

**STATEMENT OF ED BOLEN
PRESIDENT AND CEO
NATIONAL BUSINESS AVIATION ASSOCIATION**

**SUBMITTED TO THE
SUBCOMMITTEE ON AVIATION**

**COMMITTEE ON
TRANSPORTATION AND INFRASTRUCTURE**

U.S. HOUSE OF REPRESENTATIVES

SEPTEMBER 16, 2009

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BEFORE THE

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The National Business Aviation Association (NBAA) represents the interests of over 8,000 member companies who rely on the use of general aviation aircraft for a business purpose. General Aviation includes diverse operations, with business uses that range from agriculture, law enforcement, fire and medevac services, to varied government, educational, nonprofit and business organizations. NBAA's members operate in every type of airspace and airport across the nation. We appreciate the opportunity to provide the Aviation Subcommittee with our views for the hearing today on the Hudson River Airspace.

Aviation remains the safest mode of transportation, bar none. The number of safely completed operations continues to rise each year. This impressive record is in large part due to the continued partnership between the aviation community and the government to pursue new technologies, enhanced procedures and implement new safety-based requirements that further improve aviation's already impressive safety record.

As we all know—tragically--aviation accidents do happen. When they occur, the entire aviation community feels a sense of loss and pain. Every accident investigation provides insight and lessons as to how we can improve aviation safety. However, it is important to note that each incident involves a unique set of situations, causal elements and factors. In this area, the National Transportation Safety Board is tasked with analyzing accidents and determining the cause.

Long History of Safety Partnership

NBAA and its member companies have a long, demonstrated history of partnering with the FAA to address safety issues and mitigate risks. It has been shown repeatedly, and again following the recent tragic midair collision over the New York City-Hudson River, that engaging affected parties to assist with the development of safety solutions produces better results. We commend FAA Administrator Randy Babbitt for reaching out to the aviation community in the days immediately following this accident to identify cooperative steps that could be taken to enhance air safety in this busy and vital air corridor.

Specifically, the airspace and radio frequency changes proposed by the FAA will standardize existing procedures, provide greater knowledge of those local procedures to transient aircraft, and increase communication between FAA controllers overseeing those operations.

While we do not yet know all the facts relating to the causes of the August 8, accident, NBAA believes that the actions proposed by the FAA will further enhance aviation safety in the New York City-Hudson River airspace. These announced steps take advantage of established industry practices already in place and well known to pilots that regularly operate within that busy airspace. The new safety procedures in the low-level airspace over the Hudson River are reasonable and workable and our members are committed to these efforts.

In addition to the important analysis work done on aviation accidents and incidents, it is also vital that we continue to maximize the vast operational data collected by the FAA, NTSB, aviation manufacturers and operators to drive future safety enhancements and improve accident prevention. This analytical data often contains trends which are important in identifying risks and capturing behaviors which can contribute to aviation accidents. This knowledge is vital in assisting industry and government efforts to improve aviation safety.

Action Key to Improved Safety

The FAA will soon issue a detailed rulemaking proposal to incorporate these airspace safety proposals into regulation. We look forward to reviewing the proposed rulemaking and being an active and constructive stakeholder in the regulatory process.

NBAA would also like to take this opportunity to urge FAA to implement several pending proposals that we believe would further enhance aviation safety.

Nearly five years ago, an industry working group (The Part 135 and 125 Aviation Rulemaking Committee) chartered by the FAA--and which I chaired--submitted extensive recommendations for regulatory changes that would update and strengthen safety for FAR Part 135/125 industry. These recommendations covered a multitude of subjects including basic requirements for flying commercially, updates to pilot duty and rest requirements, enhanced training for commercial pilots, revised aircraft maintenance requirements and role of very light jets (VLJ's) in on-demand charter operations--all of which that would significantly improve safety. Unfortunately, the Agency has not acted on those recommendations to date. A copy of those recommendations and the transmittal letter are attached to my testimony.

Over the years, NBAA has consistently welcomed the opportunity to support FAA efforts that seek to improve aviation safety. We have committed significant time, energy and resources to these projects only to have the products of our effort languish with no improvements in safety. While we understand that the FAA faces resource limitations like the rest of us, it is frustrating to continue to support these FAA projects without any clear understanding whether the agency will implement the final recommendations.

In the interest of continued improvement in aviation safety, NBAA and our members will always strive to lead, not follow. We look forward to working with this Subcommittee, and the other government and industry stakeholders to keep safety as our number one priority. NBAA appreciates the opportunity to provide our comments to the Subcommittee today. Thank you.

