understanding that manufacturers develop this envelope with the "average" pilot profile. Therefore, pilot proficiency, judgement and performance are not factored into the regulations. This proposal promulgates no one can venture outside/inside "the average pilot" as determined by the manufacturer.

What may be better is to do away with pilots all together and focus all of our attention to "autopilots" which can be programmed by the FAA to adhere to its interpretation of safety!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=713)

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Date: 02/23/04 04:26 PM
Author: John Sullivan (no profile)
Subject: Helicopter Operating Limitations

The Helicopter Operating Limitations (Section 8) is probably the most problematic of all the sections of the new rule. The FAA is proposing that tour operators (and only tour operators) be required to fly in such a way as to avoid the shaded areas of the height velocity diagram as depicted in the performance chart section in each type of helicopter's respective flight manual. While this new rule is probably a good idea for the enroute phase of tour flying, it is very problematic and contrary to safe practices in the takeoff and landing phase. The reason the H/V diagrams are never placed in the limitations sections of flight manuals is for good reason, they don't belong there. It is not possible to fly a normal approach in a helicopter even as described in the FAA's own handbook on Rotorcraft Flying (FAA-H-8083-21) and NOT fly in the shaded area. To now make the H/V diagram a limitation would eliminate most off airport sites including several very active landing sites on Indian Reservation property in the Grand Canyon. And it would force pilots to make very low and fast ABNORMAL approaches versus NORMAL approaches even at the airport sites. To carry it one step further, if this rule is good for tour passengers why not extend it to off shore oil, air ambulance, and fire fighting passengers as well? Just as it would do to the air tour industry, this H/V diagram limitation would eliminate off shore platforms, most hospital helipads, and most fire fighting landing zone as well. The FAA needs to be very careful with this section. The H/V diagram is fine for the enroute phase of helicopter flying but the approach and departure from a hover stage for the purpose of landing and taking off should be an exception.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=772)

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Date: 03/01/04 05:06 PM
Author: Gary Kauffman (no profile)
Subject: RE: Helicopter Operating Limitations

I concur with John Sullivan's comment here in total. If the FAA is using 'protecting the air tour passenger' as its justification, are other commercial passengers less entitled to this so called safety? The FAA would be establishing a requirement that could actually have a negative safety effect. To stay out of the HV envelope operators will have to approach lower and faster.

If operations are from rooftops, heliports and other confined areas I see that this could preclude further Ops there. If this were reasonably required language, then are the passengers in a medical, offshore, or other commercial air operation less entitled?

I also see that this will generate more noise complaints as a result of the required lower and faster approach.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1212)

Date: 03/02/04 12:04 PM
Author: Casey Riemer (no profile)
Subject: RE: Helicopter Operating Limitations

I support John Sullivan's position on this matter. It is very well written.

To the best of my knowledge, the H-V curve in not in the limitations section of the rotorcraft flight manual for any helicopter that is currently flying tours.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1268)

Date: 03/05/04 03:35 PM
Author: Ross Scott (no profile)
Subject: RE: Helicopter Operating Limitations

John Sullivan is right on! H/V is not a limitation but a need to know.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1580)

Date: 03/01/04 12:22 PM
Edited: 03/01/04 12:30 PM
Author: Scott Bowerbank (no profile)
Subject: Helicopters

I wonder what impact this would have on heliport design? Is this the FAA's first step to eliminate helicopter operations? Helicopters are unique flying machines that are capable of operating safely if well maintained and flown by competent pilots. Judgement is always a key factor in deciding to fly into the H/V curve. Better education on teaching pilots to make more appropriate judgment decisions is a much more productive alternative than making some of these rediculous rule changes in the name of safety. Why not just ground all flight operations in the name of safety if you want to protect the public with a perfect set of regulations. There is a inherent risk to operating a car, a boat, and even a toaster, and certainly a helicopter. So inform the public that a risk exists and let them be the judge if its too risky to be a passenger of a helicopter. They will make the ultimate decision by purchasing a ticket to board the aircraft. As a helicopter pilot I am the one risking the most. If we are doing such an awful job as operators, then the public will put us out of business. But it shouldn't be the FAA. I vote, do not change the regulation, and leave it as is. It is sometimes more smart to decide that no change is necessary than to make change for the sake of saying you did.

