

CONRAD BURNS
MONTANA
DEPUTY WHIP

United States Senate

WASHINGTON, DC 20510-2603
(202) 224-2644

February 9, 2004

COMMITTEES:
APPROPRIATIONS
BUDGET
COMMERCE, SCIENCE, AND
TRANSPORTATION
ENERGY AND NATURAL
RESOURCES
SMALL BUSINESS

Ms. Marion C. Blakey
Administrator
Federal Aviation Administration
800 Independence Avenue SW
Washington, DC 20591-0004

Dear Administrator Blakey:


The Federal Aviation Administration has proposed requiring Part 135 commercial air carrier certification for most sightseeing operations currently permitted under private Part 91 regulations. This National Air Tours Safety Standards NPRM would cover the nearly 2000 air tour operators anywhere in the United States, serving over 2,000,000 passengers a year. In my home state of Montana, there are roughly a dozen businesses that would feel a significant impact from this proposed rule.

The NPRM was developed as a response to the NTSB recommendations making such flights safer, proposing new regulatory requirements, operating limitations, minimum flight altitudes and stand off distances, and expensive new flight equipment. However, from 1993 to 2000, the FAA states that accidents among the existing 400 Part 135 operators produced nearly twice as many (72) fatalities than the accidents of the existing Part 91 operators, which caused 38 fatalities. Statistically speaking, Part 91 operations are safer and should not be required to change procedures.

Most concerning is the projected economic impact of this rule. By the FAA's own admission, roughly 41% of the projected 1,700 operators affected will be forced to "exit the industry." In addition, the FAA estimates that this rule will cost the industry \$238 million in ten years, not taking into account how such a rule would have "trickle down" effects on other portions of the industry, such as manufacturers or the businesses that support and maintain these aircraft.

I am requesting that the FAA hold public hearings on the NPRM, as was done in 1994 and 1995. Public meetings will provide the FAA an opportunity to address the complete impact that the NPRM will have on both pilots and small business owners, not only in Montana, but also across the country. In the many years that have passed since initial consideration of this regulation, the dynamics and structure of the industry have changed.

Sincerely,



Conrad Burns
United States Senator

HELENA
(406) 449-5401

MISSOULA
(406) 329-3520

BUTTE
(406) 723-3277

BOZEMAN
(406) 586-4450

GLENDALE
(406) 365-2391

KALISPELL
(406) 267-3360

GREAT FALLS
(406) 452-0595

BILLINGS
(406) 252-0550

TOLL FREE
1-800-344-1513