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COMMITTEE REPORT
SENATE

FURTHER:

Date

Mr. President

The Committee on JUDICIARY considered

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt 5 CS for
- new title
- same title and recommends
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

Alaska State Legislature

REPRESENTATIVE
TERRY MARTIN
DISTRICT 13
HOUSE FINANCE COMMITTEE
CHAIRMAN—UNIVERSITY OF ALASKA BUDGET



3960 REKA DRIVE—B6
ANCHORAGE, AK 99508
PHONE 333-6990

DURING LEGISLATURE
POUCH V
STATE CAPITOL BLDG
JUNEAU, AK 99811
PHONE 465-3783

May 19, 1984

To: All Members, Senate Judiciary Committee

From: Representative Terry Martin *T.M.*

Re: Senate CS For CS For HB 510 (Judiciary)

I concur in the changes made in the Senate Judiciary Committee Substitute for HB 510 and I support its passage. Thank you for your help and consideration.



CALENDAR

TO: Senator Bill Ray

FROM: Paula d. Scavera

DATE: April 30, 1984

RE: CSHB 510 (Finance)

This bill amends the Aeronautics Code of the Alaska Statutes requiring that aircraft accidents involving state and municipal aircraft are reported to the National Safety Board and the Department of Public Safety. At the present time state owned or long term leased aircraft don't have to report aircraft accidents.

SECTION 1

Requires that all aircraft involved in an accident, that are owned or leased by the State of Alaska or municipalities shall be reported to the National Transportation Safety Board and the Department of Public Safety.

The Department of Public Safety shall request the National Transportation Safety Board to investigate the accidents.

Gives a definition of "aircraft accident".

SECTION 2

Immediate effective date clause

Zero fiscal note

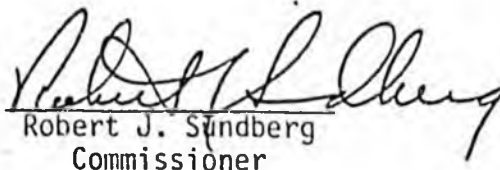
DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER - PROPOSED CSHB 510 (TRSP)

Support

The Department of Public Safety supports passage of the CSHB 510 (TRSP) being proposed by the House Transportation Committee.

Currently there is no requirement for reporting state or municipally operated aircraft accidents. By enacting this legislation, the National Transportation Safety Board, at the Department's request, would investigate accidents involving state and local government operated aircraft.

By utilizing the experience and expertise provided by the NTSB in determining the cause of accidents and following up on their recommendations as to how to eliminate these causes, will be beneficial to the state by reducing the probability of aircraft accidents occurring in the future.


Robert J. Sundberg
Commissioner

NATIONAL TRANSPORTATION SAFETY BOARD

PART 830—RULES PERTAINING TO THE NOTIFICATION AND REPORTING OF AIRCRAFT ACCIDENTS OR INCIDENTS AND OVERDUE AIRCRAFT, AND PRESERVATION OF AIRCRAFT WRECKAGE, MAIL, CARGO, AND RECORDS

Subpart A—General

- Sec.
830.1 Applicability.
830.2 Definitions.

Subpart B—Initial Notification of Aircraft Accidents, Incidents, and Overdue Aircraft

- Sec.
830.5 Immediate notification.
830.6 Information to be given in notification.

Subpart C—Preservation of Aircraft Wreckage, Mail, Cargo, and Records

- 830.10 Preservation of aircraft wreckage, mail, cargo, and records.

Subpart D—Reporting of Aircraft Accidents, Incidents, and Overdue Aircraft

- 830.15 Reports and statements to be filed.

AUTHORITY: Title VII, Federal Aviation Act of 1958, as amended, 72 Stat. 781, as amended by 76 Stat. 921 (49 U.S.C. 1441 et seq.), and the Independent Safety Board Act of 1974, Pub. L. 93-833, 88 Stat. 2168 (49 U.S.C. 1901 et seq.).