Scott Bowerbank Director of Operations Westcor Aviation, Inc. Scottsdale, AZ
http://www.westcoraviation.com

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1187)

Date: 03/05/04 03:16 PM
Author: David L. Hardin (no profile)
Subject: H/V concerns

FLIGHT OUTSIDE THE HEIGHT VELOCITY DIAGRAM

Requiring all flights to be operated outside the height velocity diagram poses an incredible problem at many of the locations we operate out of. In a couple of instances this limitation could cause an entire multi-million dollar operation to be shut down. The aircraft manufacturers & current regulations do not list this performance information as a limitation. Helicopters have logged millions of hours of takeoffs & landings passing through the Height Velocity Diagram. This has not been demonstrated to pose a major risk factor. This information is provided to the pilot to assist his decision making process in the event of a power plant failure. Traditionally, but not always, a turbine engine quits when you make a power change. Power change for takeoff usually occurs prior to entering the height velocity diagram. Listing this as a limitation will not significantly increase the safety of flight & the economic impact is immeasurable. A better choice of wording would be "Flight within the Height Velocity Diagram should be minimized to the extent possible for safe operations".

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1572)

Date: 03/05/04 04:30 PM
Edited: 03/05/04 04:31 PM
Author: Bob Engelbrecht (no profile)
Subject: Performance Plans & Operating Limitations

Performance plans are fine but they should not have to be done for each flight. In Southeast Alaska we are operating at low density altitudes due to the cool temperatures. It should be acceptable to do one performance plan for the day unless conditions or the location of operations changes. Unnecessarily doing a performance plan for each flight is added work load for the pilots for no good reason. if you want them to take it seriously make the requirement relevant. I agree that there is no good reason to be in the h/v curve for tour operations except for take off and landing. To remve that excemption makes no sense.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1595)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

Forum - Part 121/135 Air Tour Operators and Part 136 Issues

FAA Response- Drug and Alcohol Testing Edit Delete

FAA Response- Drug and Alcohol Testing Alberta Brown 03/03/04

Post new message in this thread

Date: 03/03/04 05:15 PM
Author: Alberta Brown
Subject: FAA Response- Drug and Alcohol Testing

DRUG AND ALCOHOL TESTING This proposal does not create or amend requirements for drug and alcohol testing. The drug testing requirements have been in place for 15 years (1989). The alcohol testing requirements have been in place for 10 years (1994). Those who want to operate other than in accordance with the rules must petition to the FAA for an exemption. More than 100 exemptions are used per year. Each exemption contains conditions and limitations. Two of these exemptions are issued to organizations (EAA and AOPA) on behalf of their members. Each organization tracks which of their members use their exemption and reports that information to the FAA. This NPRM proposes to eliminate the need for the exemptions.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1385)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

Forum - Part 121/135 Air Tour Operators and Part 136 Issues

Do you need clarification of any part of the proposed rule? Edit Delete

Do you need clarification of any part of the proposed rule?	FAA	02/22/04
Define a cloud	Gordy Cox	02/28/04

Post new message in this thread

Date: 02/22/04 07:03 PM
Edited: 02/22/04 07:32 PM
Author: FAA
Subject: Do you need clarification of any part of the proposed rule?

Please let us know if there are any parts of the proposed rule that you would like us to clarify. This can be anything from whether something applies to your operation, something that is ambiguous, or just difficult to understand.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=690)

Date: 02/28/04 06:19 PM
Author: Gordy Cox (no profile)
Subject: Define a cloud

Please define a "cloud".

