

Regulatory Report

FAA MAKES POSITIVE CHANGE TO TAKEOFF MINIMUM RULE

January 12, 2012

What's at Issue

The Federal Aviation Administration (FAA) [published a direct final rule](#) that will allow qualified Part 135 operators to conduct lower-than-standard takeoffs at military and foreign airports if they have received the proper Operations Specification (OpSpec).

Why It's Important

This change would provide increased operational flexibility to Part 135 operators.

Major Provisions

Current Lower Than Standard Authority Limited to U.S.

Many operators have received lower than standard authority via OpSpec C079. However, that authority is limited to airports within the United States. The language currently at § 135.225 (f) limits operations to standard takeoff minimums at military airports and airports outside the United States. The authority of OpSpec C079 does not supersede the regulatory restriction of § 135.225 (f).

By making the change to § 135.225 (f), the FAA will be able to allow Part 135 operators who have obtained OpSpec C079 to use that authority at military and foreign airports. The direct final rule recognizes that changing § 135.225 (f) to allow the FAA to grant authority for lower than standard minimum takeoffs outside the United States would align Part 135 regulations with Parts 91 and 121, as both of those operating rules permit the activity when authorized by the agency.

The specific change to § 135.225 (f) is the inclusion of the phrase, “unless authorized by the certificate holder’s operations specifications.”

About a “Direct Final Rule”

Previously, the FAA granted an exemption that permitted operators holding OpSpec C079 to use that authority internationally. Because that exemption received no negative comment and because the FAA feels that there is no compromise in safety by making this change, they have

issued the regulatory change as a direct final rule. If the FAA receives negative comments on this change, it would require the FAA then to conduct the traditional rulemaking with a notice and comment period prior to a final rule.

NATA Position

NATA applauds the FAA's action on this matter and encourages members to submit comments supporting the change to the FAA. Such comments should be submitted on or before February 10, 2012.

Status

Assuming no negative comments to the rule are received, the revised rule will take effect on February 27, 2012.

[Download the direct final rule](#) as published in the *Federal Register* on January 11, 2012.

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