

AIR CHARTER SUMMIT

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SPECIAL EMPHASIS ENFORCEMENT
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ENFORCEMENT LEGAL ISSUES

- FLIGHT TIME LIMITS / REST REQUIREMENTS
2 “other commercial flying” cases
- DRUG AND ALCOHOL TESTING:
 - PRE-HIRE TESTING REQUIRED
 - FALSIFICATION/SUBJECTIVE
 - REFUSAL TO BE TESTED
 - ESTABLISH A PROGRAM OR NOT.
- PILOT-CERTIFICATE AMNESTY FOR PILOTS WHO REVEAL, BEFORE SEPTEMBER 30, USE OF ANTIDEPRESSANT DRUGS

ENFORCEMENT LEGAL ISSUES

- NAFTA: PART 91 v. PART 135
 - COULD NAFTA ALLOW CANADIAN/MEXICAN OPS IN THE US UNDER 91 WHILE US OPERATORS MUST COMPLY WITH PART 135?
- IS “FEWER THAN” \geq “LESS THAN”?
- MAINTENANCE RECORDS.
- US CITIZENSHIP:
 - OWNERSHIP CONTROL (A/C)
 - OPERATIONAL CONTROL (119/91)

KOBLENZ, GERMANY

- CONFLUENCE:
 - RIVERS (RHEIN R. & MOSEL R.)
 - IVORY TOWERS/REAL WORLD
 - RUBBER-MEETING-ROAD
 - WRITING THE LAW (STATUTES AND REGULATIONS)
 - APPLYING SAFETY REGULATIONS VIA ENFORCEMENT ACTION.
- LAW - MATH - SC NOMINEE - CITIZENSHIP

FLIGHT TIME LIMITS / REST REQUIREMENTS INVOLVING “OTHER COMMERCIAL FLYING”

- The problem of the moonlighting pilot who fails to inform each Part 135 Employer of his or her “other commercial flying”. (Look-Back Rest)
- When a police officer is paid to be a pilot for the LAPD is that flying “other commercial flying” for application of part 121 and 135 flight time limits? Is it “public aircraft” flying? Can most “public aircraft” flying also be “other commercial flying”?

DRUG AND ALCOHOL ISSUES

- PRE-HIRE TESTING ISSUES
 - Do you have to have test result back before you hire?
 - When you hire could be well before the person will “perform” a safety sensitive function.
- FALSIFICATION
 - Medical Application re driving record
 - Pre-Hire Drug Testing Form. Falsification or Refusal.
- ESTABLISH A PROGRAM OR NOT.

BRIEF OPPORTUNITY FOR AMNESTY FOR PILOTS

- FALSIFIED MEDICAL APPLICATION RE: USE OF ANTIDEPRESSANT DRUGS.
- LOSE MEDICAL, BUT NO REVOCATION OF PILOT CERTIFICATE
- ELEMENTS
 - Reveal by September 30, 2010
 - 4 type of antidepressant drugs?
 - Use of such antidepressants for depression or other ailments.
 - Pilots used in 91, 121, 15 and 135 Ops only?

BRIEF OPPORTUNITY FOR AMNESTY FOR PILOTS

- 75 Fed. Reg. 17200 (April 5, 2010)
- Page 17201 "... the FAA will not initiate legal enforcement action against applicants for violations of 14 CFR 67.403 regarding past medical applications if the applicant discloses a history of antidepressant use, the underlying condition for which the medication was prescribed, and visits to health professionals in connection with the antidepressant use or underlying condition on an application for medical certificate made between 4/5/10 and 9/30/10".

NORTH AMERICAN FREE TRADE AGREEMENT

- NAFTA: PART 91 v. PART 135
 - COULD NAFTA ALLOW CANADIAN/MEXICAN OPS IN THE US UNDER 91 WHILE US OPERATORS MUST COMPLY WITH PART 135?
 - AERIAL WORK OPERATIONS
 - Photography – Pipe Line Patrol - Firefighting
 - DUAL PURPOSE (ENG)

IS “FEWER THAN” EQUAL TO “LESS THAN”?

- Legal Issue: 119 Roadmap.
- PAX-SEAT CONFIG and PAYLOAD CAP
- What if there are no pax seats and it's an all-cargo operation for comp or hire? Are zero passenger seats “less than” 30 passenger seats or does the roadmap regulation specifying “less than” 30 passenger seats mean that there has to be at least 1 passenger seat in order for part 135 to apply?

MAINTENANCE RECORDS.

- DO YOU HAVE A MEANINGFUL (AND COMPLIANT) RECORD KEEPING SYSTEM IF YOU:
 - Jumble maintenance records for various aircraft in a room by year?
 - Don't record the method of maintenance used?
 - Do different repairs have varying life limits?

US CITIZENSHIP ISSUES

- -OWNERSHIP CONTROL (A/C)
- OPERATIONAL CONTROL (119/91)

QUESTIONS