Subpart A—General

§ 830.1 Applicability.

This part contains rules pertaining to:

(a) Providing notice of and reporting aircraft accidents and incidents and certain other occurrences in the operation of aircraft when they involve civil aircraft of the United States wherever they occur, or foreign civil aircraft when such events occur in the United States, its territories or possessions.

(b) Preservation of aircraft wreckage, mail, cargo, and records involving all civil aircraft in the United States, its territories or possessions.

§ 830.2 Definitions.

As used in this part the following words or phrases are defined as follows:

"Aircraft accident" means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, and in which any person suffers death or serious injury as a result of being in or upon the aircraft or by direct contact with the aircraft or anything attached thereto, or in which the aircraft receives substantial damage.

"Fatal injury" means any injury which results in death within 7 days of the accident.

"Operator" means any person who causes or authorizes the operation of an aircraft, such as the owner, lessee, or bailee of an aircraft.

"Serious injury" means any injury which (1) requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received; (2) results in a fracture of any bone (except simple fractures of fingers, toes, or nose); (3) involves lacerations which cause severe hemorrhages, nerve, muscle, or tendon damage; (4) involves injury to any internal organ; or (5) involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.

"Substantial damage":

(1) Except as provided in subparagraph (2) of this paragraph, substantial damage means damage or structural failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component.

(2) Engine failure, damage limited to an engine, bent fairings or cowling, dented skin, small punctured holes in the skin or fabric, ground damage to rotor or propeller blades, damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered "substantial damage" for the purpose of this part.

Subpart B—Initial Notification of Aircraft Accidents, Incidents, and Overdue Aircraft

§ 830.5 Immediate notification.

The operator of an aircraft shall immediately, and by the most expeditious means available, notify the nearest National Transportation Safety Board (Board), Bureau of Aviation Safety field office when:

(a) An aircraft accident or any of the following listed incidents occur:

(1) Flight control system malfunction or failure;

(2) Inability of any required flight crewmember to perform his normal flight duties as a result of injury or illness;

(3) Turbine engine rotor failures excluding compressor blades and turbine buckets;

(4) In-flight fire; or

(5) Aircraft collide in flight.

(b) An aircraft is overdue and is believed to have been involved in an accident.

§ 830.6 Information to be given in notification.

The notification required in § 830.5 shall contain the following information, if available:

(a) Type, nationality, and registration marks of the aircraft;

(b) Name of owner, and operator of the aircraft;

(c) Name of the pilot-in-command;

(d) Date and time of the accident;

(e) Last point of departure and point of intended landing of the aircraft;

(f) Position of the aircraft with reference to some easily defined geographical point;

(g) Number of persons aboard, number killed, and number seriously injured;

(h) Nature of the accident, the weather and the extent of damage to the aircraft, so far as is known; and

(i) A description of any explosives, radioactive materials, or other dangerous articles carried.

Subpart C—Preservation of Aircraft Wreckage, Mail, Cargo, and Records

§ 830.10 Preservation of aircraft wreckage, mail, cargo, and records.

(a) The operator of an aircraft is responsible for preserving to the extent possible any aircraft wreckage, cargo, and mail aboard the aircraft, and all records, including tapes of flight re-

orders and voice recorders, pertaining to the operation and maintenance of the aircraft and to the airman involved in an accident or incident for which notification must be given until the Board takes custody thereof or a release is granted pursuant to § 831.17.

(b) Prior to the time the Board or its authorized representative takes custody of aircraft wreckage, mail, or cargo, such wreckage, mail, or cargo may not be disturbed or moved except to the extent necessary:

(1) To remove persons injured or trapped;

(2) To protect the wreckage from further damage; or

(3) To protect the public from injury.

(c) Where it is necessary to disturb or move aircraft wreckage, mail or cargo, sketches, descriptive notes, and photographs shall be made, if possible, of the accident locale including original position and condition of the wreckage and any significant impact marks.