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1088)

Public Meeting for the National Air Tour Safety Standards Proposed Rule

Forum - Help Desk - FAA Public Meeting Administrator

Help Desk Edit Delete

Help Desk Support	Administrator	02/22/04
RE: Help Desk Support	Steve Thompson	02/24/04
RE: RE: Help Desk Support	Administrator	02/27/04
RE: RE: Help Desk Support	Steve Thompson	02/28/04
RE: RE: Help Desk Support	Administrator	02/28/04
question	rod magner	02/23/04
RE: question	Administrator	02/24/04
FAA Participation - not	Thomas Harnish	02/27/04
margins on posts	rod magner	02/24/04
RE: margins on posts	Steve Thompson	02/24/04
RE: margins on posts	Administrator	02/27/04
other forum topics	Casey Riemer	02/27/04
RE: other forum topics	Administrator	02/27/04
Management specs vs. Certification/opn Specs.	Robert G. Lock	02/27/04
RE: Management specs vs. Certification/opn Specs.	Administrator	02/27/04
RE: RE: Management specs vs. Certification/opn Specs.	rod magner	02/27/04
New Topic	mark gerrard	02/28/04
RE: New Topic	Administrator	02/28/04
Revise Part 91 to address FAA concerns?	Richard Audette	02/29/04
Message to FAA re:airline status for general aviation rides	marcia b. fuller	03/01/04
Comments About NPRM-4521	Roger King	03/03/04
Part of the docket?	Rick Pellicciotti	03/05/04
On Line Meetings	Rodger Petersen	03/05/04

Post new message in this thread

Date: 02/22/04 10:37 PM
Author: Administrator
Subject: Help Desk Support

Problems or Questions? Ask away here, or if it is urgent, and you can't post a reply call 202-267-9784, or

email webmasterAST@faa.gov.

Public Meeting Administrator

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=696)

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Date: 02/24/04 01:03 PM
Author: Steve Thompson (no profile)
Subject: RE: Help Desk Support

Another problem is, if I ask for a preview, I get an empty page.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=862)

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Date: 02/27/04 10:34 AM
Author: Administrator
Subject: RE: RE: Help Desk Support

I'm not seeing any problems with the preview message page. It is simply a quick view of how your message is going to look prior to posting. Unless you plan on adding alot of HTML and/or other web coding to your message it is really unnecessary to use the preview message function.

Also, Mr. Thompson. Unless you have some specific reason for doing so, please uncheck the "I want to use fixed-width font to display this message" in the "POST MESSAGE" window. That is the reason all of your prior messages have been "bleeding" off the screen, and it may have something to do with your preview message problems. I have already edited your prior messages so that they will display normally, please make that change the next time you post a message, view the preview page to see if that was the problem, and reply back here if you can.

Thank you.

Public Meeting Administrator

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=996)

Date: 02/28/04 12:41 PM
Author: Steve Thompson (no profile)
Subject: RE: RE: Help Desk Support

Ok, I chose to use the fixed-width font because I *LIKE* to get certain things to line up in columns. In most news groups and forums, HTML is not wished or desired, however, if the FAA wants this then messages not having HTML should be rejected.

Next, believe it or not, some of us do not operate with software disseminated out of Redmond WA. So just because you don't see a problem doesn't mean that when one uses OPERA or some other browser, there isn't one.

Messages "bleed" off the screen because the "forum" software has not been set up to correctly "flow" or do "word wrap".

I might point out that you have only fixed the messages in this part of the forum. Many many other messages from others as well as myself have not been so fixed.

Lastly, the arrogance shown by the FAA's personnel in this forum (not just this helpless desk area) is incredible and so nose in the air as to make one wish there were some action that could be taken to bring you all down to earth.

Steve Thompson

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1073)

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Date: 02/28/04 10:08 PM
Author: Administrator
Subject: RE: RE: Help Desk Support

Was your preview problem resolved?

Public Meeting Administrator

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1104)

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Date: 02/23/04 11:29 PM
Author: rod magner (no profile)
Subject: question

Just a quick one. Who at the FAA is reading the comments posted here? And will they be actively responding here on these pages? If not, then it seems this is really just an extension of the "docket" commentary. Not much real dialogue except between the affected operators.

Thanks for an answer.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=820)

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Date: 02/24/04 12:31 AM
Author: Administrator
Subject: RE: question

Hello. Please keep in mind the meeting continues for the next eleven days. FAA Personnel will be part of the discussion. We recommend that you check back periodically throughout the duration of the Public Meeting to see new responses and messages. Thanks for your participation.