Part 135 and 125 Aviation Rulemaking Committee
c/o J. Hennig (GAMA)
1400 K Street, NW Suite 801
Washington, DC 20005
Phone (202) 393-1500

September 7, 2005

The Honorable Marion C. Blakey
Office of the Administrator
Federal Aviation Administration
800 Independence Ave., SW, Suite 1010
Washington, DC 20591

Dear Administrator Blakey:

I am writing you as the Chair of the Part 135/125 Aviation Rulemaking Committee (ARC) and as the representative of the diverse group of close to 200 participants from the operator community, unions, trade associations, government, and manufacturers who supported the ARC. With this letter and the accompanying electronic material, the ARC submits its recommendations to you.

During the 27 months which the ARC worked we came to recognize the breadth of operations that are included in Parts 135 and 125 ranging from traditional passenger charter flights, to operators that support rural Alaska with fuel, those who transport professional sports teams, all-cargo carriers, aeromedical flights, and more. Each of these operations represents an important segment of the air transportation industry, but also unique needs and requirements from a safety and regulatory perspective. When reviewing the ARC's recommendations you will see that we have accommodated all communities and provided targeted safety improvements tailored to their operating structure, aircraft, size and environment.

We also looked at the possible future operating environments. For Part 135 this includes the entry into service of very light jets (VLJ), use of advanced cockpit equipment to improve safety and enhance aircraft utility, and the use of airships for transportation of cargo. Our recommendations address the operation and certification requirements to support the scenarios that are envisioned.

The ARC was also tasked with streamlining regulations. Our biggest initiative in this area focused on training regulations. Our recommendations provide an opportunity for the FAA to propose a new process for timely updates of training standards to make them applicable to current and future operations.

The ARC additionally provides a complete rewrite of subpart F, which covers crewmember flight time and duty periods as well as rest requirements. Unlike the scheduled environment, Parts 135 and 125 include dynamic operations with unique requirements to ensure the safety of crews and passengers. We believe that our majority-endorsed recommendation will accomplish our goal of improving the safety of on-demand operations while providing both the operator and crew opportunity to proactively manage fatigue.

Included with this letter you will find a CD which contains over 140 recommendation documents addressing Parts 1, 23, 25, 61, 91, 119, 125, and 135. These documents capture group discussion and decisions on key issues affecting this industry. Additionally, the CD contains draft NPRM documents which include preamble and proposed rule language to support the recommendations.

I would also like to recognize the hard work and leadership of the workgroup chairs. The groups and workgroup chairs are:

- Aero Medical Workgroup, Ken Javorski of CJ Systems Aviation
- Airships Workgroup, Ron Hochstetler
- Airworthiness Workgroup, Walter Desrosier of GAMA, and Brian Finnegan of PAMA
- Equipment and Technology, Dick Solar of Honeywell
- Flight Duty and Rest Subgroup to Operation, Doug Carr of NBAA
- Operations Workgroup, Dave Hewitt of NetJets, Inc
- Rotorcraft Workgroup, Mike Hurst of Petroleum Helicopters
- Training Workgroup, Bill Campbell of CAE SimuFlite

Finally, I want to communicate that the members of the ARC are available to assist you and your staff as you consider the material. I would also like to thank you for again showing leadership in creating this Aviation Rulemaking Committee to conduct a regulatory review of Parts 135 and 125.

Sincerely,



Ed Bolen
President and CEO, NBAA

Enclosures (provided electronically):
Executive Summary
Recommendation Documents
Draft NPRM Documents

Cc: Nicholas A. Sabatini, Associate Administrator for Aviation Safety, AVS-1
James J. Ballough, Director, Flight Standards Service, AFS-1
Anthony F. Fazio, Director, Office of Rulemaking, ARM-1
Katherine Perfetti, National Resource Specialist Part 135
Jens C. Hennig, ARC Coordinator/Manger of Operations, GAMA

Part 135/125 Aviation Rulemaking Committee

Overview of ARC Process and Activities

The Part 135/125 Aviation Rulemaking Committee (ARC) was chartered by the Federal Aviation Administration (FAA) on February 3, 2003 when the agency issued a Notice of Regulatory Review. The notice solicited membership and also requested comments to be submitted to the docket by June 3, 2003. In response to the first request for comments and requests for membership 97 issue documents were submitted by the public. On July 17, 2003 the FAA reissued the request for comment with a deadline of November 18, 2003 for submission of comments to be considered by the Aviation Rulemaking Committee.

