TABLE 2.—COMPARABLE SECTIONS IN PARTS 121 AND 135—Continued

[This table shows the comparable sections in parts 121 and 135 for each issue discussed in this preamble. Affected commuters, however, must comply with all sections in part 121 that are applicable to their operations, not just the ones listed in this table or discussed in this preamble]

Subject	135 Section	121 Section
—Dispatch or flight release under VFR	135.211	121.611.
—Operations in icing conditions	135.227, .341, 135.345	121.629.
—Fuel reserves	135.209, .223	121.639, .641, 121.643, .645.
Subpart V—Records and Reports	135.65(c), 135.415(a)	121.701(a), 121.703 (a), (e).
—Maintenance log: Airplane	135.417	121.705(b).
—Mechanical interruption summary report	135.439(a)(2), 135.443	121.707, 121.709.
—Alteration and repair reports		
—Airworthiness release or airplane log entry		121.711, .713, 121.715.
—Other recordkeeping requirements.		

VI.A. Part 121 Discussion

VI.A.1. Subpart E—Approval of Routes: Domestic and Flag Air Carriers

Section 121.97 requires each domestic and flag operator to show that each route it submits for approval has enough airports that are properly equipped and adequate for the proposed operation. The operator must also have an approved system to disseminate this information to appropriate personnel. Although part 135 has similar requirements, part 121 requires more information.

Section 121.99 requires each domestic and flag operator to have a two-way air/ground communication system between each airplane and the appropriate air traffic control facility, along the entire route. In the 48 contiguous States and the District of Columbia, the communications system between each airplane and the dispatch center must be independent of any system operated by the United States. This would be a new requirement for the affected certificate holders.

Section 121.101 requires each domestic and flag operator to show that enough weather reporting facilities are available along each route to ensure weather reports and forecasts necessary for the operation. For operations within the 48 contiguous States and the District of Columbia, these reports must be prepared by the National Weather Service. For other areas, a system must be approved by the Administrator. Section 135.213 has similar requirements, except that the pilot in command is allowed to use various other sources, including his own weather assessment, for VFR operations. This section also requires reports of adverse weather phenomena. The FAA proposed that affected certificate holders comply with part 121.

Section 121.107 requires each domestic and flag operator to have enough dispatch centers, adequate for the intended operation. This would be a new requirement for affected certificate holders, as discussed in Section V.F., Dispatch System.

Comments: ALPA comments that the upgrade to part 121 represents a major improvement over part 135. ALPA also comments that Subparts E and F should be upgraded to require that each pilot have a set of approach and navigation charts rather than having to share a set. ALPA provides supportive information, such as an NTSB recommendation (A–95–35) for a similar requirement.

Several comments were received on the enroute radio communication requirements of § 121.99. ASA and RAA question the need for airline provided enroute radio communication capability for short-haul flights and request that the requirement be reconsidered. According to these commenters, the average enroute times for affected certificate holders is less than an hour. For such short flights there is little time during the enroute portion of a flight for company communication. The cost of installing company communications would be high and safety would not be diminished without company communication since the crew can be contacted through Air Traffic Control.

AACA points out that this would be a new requirement for affected commuters. Intrastate Alaskan operations now conducted under flag operations rules will be conducted under domestic rules and would be required to comply with the independent communications systems requirements. Because of low altitudes, VFR flight operations, and the lack of Remote Communications Outlet at many locations, maintaining communications will require construction of a large communications infrastructure. When operators in Alaska use flag rules, AACA interprets § 121.99 to not require the communications system be independent of any system operated by the United States.

FAA Response: The ALPA suggestion on requiring that each pilot have a separate set of navigation and approach charts is beyond the scope of this rulemaking; however, the FAA is planning to initiate a separate rulemaking on the issue.

Section 121.99 requires each domestic and flag air carrier to have a two-way radio communication system that is independent of any system operated by the United States. FAA flight service stations and air traffic control facilities that are currently providing radio communication service for certificate holders are used for the control of aircraft and were never intended to be used by individual certificate holders to relay information that is the certificate holder's responsibility, such as scheduling changes or weather information. Hence, an additional expense would be incurred by certificate holders required to contract for communication services through commercial services. However, it is believed that most part 135 certificate holders already have facilities and communications equipment that satisfy the dispatch requirements under part 121.

The FAA believes that there is a need for a two-way air-ground radio communication system that will ensure reliable and rapid communications over the entire route between each airplane and the appropriate dispatch office and between each airplane and the appropriate air traffic control unit. The need to show that each operator has a two-way radio system is not new. However, the requirement to have an independent system is new for operations of affected commuters and intrastate Alaska and Hawaii operations previously conducted under flag operations rules. While no commenters focus on § 121.97 or § 121.117, the FAA