(d) The operator of an aircraft involved in an accident or incident as defined in this part, shall retain all records and reports, including all internal documents and memoranda dealing with the accident or incident, until authorized by the Board to the contrary.

Subpart D—Reporting of Aircraft Accidents, Incidents, and Overdue Aircraft

§ 830.15 Reports and statements to be filed.

(a) **Reports.** The operator of an aircraft shall file a report as provided in paragraph (c) of this section on Board Form 6120.1 or Board Form 6120.2¹ within 10 days after an accident, or after 7 days if an overdue aircraft is still missing. A report on an incident for which notification is required by § 830.5(a) shall be filed only as requested by an authorized representative of the Board.

(b) **Crewmember statement.** Each crewmember, if physically able at the time the report is submitted, shall attach thereto a statement setting forth the facts, conditions, and circumstances relating to the accident or incident as they appear to him to the best of his knowledge and belief. If the crewmember is incapacitated, he shall submit the statement as soon as he is physically able.

(c) **Where to file the reports.** The operator of an aircraft shall file with the field office of the Board nearest the accident or incident any report required by this section.

Note: The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

¹Forms are obtainable from the Board field offices (see footnote 1), the National Transportation Safety Board, Washington, D.C. 20594, and the Federal Aviation Administration, Flight Standards District Office.

¹The National Transportation Safety Board field offices are listed under U.S. Government in the telephone directories in the following cities: Anchorage, Alaska; Chicago, Ill.; Denver, Colo.; Fort Worth, Tex.; Kansas City, Mo.; Los Angeles, Calif.; Miami, Fla.; New York, N.Y.; Oakland, Calif.; Seattle, Wash.; Washington, D.C.

From The Last Frontier

Rep. Terry Martin
State Capitol, Pouch V
Juneau, AK 99811

FEDERAL AVIATION REGULATIONS



Part 1—Definitions and Abbreviations

Table of Contents

Sec.

1.1 GENERAL DEFINITIONS.

1.2 ABBREVIATIONS AND SYMBOLS.

1.3 RULES OF CONSTRUCTION.

Classes A through K in the context of

means the Federal Government or any person authorized by his authority.

"Aircraft" means any engine-driven aircraft, except balloons and airships, that is used for flight.

"Air traffic clearance" means an authorization by air traffic control, for the purpose of preventing collision between known aircraft, for an aircraft to proceed under specified traffic conditions within controlled airspace.

"Air traffic control" means a service operated by appropriate authority to promote the safe, orderly, and expeditious flow of air traffic.

"Air transportation" means interstate, overseas, or foreign air transportation or the transportation of mail by aircraft.

"Alternate airport" means an airport at which an aircraft may land if a landing at the intended airport becomes inadvisable.

"Altitude engine" means a reciprocating aircraft engine having a rated takeoff power that is producible from sea level to an established higher altitude.

"Appliance" means any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, engine, or propeller.

"Approved", unless used with reference to another person, means approved by the Administrator.

"Area navigation (RNAV)" means a method of navigation that permits aircraft operations on any desired course within the coverage of station-referenced navigation signals or within the limits of self-contained system capability.

"Area navigation low route" means an area navigation route within the airspace extending upward from 1,200 feet above the surface of the earth to, but not including, 18,000 feet MSL.

"Area navigation high route" means an area navigation route within the airspace extending upward from, and including, 18,000 feet MSL to flight level 450.

"Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, including their regular and reserve components and members serving without component status.

"Autorotation" means a rotorcraft flight condition in which the lifting rotor is driven entirely by action of the air when the rotorcraft is in motion.

"Auxiliary rotor" means a rotor that serves either to counteract the effect of the main rotor torque on a rotorcraft or to maneuver the rotorcraft

about one or more of its three principal axes.

"Balloon" means a lighter-than-air aircraft that is not engine driven.

"Brake horsepower" means the power delivered at the propeller shaft (main drive or main output) of an aircraft engine.

