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Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 12768; Amdt. 135-38]

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

Air Taxi Operations With Certain Turbojet Powered Airplanes

The purpose of this amendment to § 135.2(e) of the Federal Aviation Regulations is to provide an additional period for compliance with certain Part 121 equipment requirements applicable to Part 135 certificate holders operating turbojet powered airplanes having maximum certified takeoff weights over 12,500 pounds but under 27,000 pounds, with passenger capacities of not more than 12 persons, and used only for planeload charter flights. This amendment was proposed in Notice 73-27 issued on October 19, 1973 (38 FR 29897).

Section 135.2(e) provides that operators of turbojet powered airplanes with maximum certificated takeoff weights of over 12,500 pounds but under 27,000 pounds, with passenger-carrying capacities of not more than 12 persons, used only in planeload charter flights, need not comply until January 1, 1974 (Amdt. 135-37), with § 121.313(f)—a lockable door between the pilot and passenger compartments; § 121.343(a)—flight recorder; § 121.359—cockpit voice recorder; § 121.587—closing and locking of door between the pilot and passenger compartments; and § 121.581(a)—forward observer's seat, 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.

In the light of information set forth in petitions filed with the FAA by the National Air Transportation Conferences, Inc. (NATC), and Executive Air Fleet Corporation and information provided by other operators of the subject aircraft, the FAA determined that further study of the requirements prescribed in § 135.2(e) is necessary and for this purpose proposed in Notice 73-27 to extend the compliance date in § 135.2 (e) until November 15, 1974.

Several comments were received in response to the proposal contained in Notice 73-27, and all but one supported the rationale for the proposed extension of the § 135.2(e) compliance date. Most of the comments presented arguments, data, and proposals that would either limit the applicability of § 135.2(e) or entirely delete the applicability of § 135.2(e) requirements for certain aircraft types. The FAA will carefully consider these comments during the course of its impending study of the subject regulations.

The Air Lines Pilots Association (ALPA) objected to the proposed extension because it felt the rationale for Notice 73-27 was not sufficient to override the increase in safety that would be obtained if § 135.2(e) become effective immediately. The FAA does not agree, since available information indicates that certain unresolved areas of difficulty exist in achieving immediate compliance with § 135.2(e).

In view of the imminence of the present 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. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing, § 135.2(e) of the Federal Aviation Regulations is amended, effective January 1, 1974, by deleting the phrase "January 1, 1974" and substituting the phrase "November 15, 1974" therefor.

Issued in Washington, D.C., on December 21, 1973.

JAMES E. DOW,
Acting Administrator.

(As published in the Federal Register [38 F.R. 35450] on December 28, 1973)

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