The issues submitted to the docket were divided up among eight workgroups organized around aeromedical operations (AER), airworthiness and maintenance (AWG), applicability (APP), airships (AIR), equipment and technology (EQU), operations (OPS), rotorcraft operations (ROT), and training (TRA).

The ARC met as a full committee three times in 2003 and four times in 2004. Each meeting lasted three days and took place in the Washington, DC area. In addition to the full ARC meetings, a number of the workgroups also held separate meetings. These meetings included multiple meetings of the operations committee's subgroup on flight, duty and rest; meetings by the airworthiness group addressing certification standards for high-performance part 23 airplanes; and extra meetings by the applicability group to look at large airplane operations in parts 135 and 125.

The aviation rulemaking committee's work was facilitated by using an on-line Knowledge Sharing Network (KSN) that enabled all ARC participants to review and comment work performed by the ARC both within its own group and in other group.

In addition to holding meetings in concurrence with each full ARC meeting, the Steering Committee held a three-day meeting in February 2005. Following the final Steering Committee meeting, the workgroup chairs coordinated the final document during the spring and early summer 2005 using E-mail and the KSN. The final documents were circulated to the full ARC using the KSN and then submitted to the FAA on September 7, 2005. The final recommendation included a letter of submission from the ARC Chair and accompanying CD-ROM with the ARC Recommendations and draft NPRM material.

ARC Tasking and Decisions

The tasking from the FAA to the ARC was to:

- (a) Resolve current issues affecting this part of the industry.
- (b) Enable new aircraft types, size and design and new technologies in air transportation operations.
- (c) Provide safety and applicability standards that reflect the current industry, industry trends and emerging technologies and operations.
- (d) Address international harmonization and ICAO standards.
- (e) Potentially rescind part 125 from 14 Code of Federal Regulations.

Each workgroup submitted recommendations to the FAA which were coordinated through the Steering Committee, which had final approval on each document. Each recommendation received a vote which resulted in one of the following recommendations:

(1) full consensus recommendation: All committee members approved of the recommendation;

(2) a general consensus: All committee members approved or could live with the recommendation;

(3) no consensus: One or several committee members disagreed with the recommendations and these committee members were given an opportunity to provide a dissenting opinion to the recommendation. All dissenting opinions were the responsibility of the individual dissenting committee member to draft and provide for inclusion in the final recommendation to the FAA.

Prior to the final submission to the FAA, the complete recommendation package was distributed to the full Part 135/125 Aviation Rulemaking Committee for comment to ensure that all issues had been properly captured and that all dissenting opinions had been submitted.

A summary of each workgroups set of recommendations follows. *However, all decisions and discussions should be referenced to the Recommendation Documents which hold the final and complete recommendation.* In this Executive Summary, the workgroups are listed in order: Applicability, Aeromedical, Airships, Airworthiness, Equipment and Technology, Operations, Rotorcraft, and Training:

Applicability Workgroup

The applicability workgroup was made up of over 60 active participants. The committee's main focus was the proposal to rescind part 125 and respond to issues concerning the type of operation permitted in parts 135 and 91.

One of the main tasks given to the ARC by the FAA was to determine whether to rescind part 125. The committee started by familiarizing itself with the type of operators that currently reside within Part 125. These include private operations of large airplanes (which often operate under an exemption under 91), corporations flying large airplanes for sports teams, companies that transport parts for automotive manufacturers, fuel haulers in Alaska, and several other unique communities. The applicability group determined that this diverse group of operators does not fit into any other operating part, which is similar to statements made in the preamble to the original part 125 rulemaking in 1978. Therefore, the applicability group recommended, and the steering committee agreed, that it would not be appropriate to rescind part 125, but instead the applicability group should define the applicability of 125 and improve the safety regulations that apply. The resulting recommendation defines applicability of part 125 by providing set economic and scope limits to *private carriage for hire operations* and provides changes to 91 subpart F to accommodate completely private operation of large airplanes and also provides targeted safety improvements for both sections.

The group also considered a proposal for increasing the payload capacity of part 135 *cargo-only* operations from the current 7,500 pounds to 18,000 pounds, which would enable moving certain current operators from part 125 into 135. A recommendation was developed for increased payload capacity and is being submitted to the FAA *without* full consensus.