"Calibrated airspeed" means the indicated airspeed of an aircraft, corrected for position and instrument error. Calibrated airspeed is equal to true airspeed in standard atmosphere at sea level.

"Category": (1) As used with respect to the certification, ratings, privileges, and limitations of airmen, means a broad classification of aircraft. Examples include: airplane; rotorcraft; glider; and lighter-than-air; and

(2) As used with respect to the certification of aircraft, means a grouping of aircraft based upon intended use or operating limitations. Examples include: transport, normal, utility, acrobatic, limited, restricted, and provisional.

"Category II operations", with respect to the operation of aircraft, means a straight-in ILS approach to the runway of an airport under a Category II ILS instrument approach procedure issued by the Administrator or other appropriate authority.

"Category III operations", with respect to the operation of aircraft, means an ILS approach to, and landing on, the runway of an airport using a Category III ILS instrument approach procedure issued by the Administrator or other appropriate authority.

"Ceiling" means the height above the earth's surface of the lowest layer of clouds or obscuring phenomena that is reported as "broken", "overcast", or "obscuration", and not classified as "thin" or "partial".

"Civil aircraft" means aircraft other than public aircraft.

"Class": (1) As used with respect to the certification, ratings, privileges, and limitations of airmen, means a classification of aircraft within a category having similar operating characteristics. Examples include: single engine; multiengine; land; water; gyroplane; helicopter; airship; and free balloon; and

(2) As used with respect to the certification of aircraft, means a broad grouping of aircraft having similar characteristics of propulsion, flight, or landing. Examples include: airplane; rotorcraft; glider; balloon; landplane; and seaplane.

"Prohibited area" means designated airspace within which the flight of aircraft is prohibited.

"Propeller" means a device for propelling an aircraft that has blades connected to an engine-driven shaft and that, when rotated, produces by its action on the air, a thrust approximately perpendicular to its plane of rotation. It includes control components normally supplied by its manufacturer, but does not include main and auxiliary rotor or rotating airfoils of engines.

"Public aircraft" means aircraft used only in the service of a government, or a political subdivision. It does not include any government-owned aircraft engaged in carrying persons or property for commercial purposes.

"Rated maximum continuous augmented thrust", with respect to turbojet engine type certification, means the approved jet thrust that is developed statically or in flight, in standard atmosphere at a specified altitude with fluid injection or with the burning of fuel in a separate combustion chamber, within the engine operating limitations established under Part 33 of this chapter, and approved for unrestricted periods of use.

"Rated maximum continuous power", with respect to reciprocating, turbopropeller, and turboshaft engines, means the approved brake horsepower that is developed statically or in flight, in standard atmosphere at a specified altitude, within the engine operating limitations established under Part 33, and approved for unrestricted periods of use.

"Rated maximum continuous thrust", with respect to turbojet engine type certification, means the approved jet thrust that is developed statically or in flight, in standard atmosphere at a specified altitude, without fluid injection and without the burning of fuel in a separate combustion chamber, within the engine operating limitations established under Part 33 of this chapter, and approved for unrestricted periods of use.

"Rated takeoff augmented thrust", with respect to turbojet engine type certification, means the approved jet thrust that is developed statically under standard sea level conditions, with fluid injection or with the burning of fuel in a separate combustion chamber, within the engine operating limitations established under Part 33 of this chapter, and limited in use to periods of not over 5 minutes for takeoff operation.

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National Transportation Safety Board

Bureau Field Operations
Anchorage Field Office
701 C Street, Box 11
Anchorage, Alaska 99513

March 1, 1984

Mark Hanley
& Terry Martin
Pouch V, Capitol Building
Juneau, Alaska 99811

Dear Mr. Hanley:

Pursuant to our telephone conversation you will find enclosed a list of the particular Federal Aviation Regulation Part Number and a brief description of each which does not apply to "public use" aircraft. Particular attention must be paid to Title 14 Code of Federal Regulations Part 1, which defines "civil aircraft" and "public aircraft".

