

regulations, the use of emergency equipment, and the effectiveness of the FAA's oversight and certification of air tour operators.

As a result of the special investigation, the NTSB developed six safety recommendations it presented to the FAA. These recommendations are designed to prevent future accidents and to enhance the potential for occupant survival if an accident does occur. These recommendations are as follows:

Recommendation No. A-95-58. Develop and implement national standards by December 31, 1995, within 14 CFR part 135, or equivalent regulations, for all air tour operations with powered airplanes and rotorcraft to bring them under one set of standards with operations specifications and eliminate the exception currently contained in 14 CFR Part 135.1 (reiteration of exception for non-stop sightseeing flights within 25 miles of the airport).

Recommendation No. A-95-59. Require special conditions within the operations specifications established by A-95-58 for all air tour operators, similar to the special conditions contained in SFAR 50-2, SFAR 71, and FAA Handbook 8400.10 Bulletin 92-01, to accommodate localized airspace restrictions and other unique conditions for such operations.

Recommendation No. A-95-60. Develop and issue appropriate definitions for key terms such as "air tour," "air tour operator," and "suitable landing area."

Recommendation No. A-95-63. Require that all helicopters equipped with inflatable flotation systems have the activation switch for those systems located on one of the primary flight controls.

Recommendation No. A-99-57. 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.

Recommendation No. A-99-58. Require passenger briefings on ditching procedures and the use of required flotation equipment for all air taxi and air tour passenger flights that operate over water at an altitude that would not allow them to reach a suitable landing area, including those that operate less than 50 miles from the shoreline.

D. The FAA's Responses to the NTSB

The FAA's specific responses to the NTSB's recommendations are as follows:

NTSB Recommendation No. A-95-58 (Establish national standards for air tours). The FAA believes that this proposed rule would establish national standards for commercial air tours that would be supplemented by localized airspace restrictions. The FAA also proposes to eliminate the broad exception currently in § 119.1(e)(2). Those operators conducting non-stop operations for either a charitable or community event within 25 miles of an airport would be exempted from the certification requirements of part 119, although they would still be subject to the safety regulation at new part 136, subpart A.

NTSB Recommendation No. A-95-59 (Provide for localized airspace restrictions). The FAA already has adopted regulations pertaining to special areas that provide localized airspace restrictions and address issues specific to that locale and it anticipates that it would continue to do so as needed. Currently, commercial air tours operating in Hawaii are subject to SFAR 71. That SFAR will be replaced by this proposed rule, if the proposal is adopted. Commercial air tours operating in the Grand Canyon National Park (GCNP) currently are subject to the regulations in part 93, subpart U. All operators conducting commercial air tours at GCNP already are required to be certificated under part 119 to operate in accordance with either part 121 or 135. The proposed rule would supplement the existing GCNP regulations by providing basic safety requirements that would apply to all commercial air tours, unless a different site-specific requirement is established.

Additionally, commercial air tours operating over units of the national park or adjoining tribal lands are subject to the National Park Air Tour Management Act of 2000 (hereafter, Air Tour Act). Under the Air Tour Act, all commercial air tour operators are required to be certificated under part 119 and to operate under either part 121 or 135. There is a limited exception in that Act that allows commercial air tour operators to conduct commercial air tour operations under part 91 provided they have a letter of authority from the FAA and there are no more than five part 91 flights in a month conducted over a particular national park. The FAA, in cooperation with the National Park Service (NPS), will adopt air tour management plans for each national

park over which "commercial air tour operations" are flown.

NTSB Recommendation No. A-95-60 (Adopt standard definitions to establish a uniform terminology). The FAA recognizes the need to standardize language governing commercial air tour regulation. The Air Tour Act adopted a definition of the term "commercial air tour operation" that is specific to flights over national parks. In contrast, part 93, subpart U contains a definition of the term "commercial air tour" that is not limited by area of flight. This proposed rule would adopt the definition of "commercial air tour" contained in part 93 since that definition can apply to all commercial air tours, regardless of locale. This NPRM also proposes standardized definitions for other terms.

NTSB Recommendation No. A-95-63 (Location of activation switch). The FAA proposes to require that the activation switch for the inflatable flotation systems for helicopters be located on one of the primary flight controls. In a helicopter, float activation switches that are not located on the primary controls require pilots to remove a hand from the flight controls during the ditching maneuver. The FAA believes that requiring the activation switch to be on a primary flight control would improve the pilot's ability to control the helicopter in an emergency situation.

NTSB Recommendation No. A-99-57 (Wearing life preservers). The FAA proposes to exceed the NTSB recommendation by requiring that all occupants of airplanes and helicopters operated as commercial air tours over water wear life preservers during the flight, for both single and multi-engine aircraft. The FAA believes that this will address the problems associated with donning life preservers in the limited time available to passengers from the onset of an emergency to a water landing. By wearing life preservers from the beginning of the flight, occupants would be prepared for water entry, in the event of an emergency. This is especially significant for occupants who are children, elderly, handicapped, non-English speaking, or those not familiar with aircraft operations.

NTSB Recommendation No. A99-58 (Passenger briefings). The FAA also proposes to require pre-flight passenger briefings on water ditching procedures, the use of required flotation equipment and procedures for exiting the aircraft in an emergency.

III. The Proposal

The FAA proposes to establish national commercial air tour safety regulations for all operators conducting