Public Meeting Administrator

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=826)

Date: 02/27/04 11:22 AM
Author: Thomas Harnish (no profile)
Subject: FAA Participation - not

So far, one person from the FAA has had something to say. I thought this process was supposed to encourage a dialog?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1000)

Date: 02/24/04 11:01 AM
Edited: 02/24/04 11:09 AM
Author: rod magner (no profile)
Subject: margins on posts

FYI: Most of the comments on your site show up in my browser with no margin on the left, absolutely zero. I've never had another site that displays this way. Not sure if its the browser (Safari) or the manner in which your software encodes these posts. Makes it challenging to read sometimes because the old brain doesn't trust what the eye sees...it anticipates a tiny margin. It is not possible using this space to indent a paragraph either.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=847)

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Date: 02/24/04 01:02 PM
Author: Steve Thompson (no profile)
Subject: RE: margins on posts

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It also is happening with Netscape 7.01 and Opera.
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(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=861)

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Date: 02/27/04 10:46 AM
Author: Administrator
Subject: RE: margins on posts

We do realize that messages are posted with no margins on the left/right. If possible we will change this, however, as long as your entire message is visible, it is not a high priority. Please keep in mind that we do not know what type of systems participants are using, what browsers, etc.., etc.. and subsequently this Meeting is catering to the "lowest common denominator" and so most of the messages are just raw, unformatted text for ease of use. Those more internet saavy users can use HTML code to force formatting to their messages, but we do not recommend you try that unless you completely understand what you are doing. Thanks.

Public Meeting Administrator

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=997)

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Date: 02/27/04 02:56 AM

Author: Casey Riemer (no profile)
Subject: other forum topics

Is it possible to start other topics in this forum?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=981)

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Date: 02/27/04 10:08 AM
Author: Administrator
Subject: RE: other forum topics

> Is it possible to start other topics in this
> forum?

You can add new messages to a topic thread, you cannot add new threads to a forum. Only FAA personnel are allowed to create new threads in the forums. Thanks.

Public Meeting Administrator

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=994)

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Date: 02/27/04 10:47 AM
Author: Robert G. Lock (no profile)
Subject: Management specs vs. Certification/opn Specs.

I have read a story about how Fractional Ownership, Part 91, Subpart K, was drafted. You can read it: http://208.243.114.31/featured/rulechg.htm. The subheading of the story is, "The Product of Careful Comprimises." NPRM 4521 was apparently drafted in 1998 (thus the code FAA-1998-4521). My question is: IF 4521 was drafted in 1998, what happened to it for the past 5 years? Would this not have been a good time to form ARC or ARAC and listen to those affected entities in order to draw a comprimise on this controversal rule change? I don't think ARC or ARAC involvement in this would have taken 5 years!

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=998)

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Date: 02/27/04 10:53 AM
Author: Administrator
Subject: RE: Management specs vs. Certification/opn Specs.

Sir,

Please post your comments/responses to the appropritate forum. I believe the Part 91 forum is the appropriate area for this message. This is the technical helpdesk forum for this meeting. Only post messages here if you are having a technical difficulty using this Public Meeting Forum. If you would prefer, we can move this message to the appropriate area, just let us know which area you'd like the message to be moved to.

Thanks.

Public Meeting Administrator

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=999)

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Date: 02/27/04 11:54 AM
Author: rod magner (no profile)
Subject: RE: RE: Management specs vs. Certification/opn Specs.

If I click on "printer friendly" in any response I end up with a small margin and more readable screen.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1003)

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Date: 02/28/04 12:57 PM
Author: mark gerrard (no profile)
Subject: New Topic

I understand that I am unable to start a new topic, however if I have a question that is not on a current topic, can I submit it to the helpdesk for a topic to be started?

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1076)

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Date: 02/28/04 09:32 PM
Author: Administrator
Subject: RE: New Topic

Sir,

You are more than welcome to submit your suggestion for a new topic in here or any of the other forums, however help desk does not make the decision on whether or not new topics will be added to the public meeting. FAA personnel are assigned to monitor this public meeting and they will see the request regardless of which forum it is posted to. Thanks.

Public Meeting Administrator

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1099)

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Date: 02/29/04 09:57 AM
Edited: 02/29/04 10:03 AM

Author: Richard Audette (no profile)
Subject: Revise Part 91 to address FAA concerns?

