

operational control requirements, and passenger information requirements are not size- or operationally-based. Some differences between the two sets of regulations must be maintained while others can be eliminated to improve the safety of commuter operations.

III.C. Congressional Hearings

On February 9, 1994, Congress held hearings on the adequacy of commuter airline safety regulations. The purpose of the hearings was to determine if FAA safety regulations should be modified to establish a single standard for all scheduled operations regardless of airplane size. Representatives of government, industry, and the public presented testimony. Most testimony supported the upgrading of safety requirements.

III.D. NTSB Study

In November 1994, the National Transportation Safety Board (NTSB) published a study on commuter airline safety. (National Transportation Safety Board Safety Study: Commuter Airline Safety, NTSB/SS-94/02.) The study was based on the NTSB's analysis of accident investigations and previous studies, on a recent site survey of airline operations and policies conducted at a representative sample of commuter airlines, and on information obtained from a public forum on commuter airline safety convened by the NTSB.

In the study, the NTSB found that the commuter air carrier industry has experienced major growth in passenger traffic and changes in its operating characteristics since the NTSB's 1980 study of the commuter airline industry. The NTSB found that there has been a trend in the industry toward operating larger, more sophisticated aircraft, and many carriers have established code-sharing arrangements with major airlines. The NTSB concluded that the regulations contained in 14 CFR part 135 have not kept pace with changes in the industry.

As a result of the findings, the NTSB issued the following safety recommendations to the FAA:

- Revise the Federal Aviation Regulations such that all scheduled passenger service conducted in aircraft with 20 or more passenger seats would be conducted in accordance with the provisions of 14 CFR part 121. (A-94-191)
- Revise the Federal Aviation Regulations such that all scheduled passenger service conducted in aircraft with 10 to 19 passenger seats would be conducted in accordance with 14 CFR part 121, or its functional equivalent, wherever possible. (A-94-192)

In the 1994 study, the NTSB examined the differences in flight dispatch requirements between parts 121 and 135. The NTSB found that, in the absence of support from licensed dispatch personnel, it is difficult for a part 135 pilot to accomplish several tasks between flights in the short periods of time available. The lack of support might increase the risk of critical mistakes that could jeopardize the safety of flight. As a result the NTSB issued the following recommendation to the FAA:

Require principal operations inspectors (POI) to periodically review air carrier flight operations policies and practices concerning pilot tasks performed between flights to ensure that carriers provide pilots with adequate resources (such as time and personnel) to accomplish those tasks. (A-94-193) The FAA published all of the NTSB recommendations in the Federal Register (59 FR 63185, December 7, 1994) and received public comments generally supporting the expansion of the operational rules of part 121, except for flight time limitations, to commuter operations under part 135. Some commenters had considerable reservations about applying certain part 121 equipment requirements to smaller airplanes. The FAA considered these comments in developing this rule.

III.E. Related FAA Action

In December 1994, the FAA proposed revisions to the training and qualification requirements of certificate holders conducting commuter operations under part 135. The proposed rule also addressed crew resource management training for pilots, dispatchers, and flight attendants in part 121. (59 FR 64272, December 13, 1994) [Add Final Action]

IV. The Proposed Rule and General Description of Comments

In Notice 95-5, the FAA proposed to require that all scheduled passenger-carrying operations in airplanes with a passenger-seating configuration of 10 or more seats (excluding any crewmember seat) and all scheduled operations in turbojets (regardless of the number of seats) must be conducted under part 121. The proposal would require certificate holders now conducting scheduled passenger-carrying operations under part 135 in airplanes with a passenger-seating configuration (excluding any crewmember seat) of 10 to 30 seats or in turbojets to be recertificated and to conduct the applicable operations in compliance with part 121 requirements. In some instances the proposed rule revised the

requirements of part 121 to make compliance with the requirements feasible for operations in smaller, nontransport category airplanes.

In response to Notice 95-5, the FAA has received over 3,000 comments from the public. Of these, most are solely on the issue of the Age 60 Rule. Many of the Age 60 commenters are pilots and other individuals who address the current rule in part 121; very few address the specific Age 60 issue contained in this rulemaking, i.e. the applicability of the Age 60 Rule to pilots of affected commuter airplanes. These comments are summarized in Section V.E., The Age 60 Rule.

Approximately 200 comments were received on the substantive issues raised by Notice 95-5. These commenters represent air carriers; manufacturers; associations representing air carriers, manufacturers, pilots, dispatchers, and passengers; State and local governments; the U.S. Small Business Administration; the National Transportation Safety Board; and individuals. While some commenters voice general support for the goals of Notice 95-5, most raise concerns about specific proposals. Industry commenters are particularly concerned about the costs of complying with the proposed rule.

The FAA also conducted three public meetings on the proposed rule: on May 18, 1995, in Anchorage, Alaska; on June 14, 1995, in Chicago, Illinois; and on June 21, 1995, in Las Vegas, Nevada. Testimony from the public meetings and written statements submitted at the meetings have been included in the FAA public docket, have been considered by the FAA in developing the final rule, and are discussed in the following discussion of comments along with all written comments that were submitted to the FAA docket.

In Notice 95-5, the FAA identified major issues that the agency addressed in developing the proposal. These included applicability of the proposal, aircraft certification issues, flight time limits, the Age 60 Rule, use of a dispatch system, certain equipment items, and the compliance schedule. Comments received on these major issues and the FAA's response to these comments are discussed in Section V. Comments received on specific proposals and the FAA's response to these comments are discussed in Section VI. Comments specifically addressing cost issues are discussed in Section VII. Below is a list of some of the major commenters and their associated abbreviations. The full name of each commenter is used when the commenter is first mentioned. In