

September 8, 2020

Federal Aviation Administration
800 Independence Ave SW
Washington, DC 20591

RE: NBAA Comments to Docket No.: FAA–2020–0115 § 135.340 Initial and transition training and checking: Flight instructors (aircraft), flight instructors (simulator)

The National Business Aviation Association (NBAA) represents the interests of over 12,000 member companies. Members include organizations that operate aircraft on-demand for compensation or hire under the rule of 14 CFR Part 135. Organizations use aircraft to improve business efficiency by moving employees or products around the country or the world, supporting rural communities and economic growth. It is with these organizations in mind that NBAA submits the following comments in support of an exemption to 14 CFR 135.340(a)(2).

The petitioner submitted a request for an interim 365-day exemption from 14 CFR 135.340(a)(2). The requested relief would extend the deadline for a flight instructor to undergo an observation check by an FAA inspector or aircrew designated examiner from 24 to 36 months, subject to certain risk mitigations.

Compliance with 135.340(a)(2) requires flight instructors to complete the specified observation event with specifically either an FAA inspector or an aircrew designated examiner employed by the operator every 24 calendar months. Most small operators, such as single-pilot or two-pilot operations, do not employ an aircrew designated examiner, often at the direction of their Principal Operations Inspector. This forces the operator to rely solely on FAA inspectors to perform the required 24-month observation. Recently, many members have expressed significant difficulties in obtaining support from FAA inspectors to satisfy flight instructor requirements under part 135.340(a)(2).

While the official policy is that the FAA remains open and able to conduct all business, the reality frontline inspectors convey to operators is much different. FSDO managers have expanded authority to exercise risk assessment and mitigation in the execution of duties. Understandably, the result is an extremely limited ability of inspectors to travel in areas of the country that are most impacted by COVID-19. While NBAA recognizes the importance of protecting inspector health, it limits their capacity to conduct flight instructor observations.

In fact, the result is many inspectors telling operators that inspectors are prohibited from conducting checks or observations in aircraft. Such a prohibition significantly diminishes the ability of operators to maintain instructor currency. As the agency is aware, the majority of air carriers operating under part 135 are very small businesses. Most of these operators have only one or two aircraft. Based upon available FAA data, at least 90% of operators have fewer than 10 aircraft. For a significant number of these small operators, the FAA has not authorized an in-house aircrew designated examiner forcing the

operator to rely solely on FAA inspectors to perform the required 24-month observations. This reduced pool of authorized individuals available makes it virtually impossible to comply with 135.340(a)(2).

This request is in the public interest due to 14 CFR part 135 operators who are providing vital services during the pandemic. These services include transporting medical supplies and personnel as well as transporting business travelers supporting relief efforts, manufacturing medical supplies, and delivering medical products needed as part of the nation's response to the Covid-19 pandemic. Without the requested relief, many flight instructors will be unable to complete the required checks and resulting in grounded pilots and grounded aircraft.

Given the extraordinary circumstances currently facing the industry, temporarily extending the requirement of § part 135.340(a)(2), provided certain mitigations are in place, will not adversely impact safety of operations nor increase risk in the short term and will serve to protect workers in this critical infrastructure field.

We look forward to continuing to work with the FAA towards enhanced safety and optimization of aircraft operations.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Koester", with a long horizontal flourish extending to the right.

Brian Koester
Director, Flight Operations & Regulations
National Business Aviation Association