The applicability group also considered the expected emergence of very light jets (VLJs) as an important segment within the part 135 on-demand community and possibly even the part 135 scheduled operator community. Based on these two possible market entries, the applicability group felt it important that it follow FAA's guidance to the ARC and "[e]nable new aircraft types, size and design and new technologies in air transportation operations." The applicability group provided a consensus proposal for the introduction of scheduled turbojet operations by aircraft with less than 9 seats under part 135. However, there was no consensus on whether scheduled operations under part 135 in turbojet airplanes should be with a single or dual crew, but a majority proposal was provided. The group did provide extensive recommendations on how on-demand operations in very light jets should be conducted single pilot, which is currently permitted

under 135.105 regulations. Additional recommendations were provided by the Airworthiness group on certification standards for part 23 jets and high performance airplanes.

The applicability group also worked to address the issue of brokers acting as charter operators and define scheduled operations. The group worked closely with the Department of Transportation (DOT) and based on early recommendations by the ARC, the DOT issued broker guidance titled “Notice on the Role of Air Charter Brokers in Arranging Air Transportation” on October 18, 2004.

Aero-medical Workgroup

The aero-medical workgroup defined the status of medical crew during operations. The proper definition of medical crew is critical, since one of the most common scenarios in aero-medical operations is the transportation of patients from outlying hospitals to higher care facilities for which helipads the industry has developed several hundred private GPS approaches. With the exception of two of these pads, none are served by an approved weather source. The generally accepted method of accessing these facilities is for an air-ambulance to depart the metropolitan area under part 91 and conduct the GPS approach to the hospital pad. (Part 91 does not require weather reporting at the destination.) The air-ambulance then departs the helipad with a patient under Part 135 utilizing exemption 6175 (permitting the departure to be made under IFR provided the pilot’s observations indicate the prevailing weather is above VFR minima). The approach to the metropolitan area may be conducted to an airport with approved weather reporting or more likely to a hospital helipad within the class D airspace of an airport with weather reporting and for which the operation is approved by operations specification.

There are several current interpretations that require the outbound leg to be conducted under Part 135 and thereby preclude the inherently safer IFR operation. The aero-medical group’s proposal would modify 119.4 to exclude from Part 135 air-ambulance operations without a patient on board by changing the status of medical crew.

The group also expanded the applicability of *eligible on-demand*, making it applicable to more air-ambulance operations, since most do not support two-pilot crews. By the current definition, a single pilot crew may not be considered as “eligible”. For the same reasons as stated above, the workgroup proposed to allow, under certain

circumstances, a single-pilot air-ambulance crew to be included in the 135.4 definition of eligible on-demand crew.

The committee also believes that increased use Night Vision Goggles (NVGs) in aero-medical operations will provide a significant benefit to safety. Part 61 does not recognize “aided” as a condition of flight nor does it impose any currency requirements on these operations. The aero-medical group’s proposal incorporates in Part 61 currency requirements for the use of NVGs and defines in Part 135 the conditions under which they may be used to meet the requirements of 135.207 (helicopter lighted surface reference) and 135.229 (lighted helipad requirement).

Finally, the aero-medical group proposed a clarification to 135.128 for approved child restraint systems specifically applicable to air-ambulance patients under the age of two.

Airships Workgroup

The airship working group provided a proposal for how airships can better be integrated into the NAS and how those types of operations, especially those by possible future large cargo airships should be regulated by the FAA. The airship workgroup provided a complete set of recommendations to part 1, 61, 91 135 to enable these types of operations.

Airworthiness and Maintenance Workgroup

The Airworthiness and Maintenance workgroup (AWG) was tasked to review the maintenance regulations and airworthiness certification requirements as related to parts 125 and 135 for currency, applicability, safety, and adequacy for “large” airplane operations such as intercontinental business jets and airplanes with modified payload capacity. It was also tasked to look at new airplane operations proposed by the ARC such as all-cargo airplanes with payload in excess of 7,500lbs and turbine-powered airplanes in commuter scheduled service.

When reviewing current maintenance requirements, the AWG determined that part 125 and part 135.411(a)(2) continuous airworthiness maintenance program (CAMP) requirements for large aircraft are appropriate and adequate based on their technical merit and the overall safety record. However, the group determined that airplane passenger seating configuration is no longer an appropriate method of differentiating between complex and less complex airplanes. Current business airplanes are not

configured with the maximum passenger seating potential and the correlation between aircraft size and aircraft complexity is not likely to hold true as new technologies and performance capabilities are introduced into a broader range of general aviation airplanes. In addition, 135 accident data raises questions regarding the adequacy of maintenance requirements for piston and turboprop airplanes which are nearly all small "less-complex" airplanes. From a strategic perspective and considering the entire Part 135 regulation and scope of current and future operations, the AWG recommends that a single flexible maintenance program standard for Part 135 be established which could address the multiple of levels and factors that comprise aircraft complexity as well as operational complexity. Since the membership of the 135ARC and AWG did not include operators of small piston and turboprop airplanes, the AWG recommends that FAA form a 135 Maintenance Aviation Rulemaking Committee (135MARC) with the appropriate membership required to develop a new 135 maintenance program standard.