Why not discuss individual FAA concerns with specific operators or operations and then make any "Needed" changes to Part 91 where applicable? Lumping operators/operations such as a previous administration did in an effort to reduce Part 135 accidents may have worked for that scenario but is entirely a different animal here. We are going to push parts of Americana out the door unneccissarily if we are not very careful. My Dad was a B-24 Mechanic in England during the second World War and as a child I grew up going to air shows where these rides were part of the show, they provided inspiriation, not simply a "Ticket" on an airline type business, not just "Transportation"!! FAA please go slow with your efforts here.

Richard Audette

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1117)

Date: 03/01/04 10:43 PM
Edited: 03/01/04 11:09 PM
Author: marcia b. fuller (no profile)
Subject: Message to FAA re:airline status for general aviation rides

Have I gone backward in time to Nazi Germany????? You will most effectively be robbing honest breadwinners from their honest and very safe means of earning a living...and!!! robbing future pilots/air passengers of the magnificence and glory of flight!!!No one has figured yet how humans can sprout wings on their own bodies. I was able to exchange baby sitting chores involving the children of Duane Cole (an icon of Aviation/Aerobatics) in the 1940s for flight lessons. You FAA people don't have enough positive work to do...Cease and desist this incredibly negative bullshit!!! Marcia B. Fuller, Member, International Org. of Women Pilots, the Ninety-Nines,Inc.;Tuskeegee Airmen Los Angeles Chapter; First Southern Baptist Church of North Hollywood;Women In Aviation International;Aifcraft Owners and Pilots Association;EAA Warbirds of America(Div of EAA); Experimental Aircraft Association!!!!!!!!What will you think of next to destroy AVIATION IN AMERICA as it has been known and loved since 1903???????You all need to be fired!!!!you are a bunch of airhead jackpots....Marcia Belle Fuller, Senior Citizen of just about 73 years of age....

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1234)

Date: 03/03/04 03:09 AM
Author: Roger King (no profile)
Subject: Comments About NPRM-4521

Comments Concerning NPRM-4521 The effort to effectively eliminate local airplane rides with NPRM-4521 seems to be a very misdirected regulation. Rather than making a blind and sweeping rule that would consider anyone giving a local airplane ride is an "airline", it seems more logical and appropriate to direct the efforts and resources at the source of the problems and not make at a shotgun blast at the entire general aviation population.

The basis of the proposed NPRM-4521 seems to be specialized operations such as helicopters operating in locations like Hawaii, Grand Canyon tours and such operations. Concentrate the enforcement efforts on the sources of the problems rather than creating an even larger kettle of worms as is proposed in NPRM-4521.

The EAA which I am a have been a member of since 1981 has done an excellent job of encouraging and promoting general aviation for more than 50 years. The flight of more than 1,000,000 Young Eagles is very positive proof that the typical general aviation pilots and planes are not the source of the bad statistics that would cause the generation of the proposed NPRM-4521.

General aviation in the United States has provided a grassroots basis for people to experience the joy of flight. There are adequate rules and regulations to keep this system safe and functioning without imposing another layer of unrelated rules and restrictions on top of it.

I am very opposed to the proposed NPRM-4521 and think that it should dropped. The lack of having an open public meeting is also quite concerning in the way that it could be taking away our personal freedoms of flight without having those of us involved having a voice in the process.

Sincerely,

Roger King 427 Johnny Long Road Sandpoint, ID 83864 (208) 263-0879

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1328)

Date: 03/05/04 10:54 AM
Author: Rick Pellicciotti (no profile)
Subject: Part of the docket?

I have asked this before but as the final hours tick down, I am hoping to get an answer:

Will the complete transcript of this virtual meeting be included in the official record on the docket for NPRM 4521?

Rick Pellicciotti Chief Pilot/Owner Belle Aire Aviation

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1526)

Date: 03/05/04 03:50 PM
Author: Rodger Petersen (no profile)
Subject: On Line Meetings

Just to let you know I will be contacting elected officials to complain long and loud about this rather inefficient way of conducting a public comment meeting. It may be cheaper, but really not conducive to understanding.

(http://66.89.54.45/Forums311/Index.cfm?CFApp=2&Message_ID=1583)