

May 5, 2010

Mr. John Allen  
Director, FAA Flight Standards Service  
Federal Aviation Administration  
800 Independence Ave, SW  
Washington, DC

**RE: UPDATING OF NAVIGATION DATABASES IN PART 135 AIRCRAFT BY FLIGHT CREW PERSONNEL**

Dear Mr. Allen:

The National Air Transportation Association (NATA), the voice of aviation business, is the public policy group representing the interests of aviation businesses before Congress, federal agencies and state governments. NATA's 2,000 member companies own, operate and service aircraft. These companies provide for the needs of the traveling public by offering services and products to aircraft operators and others such as fuel sales, aircraft maintenance, parts sales, storage, rental, airline servicing, flight training, Part 135 on-demand air charter, fractional aircraft program management and scheduled commuter operations in smaller aircraft. NATA members are a vital link in the aviation industry providing services to the general public, airlines, general aviation and the military.

On behalf of NATA and its members, I am writing to you to express our concern with the application of 14 CFR 43.3(g) and 14 CFR 43 Appendix A to navigational database updates on aircraft operated under 14 CFR 135. Currently, these regulations are interpreted as applying to all navigation database updates regardless of whether those databases require the access and subsequent return to service as described in Appendix A.

14 CFR 43 Appendix A (c)(32) defines updating navigational databases as preventative maintenance:

*“(32) Updating self-contained, front instrument panel-mounted Air Traffic Control (ATC) navigational software data bases (excluding those of automatic flight control systems, transponders, and microwave frequency distance measuring equipment (DME) provided no disassembly of the unit is required and pertinent instructions are provided. Prior to the unit’s intended use, an operational check must be performed in accordance with applicable sections of part 91 of this chapter. “*

14 CFR 43.3(g) allows certificated pilots to perform preventative maintenance on aircraft unless those aircraft are “used under part 121, 129, or 135.” This prohibition, therefore, prevents pilots operating in a Part 135 environment from performing updates to navigational databases.

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The classification of navigational databases as preventative maintenance occurred with the issuance of a final rule in May 1996. At that time, the majority of navigational databases required removal of the unit from the instrument panel and, in some cases, disassembly of the unit itself. It was the intent of this final rule to adapt federal regulations to the current state of modern technology. As a result of the 1996 revisions, the FAA classified the update process as preventative maintenance allowing, by way of 14 CFR 43.3(g), pilots in a Part 91 environment to perform the database update process. However, pilots operating aircraft under Part 135 were prohibited from performing these updates.

Today, the navigational database update process, due to technological advances, has changed from a complex procedure occasionally requiring parts removal and/or disassembly to a more user-friendly, plug-and-play type of process. Modern aircraft avionics, including flight management systems with data loaders, have again simplified the navigational database update process to the point of warranting another change in federal regulations.

In an attempt to account for the simplicity provided by these modern navigational databases, several of NATA's Part 135 on-demand charter members have petitioned the FAA for an exemption from 14 CFR 43.3(g) as it relates to 14 CFR 43 Appendix A (c)(32). These petitions are based upon the economic hardship and safety concerns that arise from scheduling aircraft to be at locations where adequate maintenance facilities are available. Due to the frequency of the required updates, often every 28 days, Part 135 aircraft have to be taken out of service and returned to maintenance facilities.

In the recent denial of exemption requests from NATA members XOJET and Executive Jet Management (Exemptions # 9967 & 10006), the agency demonstrated a misunderstanding of the effect of the technological advances in aircraft avionics that have occurred since 1996. As a basis for its denial, the agency references a denial of a similar request made in 1999 (Exemption # 7460). The primary thrust of the denial of exemption # 7460 was that the agency believes "that requiring preventative maintenance to be performed by an appropriately certificated person creates a higher level of safety." This argument is based upon the assumption that a task is classified as "preventative maintenance" due to its inherent complexity or requirement for a specialized skill set. While there is arguably a meaningful complexity to the update process in equipment common in 1996 and 1999, this is not the case for most modern navigational databases, as evidenced by the fact that update procedures are incorporated into many pilot operational manuals.

The primary issue NATA seeks to resolve is the classification of navigational database updates as "preventative maintenance." The inherent simplicity and system self-checks provided by modern navigational databases make the classification of the update process as "preventative maintenance" no longer necessary.

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NATA believes that this issue deserves an expeditious review by the agency and the commencement of rulemaking to reclassify the updating of modern navigational databases as a crew interface function. Due to the hardship of complying with out-of-date regulations, NATA asks that the agency reconsider its reliance on the 1999 exemption determination when processing additional requests for exemptions, as the navigation equipment has advanced significantly since that time. NATA believes that Part 135 air carriers using aircraft with today's modern equipment installed could establish a comprehensive pilot training program and recordkeeping protocol that would permit pilots to accomplish this simple task while maintaining an equivalent level of safety. .

We seek to engage in a productive dialog to assist our members in their search for relief and support you in your efforts for the updated rulemaking. NATA and our members are available to answer any questions you may have on this matter or participate in any rulemaking project, if appropriate.

Sincerely,

Eric R. Byer  
Vice President, Government and Industry Affairs