From a tactical perspective and to address the specific tasking to consider maintenance and inspection program requirements appropriate for "large" airplanes as well as new airplane operations proposed by the ARC, the AWG recommends that all aircraft with a maximum take-off weight (MTOW) of 50,000lbs or more be maintained in accordance with a CAMP. The AWG also recommends that the two new types of operations that the ARC proposes to introduce into part 135; all-cargo airplanes with a payload in excess of 7,500lbs and turbine-powered airplanes in commuter scheduled service; be maintained in accordance with a 135.411(a)(2) CAMP which is consistent with the requirements of equivalent operations currently conducted under part 121.

Regarding Maintenance Training Requirements – Part 135 operators with a CAMP currently "have a training program" for persons performing maintenance functions. However, current regulations and guidance do not adequately establish the minimum standards for maintenance training programs which have resulted in significant variations in the level of training provided among operators. The NTSB has repeatedly recommended that air carrier maintenance training programs be approved by FAA to ensure that they are appropriate for the type of aircraft and type of operation. The AWG recommends that all part 135 air carriers have a maintenance training program and that operators with a CAMP must have an FAA approved training program. This would be consistent with the recent re-write of part 145 which requires all repair stations to have an employee training program approved by the FAA. In fact, a recent report supporting the new part 145 training requirement which discusses changes in the quality and

background of mechanics, changes in industry, changing technology and inconsistency in FAA oversight would be equally applicable to part 135 operations.

Finally, the group recognized that existing part 23 regulations do not contain adequate or appropriate safety standards for turbojet airplanes which, up until now, have been addressed through special conditions, exemptions, and equivalent levels of safety. The AWG therefore recommends changes to part 23 airworthiness standards appropriate for turbojet airplanes with consideration of operation in part 135 commuter service and Very Light Jets.

Equipment and Technology Workgroup:

The Equipment and Technology workgroup was tasked with making recommendations regarding part 135 and 125 equipment issues. The group made recommendations in the following areas:

Regarding Mode S – The workgroup reviewed whether Mode S requirement was still needed for efficient air traffic management. The workgroup agreed that the FAA continues to make slow, but nonetheless, steady progress regarding the use of Mode S in the future Air Traffic Network. The workgroup initially considered eliminating the requirement for Mode S in aircraft not required to be equipped with TCAS II, however, it felt this position ignored the fact that the FAA is continuing to make progress integrating Mode S into the ATN. The workgroup reached a consensus that the current rules pertaining to Mode S should remain as written. The FAA should continue to provide exemptions to operators of aircraft not required to be equipped with TCAS II until such time that Mode S/ADS-B is integrated into the ATN and can offer safety and operational benefits to operators and the FAA.

The Equipment and Technology also group worked closely with the Rotorcraft and Aero-medical groups to mature a recommendation on Night Vision Goggles resulting in the consensus recommendation submitted by the Aero-medical working group.

The committee was also asked to review a request for use of combination recorders CVR-FDR in rotorcraft instead of the current requirement for dedicated (individual) CVR and FDR units. The workgroup provided a proposal for permitting the use of combi-recorders on rotorcraft.

The workgroup also conducted a thorough review of terminology. This review showed that some of the terminology needed to be updated to reflect current technology

and operations. The Equipment and Technology workgroup reviewed parts 23, 25, 27, 29, 91, 121, 125, and 135 and recommended changes as described in the recommendation document.

Finally, the Equipment and Technology workgroup was asked by the Airworthiness workgroup to look into the feasibility of permitting datalink weather information in place of traditional weather radar and thunderstorm detection systems. Datalink weather is a rapidly growing technology and in the future may offer the same level and quality of weather information to the pilot as traditional weather radar and thunderstorm detection systems. The workgroup proposed enabling language in a recommendation item that would permit the use of datalink weather systems in place of traditional weather radar and thunderstorm detection systems.

Operations Workgroup:

The Operations workgroup (OPS) was comprised of approximately 70 members at the beginning of the process and was well represented from all facets of industry and also included several FAA personnel. The workgroup considered 80 issue papers during its meetings and all but one were resolved in some manner.

