

Title 14—Aeronautics and Space
CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 12768; Amdt. No. 135-41]

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

Certain Part 121 Equipment Requirements for Certain Airplanes

The purpose of this amendment to § 135.2 of Part 135 of the Federal Aviation Regulations is to rescind certain Part 121 equipment requirements for Part 135 certificate holders operating turbojet-powered airplanes having maximum certificated takeoff weights over 12,500 pounds but under 27,000 pounds, with passenger-carrying capacities of not more than 12 persons.

Interested persons have been afforded an opportunity to participate in the making of this amendment by a notice of proposed rulemaking (Notice 75-4) issued on February 3, 1975, and published in the FEDERAL REGISTER on February 11, 1975 (40 FR 6370). Due consideration has been given to all comments presented in response to the notice. Except for minor editorial changes, and except as specifically discussed hereinafter, these amendments and the reasons therefor are the same as those in Notice 75-4.

The FAA received four public comments in response to Notice 75-4. The comments generally favored the adoption of the proposed amendment. Several commentators made recommendations that were not within the scope of the notice. Those recommendations will be retained by the FAA for future consideration.

One commentator suggested that since the requirements in §§ 121.313(f), 121.581(a), and 121.587 have not been previously imposed on the specified air taxi operators, the phrase "After May 15, 1975," should be deleted from proposed § 135.2(e) to avoid any possible confusion. The commentator contended that to include the phrase would imply that the requirements had been previously applied, but would not be applicable after May 15, 1975. The FAA agrees and this clarifying change has been made in § 135.2(e), as adopted.

In view of the imminence of the May 15, 1975, compliance date and since this amendment grants relief and imposes no additional burden on any person, I find that good cause exists for making this amendment effective on less than 30 days notice.

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1424; sec. 8(c), Department of Transportation Act; 49 U.S.C. 1655(c))

In consideration of the foregoing and for the reasons stated in Notice 75-4, § 135.2 of the Federal Aviation Regulations is amended, effective May 15, 1975, by revising the introductory clause in paragraph (a) and by revising paragraph (e) to read as follows:

§ 135.2 Air taxi operations with large aircraft.

(a) Except as provided in paragraph (e) of this section, no person may conduct air taxi operations in large aircraft under an individual exemption and authorization issued by the Civil Aeronautics Board or under the exemption authority of Part 298 of this title, unless that person—

(e) Air taxi operations may be conducted with a turbojet-powered airplane having a maximum certificated takeoff weight of over 12,500 pounds but under 27,000 pounds and a passenger-carrying capacity of not more than 12 persons that does not comply with—

(1) Section 121.313(f). A lockable door between the pilot and passenger compartments; § 121.587—closing and locking the door between the pilot and passenger compartments; and

(2) Section 121.581(a). Forward observer's seat on the flight deck, provided that if the forward observer's seat is not installed, a forward passenger seat with appropriate communications equipment nearby is provided for use by the Administrator while conducting en route inspections. The location and equipment of the seat, with respect to its suitability for use in conducting en route inspections, is determined by the Administrator.

Issued in Washington, D.C., on May 13, 1975.

JAMES E. DOW,
Acting Administrator.

(As published in the Federal Register 40 F.R. 21704 on May 19, 1975).

