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March 27, 2007

Docket Management Facility  
U.S. Department of Transportation  
400 Seventh Street, SW.  
Nassif Building  
Room PL-401  
Washington, DC 20590-0001

**Re: Docket No. OST-2007-27057, Consumer Information Regarding On-Demand Air Taxi Operations**

The National Business Aviation Association, Inc. (NBAA) represents the aviation interests of more than 8,000 companies that own and operate business aircraft, or are involved with business aviation as suppliers of products and services. NBAA supports reasonable regulations that ensure the safe and efficient operation of business aircraft and we appreciate the opportunity to comment on the Department's Advanced Notice of Proposed Rulemaking (ANPRM). Many NBAA member companies use chartered aircraft to supplement their employee travel options and NBAA charters aircraft on occasion for business travel; therefore, we provide these comments from a charter consumer's view point.

DOT issued this ANPRM partly in response to questions asked of the Department by the National Transportation Safety Board (NTSB). NBAA staff has met with Members of the NTSB to discuss the issues surrounding aircraft charter and consumer education. NBAA, a leader in setting best practices for the business aviation industry, has developed and promoted the "NBAA Aircraft Charter Consumer Guide," designed to educate consumers on air charter and to provide screening questions for charter customers to ask the charter operator or charter broker. Our consumer guide is available at no cost via NBAA's website: <http://www.nbaa.org/charter>.

Following are NBAA's comments on the specific questions asked in the ANPRM:

**1. How might customers and passengers benefit from the information covered by the NTSB recommendation in making their air taxi service purchase decisions?** There may be a benefit to charter customers and passengers if the charter customer is informed of who is providing the air transportation. NBAA agrees with the Department that adequate information is essential in order that

consumers be afforded the opportunity to make informed decisions about their flight choices. However, even with basic information, such as the name of the air carrier, the burden is then on the customer to research the entity that will be conducting the flight, to ensure the operator meets the customer's safety requirements and expectations. During a series of meetings with the Federal Aviation Administration (FAA) to discuss in detail operational control of Part 135 air charter flights, NBAA advocated for the FAA to initiate rulemaking that would require Part 135 air carriers to brief passengers on operational control, including the name of the entity that has operational control for the particular flight. This is a required briefing for fractional aircraft operated under FAR Part 91, Subpart K. If the passenger arrives for the flight and the entity conducting the flight is different than the company researched by the customer, this would raise a "red flag" for the passenger, prompting further investigation prior to departure.

**2. Should any notice requirement, if adopted, also apply to air charter brokers and other ticket agents who arrange for air transportation for customers using the services of on-demand air taxis?** Yes. NBAA believes the charter customer should be notified of the name of the air carrier that has operational control for the flight. If the flight is arranged by an air charter broker, ticket agent, or any other entity that sells or coordinates flights, the customer should be provided the name of the air carrier as listed on the operating or air carrier certificate and any DBA for the air carrier (under which name the flight is conducted).

NBAA is aware of charter brokers who work with a limited number of charter providers and never arrange flights for passengers outside of that group of vetted providers. If the charter broker conducts a screening process in selecting charter operators, the broker should have the flexibility to inform the charter customer that they will be flying on one of these screened charter operators without having to specifically name the exact charter operator in advance of the flight. The charter broker would make available the results of their charter operator screening to any charter customer or jet card holder. However, the customer should always have the ability to request and receive the name of the actual carrier providing the transportation in advance of the flight.

**3. To what extent is each of the notices recommended by the Safety Board already provided in the normal course of business to persons who travel using an on-demand air taxi? If such notice is not currently routinely provided, what, if any, practical difficulties would the on-demand air taxi industry likely face in providing the notice?** While NBAA supports the disclosure of relevant information, such as the name of the air carrier conducting the flight, the certificate number, and any DBA for the air carrier, we recognize that the nature of the air charter business will often involve changes to itineraries. These changes could include last-minute substitutions of the air carrier that will be conducting the

flight. For example, a charter company may intend to conduct a flight for a charter customer, only to find that one of the only two crewmembers available to conduct the flight has become ill, or a pre-flight inspection by the crew discovered a mechanical issue with the aircraft. Any notice requirement would need to provide for an element of flexibility to accommodate such unforeseen changes. If that flexibility were not provided, the industry would face numerous practical difficulties.

**4. What costs, if any, would the recommended changes impose on the industry? Would there be any paperwork burdens? Would there be a significant economic impact on a substantial number of small entities?** NBAA has not conducted a detailed analysis of the costs the industry would bear should all the recommended changes be imposed. However, a historical view clearly shows that there is always a cost burden associated with regulatory compliance.

**5. How might the disclosure of the names of the owners of the aircraft involved in the arranged flights be useful to customers and passengers? What, if any, practical or privacy concerns would be raised by such a requirement?** NBAA believes the name of the aircraft owner is of absolutely no use to charter customers when they conduct their due diligence screening of the air charter operator. Neither the FAA nor the Department requires that the customer know name of the owner(s) for aircraft used in scheduled airline operations (Part 121). We feel that the disclosure of the aircraft owner should not be required for Part 135 air charter operations as well. Furthermore, providing the name of the aircraft owner could confuse the customer's understanding of operational control as the aircraft owner often is not the air carrier. What matters from the consumer's perspective is the name of the air carrier conducting the flight, not the name of the aircraft owner.


**6. At what point in time must any notice, if required, first be provided to be effective, e.g., in printed and website advertisements, to potential customers when they are seeking information, anytime prior to entering into a contract, upon signing the contract, or anytime prior to boarding the aircraft?** NBAA believes the Department should require that this information be provided to the charter customer "in a reasonable timeframe". Due to the reasons cited in our comments to Question #3, NBAA believes the Department should not establish specific timeframe. Also, if a charter customer is a jet card holder, the charter broker or air carrier that issued the card may not be able to confirm who will provide the specific flight when the card is sold to the customer. Any regulatory framework must account for these real-world issues.

**7. What form should any notice requirement, if adopted, take? That is, is verbal notice sufficient or must the notice be in writing?** Verbal notice should suffice unless the customer requests that the notice be provided in writing.

**8. What are the practical problems in requiring notice to individual passengers of an on-demand air taxi? Would any notice requirement be sufficient if provided to the person contracting for the flight, e.g., the customer's broker/agent or a corporation's travel department or an executive's assistant who arranged the flight?** Whoever books the flight should be viewed as the customer. The person who contracts for the flight (e.g., travel manager, executive assistant, flight department scheduler or dispatcher) would be the person who would conduct or initiate the research of the charter operator. It is common that the passenger is often not the same person who booked the flight. The passenger should be briefed on the name of the entity in operational control prior to take off, and the customer who books the flight should be provided the name in advance of the flight. It is an NBAA recommended best practice in the industry for the person who booked the flight to provide the name of the air carrier when providing other pertinent details related to the flight to the passenger.

We appreciate the opportunity to provide our views on the important role of air charter brokers. NBAA would be pleased to meet with the Department to discuss this issue in greater detail and assist in the development of any regulation or guidance for the industry.

Sincerely,



Douglas Carr  
Vice President, Safety, Security & Regulation