Regarding Flight, Duty, and Rest Requirements – This subject required the development of a subgroup which held four meetings and reaching majority approval of draft language to replace Subpart F of Part 135. The proposed language permits three options to ensure that crewmembers are provided adequate opportunity for sleep.

Option one is a prescriptive set of rules similar to those currently in force. However, significant effort was made to modify those rules, generally to be more restrictive in nature, and to recognize the latest fatigue science and to close “loopholes” in the current rules.

Option two is a rule set that permits the certificate holder to vary when a duty assignment may be made but ensures that crewmembers are given an opportunity for sleep at the same time every day. The subgroup believes this is a significant breakthrough in how to treat fatigue in a business that is by definition “on-demand”.

Option three is an allowance for a certificate holder to develop and implement an “Alertness Management Program” in lieu of the requirements of Subpart F. The subgroup recognizes that no guidance material exists to describe the requirements of this type of program and recommends that a separate ARC be convened specifically for that issue as it applies to Part 135 operations.

A minority opinion was provided to the flight duty and rest proposal. The minority believes the proposal would unacceptably increase the hours of availability and the hours of work assignable to pilots employed by on-demand operators resulting in a degradation of safety compared to the existing rule. The minority position is that additional training on fatigue dangers provided to flight crews through mechanisms such as “Alertness Management Initiatives” has the potential to increase safety, provided that information and any such procedures are used only as a supplement to prescriptive limits and not as a replacement or means to extend or circumvent quantitative maximum regulatory limits. The minority offered an alternative proposal for Subpart F.

Regarding Part 135 Flight Attendants – The operations workgroup recognized that the current Part 135 rules do not address current practice by industry of the use of flight attendants (nomenclature varies) in aircraft that are not required to have a flight attendant per the rule. This has created a significant void on how to treat these individuals from a regulatory perspective and has led to diverse interpretation by the FAA at the field level. To address this issue, and to recognize the unique nature of the Part 135 industry and the individuals involved, the operations workgroup proposes to create two categories of crewmembers that are assigned duties in the cabin. The first is a Cabin Safety Crewmember (CSC), a position that is analogous to a flight attendant but specifically recognizes that individual’s safety contribution to a flight. The CSC must be trained and tested per an approved training program. The second is a Passenger Service Specialist (PSS). This individual would not be permitted to perform safety related functions and training would be specific to the duties assigned. The passenger briefing requirements of Part 135 would be modified to require that the briefing include the status of a CSC or PSS.

Regarding the Use of Child Restraints – With dissenting opinions, the operations workgroup provided a recommendation that, for infants under 24 months of age not provided a passenger seat, the parent or guardian may utilize any kind of restraint (except the use of the same seat belt) to assist in protecting the child. A great deal of quality research was done regarding this issue and it is seen as an incremental increase in safety with minimal cost. In short, some protection, while not perfect, is far better than no protection at all. The workgroup reviewed previous FAA positions on this issue, specifically the “diversion principle” and finds that this is not applicable to Part 135 operations. The necessity to restrain an infant will not result in the child being

transported by a less safe means (automobile) due to the nature and expense of typical Part 135 operations.

The operations workgroup was asked to review an NTSB recommendation regarding Part 135 activity reporting and provide a recommendation to the FAA for its implementation. The primary barrier to resolution was the detail required to be reported. Industry was quite concerned that the requirements to report would become overly burdensome and result in “guesstimates” rather than useful data. Others felt that very detailed data was required to produce a meaningful picture of Part 135 activity. All did agree on one thing – the level of detail proposed by NTSB was overly onerous and reflected limited knowledge of the Part 135 industry. Therefore, the committee recommended, with one dissenting opinion, that the FAA require that operators provide total hours flown to the FAA at a frequency of one time per year with some additional fidelity of the type of operation.

Regarding the requirements for the “*exclusive use*” of an aircraft currently prescribed in the regulations, the operations workgroup recommended that this requirement be modified to allow an aircraft management or lease agreement to meet the requirements of “exclusive use” of an aircraft. The current rule was designed to inhibit new certificate holders and is based on the business model of the 1970’s wherein certificate holders typically owned or exclusively leased their aircraft. That is the exception to the rule in the current business environment where most aircraft are owned by other companies and leased to a Part 135 certificate holder for Part 135 flights.

Finally, regarding pilot oxygen requirements the workgroup recommended that this rule be modified to bring it into harmony with Part 91 and Part 121 requirements.