



Regional Airline Association
2025 M Street, NW
Suite 800
Washington, DC 20036-3309

Phone: 202/367-1170
Fax: 202/367-2170
email: raa@dc.sba.com
Website: <http://www.raa.org>

February 25, 2005

Deepak Joshi
Lead Aerospace Engineer (Structures)
National Transportation Safety Board
Room 5235, 490 L'Enfant Plaza, SW.,
Washington, DC 20594.

Subject: Proposed Rule to Amend 49 CFR Part 830, "Notification and Reporting of Aircraft Accidents or Incidents and Overdue Aircraft, and Preservation of Aircraft Wreckage, Mail, Cargo, and Records"

Dear Mr. Deepak,

The Regional Airline Association (RAA) submits the following comments on behalf of our membership (Attachment A).

RAA requests that the NTSB withdraw the proposed provision pertaining to the submittal of ACAS resolution advisories (RA), [proposed provision Part 830.5 (10)].

Our members report that the frequency of RA's is considerably more than what perhaps the NTSB realizes. The preamble for this proposal simply states that submittal of these "incidents" would "assist (the NTSB) in detecting tracking and investigating these hazardous occurrences". The vast majority of RA's are not what we would consider "hazardous" and while our members fully understand the significance of RA's, they occur with sufficient frequency that unless further definition of a RA incident is provided, the proposed provision would constitute a significant reporting burden for most of our members. Most RA events occur during the descent/approach phases of flight. Our large fleet members advise RAA that if left undefined, the number of RA's that they may be required to report could be as many as 200 events per month. Our small fleet members advise that they may need to report as many as 50 RA events per month.

One member advises that pilots may not report a significant TCAS RA/TA event unless the air carrier has a FOQA or ASAP program for reporting. The regional air carriers that report large numbers of RA events have either a FOQA or ASAP or both programs. Both FOQA and ASAP provide disclosure protections for the pilots and are proving to be invaluable for collecting safety information. However, ASAP RA data reported by pilots typically does not identify the flight number, registration, time/date/altitude and airway position/fix. If the NTSB is interested in further details of how/when RA's occur, the air carriers would need to invest considerable man hours to provide details before such events could be reported. A more cost effective reporting program might be to provide multiple entries within a graphical or statistical format. It is unlikely however that a mandatory reporting rule would allow such alternatives.

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What is of particular concern among our members is that under your general investigative authority, the NTSB can require further data and the removal of flight data recorders from the air carrier reporting the "incident" in support of the investigation. We consider that the definition of an "incident" is significantly greater should RA events be included in the reporting of incidents. Even infrequent investigations could be extremely disruptive and therefore costly to an air carrier's operations. The airlines would need clear guidance that a flight or series of flights can continue pending an NTSB investigation.

Other concerns are with the process of reporting and the failure to report. There may be situations where one carrier may report an RA event with another carrier who may not report the same event. If one carrier fails to report it, will the NTSB seek enforcement action in collaboration with the FAA, for failure to file a report? This situation may also occur between ATC and the carrier. In such instances the RA count within the NTSB database may double or triple as a result of multiple reporting. Clearly while the task of collecting RA's for our industry may seem fairly straightforward, the more critical component, the analysis of the data is considerably more complex than what the NTSB realizes.

As an alternative, RAA is certain the industry and the FAA would be receptive to NTSB participation in the current analysis of RA events. TCAS RA events are best analyzed using FOQA data collection tools. The FOQA ARC has done a comprehensive analysis of RA data from FOQA programs and has analyzed thousands of RA events collected from many different air carriers (aggregate FOQA data).

The NTSB will most likely find that participation within these industry safety groups will prove invaluable in further understanding RA events and if it is still found necessary, in developing recommendations for reducing RA events without mandatory reporting. The airline industry, pilot unions, FAA, and NASA have conducted extensive studies on TCAS RA/TAs in the past. The newly formed FOQA DAWG (Data Aggregation Working Group) as endorsed by the FOQA ARC, has NASA commitment to continue analysis of TCAS RA events using US FOQA program data.

Given the potential for significant reporting requirements and investigative disruptions, RAA requests that if this proposal to report RA data be withdrawn. If our request is denied, then we request that the proposal be resubmitted as a supplemental with an accompanying cost benefit analysis and an OMB control number for the data to be reported. It is our understanding that Executive Order 12866 requires in part that an assessment of the costs and benefits be conducted for any government proposed rule that imposes cost on industry. We also understand that the Paperwork Reduction Act of 1995 requires a government entity to have a currently valid OMB control number before industry should respond to a rule mandating collection of information.

Your consideration of our remarks is greatly appreciated.

Sincerely,



David Lotterer
VP, Technical Services

Attachment A:

Company	City, State
Aeromar *	Mexico City, DF
Air Canada Jazz*	Enfield, Nova Scotia, Canada
AirNet Systems	Columbus, OH
Air Serv	Redlands, CA
Air Wisconsin	Appleton, WI
Allegheny	Middletown, PA
American Eagle	Dallas, TX
Atlantic Southeast (ASA)	Atlanta, GA
Big Sky Airlines	Billings, MT
Cape Air	Hyannis, MA
Chautauqua Airlines	Indianapolis, IN
Chicago Express	Chicago, IL
Colgan Air	Manassas, VA
Comair	Cincinnati, OH
CommutAir	Plattsburgh, NY
Corporate Air	Billings, MT
Corporate Airlines	Smyrna, TN
Delta Connection, Inc.	Atlanta, GA
Empire Airlines	Coeur d'Alene, ID
ERA Aviation	Anchorage, AS
Executive Airlines	Farmingdale, NY
Expressjet	Houston, TX
Federal Express	Memphis, TN
Grand Canyon	Grand Canyon, AZ
Great Lakes Aviation	Bloomington, MN
Gulfstream Int'l	Miami Springs, FL
Horizon Air	Seattle, WA
IBC Airways	Miami, FL
Independence Air	Dulles, VA
Island (Aloha) Air	Honolulu, HI
Mesa Air Group	Phoenix, AZ
Mesaba	Minneapolis, MN
Midway Airlines	RDU Int'l Airport, NC
National Airlines	Las Vegas, NV
New England Airlines	Westerly, RI
North-South Airways	Atlanta, GA
Pace Airlines	Winston-Salem, NC
Piedmont Airlines	Salisbury, MD
Pinnacle Airlines	Memphis, TN
PSA Airlines	Vandalia, OH
Salmon Air	Salmon, ID

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