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

[Docket No. 11860; Amdt. No. 135-35]

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

**Flotation Gear for Land Aircraft Operated Over Water**

The purpose of this amendment to part 135 of the Federal Aviation regulations is to permit the use of land helicopters to carry passengers over water when equipped with helicopter flotation devices. A minor editorial change is also being made to update a reference in § 135.75(b)(2)(ii) to a section in part 91.

This amendment is based on a notice of proposed rule making (notice No. 72-11) issued on April 10, 1972, and published in the FEDERAL REGISTER April 15, 1972 (37 FR 7529). Except for an editorial change, and except as specifically discussed hereinafter, this amendment and the reasons therefor are the same as those contained in notice 72-11.

Public comment in response to notice 72-11 was generally in favor of the proposed regulation. One commentator recommended that any land helicopter to be used for the carriage of persons in overwater operations be equipped with a full instrument panel and that the pilot be instrument rated and have a 6-month proficiency check and a sea helicopter rating. While the recommendation may have merit, we believe it goes beyond the scope of notice 72-11 and cannot be adopted in this amendment. Another commentator expressed concern about the ability of the flotation device to survive an engine-out descent and water impact. In this regard it should be pointed out that the FAA considers the helicopter flotation devices involved to

be equipment that must be approved in accordance with § 135.143. We believe the approval requirement will insure that flotation devices used will be capable of adequately performing their function in the event of an emergency ditching involving an engine-out descent.

This amendment also changes the reference to § 91.117(f) in § 135.175(b)(2)(ii) to § 91.116(f). Since this is merely an editorial correction, I find that notice and public procedure thereon are unnecessary.

(Secs. 313(a) and 601, Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421), and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c).)

In consideration of the foregoing, part 135 of the Federal Aviation regulations is amended, effective May 17, 1973, as follows:

**§ 135.75 [Amended]**

1. By changing the reference to § 91.117(f) in § 135.75(b)(2)(ii) to § 91.116(f).

2. By amending § 135.147 to read as follows:

**§ 135.147 Performance requirements: Land aircraft operated over water.**

No person may operate a land aircraft carrying passengers over water unless—

(a) It is operated at an altitude that allows it to reach land in the case of engine failure;

(b) It is necessary for takeoff or landing;

(c) It is a multiengine aircraft operated at a weight that will allow it to climb, with the critical engine inoperative, at least 50 feet a minute, at an altitude of 1,000 feet above the surface; or

(d) It is a helicopter equipped with helicopter flotation devices.

Issued in Washington, D.C., on May 10, 1973.

ALEXANDER P. BUTTERFIELD,  
Administrator.

(As published in the Federal Register 38 F.R. 12906/ on May 17, 1973)