



January 13, 2015

Mr. Reggie Govan
FAA Chief Counsel
Orville Wright Bldg. (FOB10A)
Room 900E
FAA National Headquarters
800 Independence Ave, SW
Washington, DC 2059

Dear Mr. Govan:

The FAA Chief Counsel office issued the Landis-Mayo Aviation interpretation on October 28th, 2014, which has caused great concern for members of the aviation community operating under FAR Part 135. The recent interpretation cites the Swenson-ACE-230 interpretation from February 29th, 2012, which arrives at a similar conclusion. These two interpretations address questions surrounding multiengine, turbine powered aircraft certified for single pilot operations that have an autopilot installed and the need of such aircraft for cockpit voice recorders (CVRs). NATA is concerned these interpretations will mandate cost prohibitive equipage that will ultimately undermine, not enhance, safety.

In order to operate under IFR, §135.101, operators are required to carry a second in command on board the aircraft, except as provided in §135.105. A person can operate an aircraft, according to §135.105, without a second in command, if it is equipped with an operative approved autopilot system. It has long been understood, by both the FAA and the industry, that because two pilots are not required by the operating rules, a CVR would not be required in aircraft meeting the conditions outlined in §135.151(a):

No person may operate a multiengine, turbine-powered airplane or rotorcraft having a passenger seating configuration of six or more and for which two pilots are required by certification or operating rules unless it is equipped with an approved cockpit voice recorder...

The FAA acknowledged this practice through the approval of Operations Specifications for multiengine, turbine powered aircraft with passenger seating configurations between six and ten operated single pilot under Part 135 that does not require CVRs. A search of the FAA Aircraft Operators for Compensation or Hire database lists 1,087 aircraft from 368 different operators potentially fitting this description.

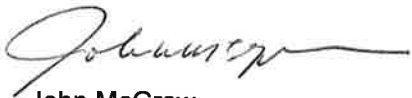
In many circumstances CVRs serve as a valuable post-accident investigative tool. When two pilots fly an aircraft, the CVR captures critical communications between the pilots. However, in single pilot operations, radio transmissions are recorded by air traffic facilities leaving the only possible utility of a CVR to be of a secondary nature, potentially capturing non-transmitted voice communication or ambient noise. These secondary benefits were not considered sufficient to drive an equipage requirement at the FAA nor, more recently, when ICAO tried a second time to mandate such equipage but was denied by the Air Navigation Panel. The Landis – Mayo Aviation interpretation completely ignores that §135.105 and §135.101 are both operating rules.

The two interpretations cited above are inconsistent with the long standing application. Although the industry is supportive of equipment that enhances investigative procedures, this mandate has not gone through the required notice and comment process outlined in the Administrative Procedures Act.

Further, regulation §135.105 was put in place to enable single pilot operators to fly under IFR on days of low ceilings or poor weather conditions. The FAA encourages flying under IFR because it provides additional protection for passengers and greatly increases safety. The industry is concerned that these interpretations will cause operators to revert back to scud running to avoid CVR requirements in older aircraft where the cost of installing new equipment is uneconomical. For example, installing a CVR on a 1980 King Air B100 is estimated to cost between \$77,000 and \$117,000.

This change in policy constitutes an immediately effective equipment mandate and has already grounded aircraft. NATA stands ready to assist your office in any way necessary to ensure the application of the regulations are consistent with their original intent.

Sincerely,

A handwritten signature in cursive script, appearing to read "John McGraw", with a long horizontal flourish extending to the right.

John McGraw
Director, Regulatory Affairs
NATA

cc:

Mark W. Bury, Assistant Chief Counsel
John Duncan, Director Flight Standards Service
Ed Bolen, NBAA
Pete Bunce, GAMA