The term "civil aircraft" is strategically used throughout the regulations which allows such aircraft to perform acts without repercussion from a federal viewpoint.

As you read through the brief descriptions you will realize the magnitude of the possible ramifications should these regulations be stretched to their ultimate definition.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Kobelnyk".

George Kobelnyk

encls

FAR Part Nos
Title 49, Part 830, 2 cys

FAR PART NUMBERS AND DESCRIPTIONS

- 61.3 Certificate requirements: A pilot certificate is not needed, nor an instrument rating; however, a medical certificate is required.
- 91.5 Para b,1. Preflight action - A public aircraft is not required to compute landing and takeoff distances.
Para b,2. Does not need other reliable information such as aircraft performance under expected values of airport elevation and runway slope, aircraft gross weight, and wind and temperature.
- 91.6 Category II and III Operations
Para a,1. Public aircraft does not need special authorizations to use category II or III operations.
- 91.7 Flight Crewmembers at Stations
Para b. Does not need to keep the shoulder harness fastened while at this duty station.
- 91.11 Liquor and Drugs
Para a. States civil aircraft which renders this entire part useless for public aircraft. A pilot of a public aircraft may drink and fly with less than the required eight hours; may fly while intoxicated; may fly under the influence of any drugs; be prescribed by a doctor or self prescribed, and may carry intoxicated passengers indiscriminately.
- 91.12 Carriage of narcotic drugs, marijuana, and depressants or stimulant drug substances.
Para a. A public aircraft can carry the above listed substances indiscriminately without violating the FARs.
- 91.13 Dropping Objects.
A public aircraft should they desire can drop objects so as to create a hazard to persons or property and not be in violation of the FARs.
- 91.14 Use of Safety Belts
Para a, 1. Pilot-in-command does not need to ensure that each passenger was briefed on how to fasten and unfasten the seatbelt.



Para a, 2. Does not need to notify the passengers to fasten their seatbelts.

Para a, 3. Does not need to ensure that each person occupies a seat or berth with a seatbelt secured about them.

91.21 Flight Instruction - Simulated Instrument Flight and Certain Flight Test.

Para a. Under this part a public aircraft does not need dual flight controls for flight instruction.

91.23 Fuel Requirements For Flight in IFR Conditions.

Para a. Public aircraft do not need the required 45 IFR fuel reserve.

91.25 VOR Equipment Check for IFR Operations.

Para a. Public aircraft are not required to perform a VOR operational check within the preceding 30 days for a flight under IFR rules.

91.27 Civil Aircraft - Certifications Required For Public Aircraft
None as the title of this Part implies.

91.29 Civil Aircraft Airworthiness

A public aircraft does not need to be in an airworthy condition as the title of this Part implies.

91.30 Inoperable Instrument And Equipment For Multi-engine Aircraft.

A public aircraft does not need an approved minimum equipment list.

91.31 Civil Aircraft Operating Limitations on Marking Requirements.

As the title implies, a public aircraft does not have to remain within the approved operating limitations or the marking requirements as outlined by the appropriate manuals.

91.32 Supplemental Oxygen

Under this part a public aircraft does not need oxygen.

91.33 Powered Civil Aircraft With Standard Category U.S. Airworthiness Certificates; Instrument and Equipment Requirements.

This entire section, as the title implies, vindicates all public aircraft from its requirements. Remember that in a previous part of this regulation, public aircraft do not need an airworthiness certificate to begin with.

91.34 Category II Manual

91.51 Altitude Alerting System or Device; Turbo-jet Powered Civil Airplanes.

Again a public turbo-jet powered airplane need not comply.

91.52 Emergency Locator Transmitters

Para a. A public aircraft does not need to carry an emergency locator beacon.

All of the above parts are an interpretation of paragraphs using the term "civil aircraft" as defined in FAR Part 1, Title 14.