

SB

103

File 1

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907 465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

January 31, 1985

SUBJECT: Senate Bill 103 as amending initiative 83-02
TO: Senator Jack Coghill
FROM: George W. Edwards *GWE*
Legislative Counsel

This is in response to your research request concerning the constitutional implications of Senate Bill 103 as an amendment to initiative 83-02 regarding the termination of the Alaska Transportation Commission.

Article XI, section 6 of the Alaska Constitution states that an initiative passed into law may not be repealed by the legislature for two years. It further states that such an initiative may be amended at any time.

This legislative power to amend has been broadly defined by the Alaska supreme court as a check or balance against the initiative process lest the process otherwise result in the frustration of sound government (see Warren v. Boucher 543 P2d 731 (Alaska, 1975) and Warren v. Thomas 568 P2d 400 (Alaska, 1977)). While the amendment process may not be employed by the legislature to so emasculate an initiative as to effectively repeal it, it may legitimately be used to clarify the law or to effectuate the intent of the electorate.

In order to determine the appropriateness of an amendment to an initiative the language and intent of the initiative and the language and effect of the amendment must be considered. If the amendatory language may be interpreted not to vitiate the intent of the initiative, the court is likely to approve the legislature's right to adopt the language.

Initiative 83-02 was concerned with, among other things, abolishing the ATC for the purpose of eliminating legalized price-fixing and tariffs. It proposed that other government

Senator Jack Coghill
January 31, 1985
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agencies could insure transportation safety standards and that financial responsibility of commercial carriers should be overseen by the Department of Public Safety. Senate bill 103 does not appear to incorporate any price support or tariff provisions which would conflict with the intent of the initiative. It contains provisions concerning financial responsibility and safety which are consistent with the terms of the initiative. It goes beyond the literal terms of the initiative in requiring both bonds to protect shippers and equipment registration, but these provisions serve a rational purpose and are not in conflict with the apparent intent of the initiative.

In summary, Senate Bill 103 does not appear to violate the constitutional provision concerning the amendment of initiatives.

GWE:csh
c2/199



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

sl 103

January 25, 1985

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill authorizing the Department of Public Safety (DPS) to regulate the safety of motor carrier and air carrier operations. This bill amends AS 42.30.200, enacted by the Alaska Transportation Commission (ATC) initiative in the last general election, and creates several new sections in AS 42.30.

The intent of this legislation is to allow DPS to maintain an adequate level of safety requirements for commercial air and motor vehicle operations after the ATC's authority to do so is abolished. This is consistent with the portion of the initiative's statement of purpose that acknowledges that "other government agencies can insure safety standards while allowing persons to contract freely for services." The initiative has already authorized DPS to establish financial responsibility requirements and to enforce them. AS 42.30.200. This bill goes further by adding other sections to AS 42.30 to require registration of air and certain motor carriers and compliance with motor vehicle safety regulations or federal aircraft safety rules for those carriers.

The bill forbids certain motor carriers and air carriers to operate in Alaska without complying with its provisions. Proposed AS 42.30.195. The definitions for motor and air carriers, motor vehicles, aircraft, etc. are found in proposed AS 42.30.270, and were adapted from the definitions in the Motor Freight Carrier Act (AS 42.10.420) and the Air Commerce Act of 1960 (AS 02.05.250). The definitions differ from their predecessors in two ways: the four categories of motor carriers formerly recognized have been deleted and the term "motor carrier" now includes buses. Proposed AS 42.30.197 incorporates the provisions of AS 42.10.020 exempting certain vehicles from

coverage, and adds exemptions for school buses and for buses with a seating capacity of fewer than 16 persons.

The financial responsibility statute enacted by the initiative is clarified by a few amendments. AS 42.30.200. To conform the statute's terminology to other sections of the bill, the phrase "a person who carries passengers or freight for hire intrastate" is changed to "a person operating as a motor carrier or a person engaged in air commerce." A provision from AS 02.05.136 has been added, requiring 30 days' notice to DPS before insurance or surety bonds may be cancelled. The requirement that regulations be adopted under AS 42.30.200 was also added.

Proposed AS 42.30.205 gives the department the discretionary power to adopt regulations requiring carriers to obtain bonding. This provision is modeled after AS 42.10.100 and is intended to protect the public that uses the carrier's services. In keeping with the practice set up by AS 42.10.113, motor carriers are required to place their identification on their motor vehicles. Proposed AS 42.30.210.

The bill creates a new system of carrier registration. Unlike the ATC's system of issuing permits or certificates based on public convenience and necessity, this registration plan does not economically regulate entry into air or motor commerce. An intrastate motor carrier that is required to register will be registered if three simple conditions are met: the carrier shows proof of financial responsibility (which AS 42.30.200 already requires) and bonding (if required by regulation), and provides proof of compliance with safety regulations. Proposed AS 42.30.215. This latter element will be met by having all vehicles inspected by the department, or an authorized representative, once every six months, as provided in proposed AS 42.30.230(b). The inspections would be performed free of charge by a nonuniformed DPS employee. An interstate motor carrier will register its Interstate Commerce Commission (ICC) authority under proposed AS 42.30.220 just as it did under AS 42.10.135. Interstate carriers will be required to comply with Alaska's safety regulations and obtain bonding, if directed by regulation, but they will not be subject to this bill's insurance or inspection rules because those matters are governed by federal authority. An air carrier registers by providing proof of insurance, bonding, and compliance with federal safety laws. Proposed AS 42.30.225. As was set out in AS 02.05.090, air carriers must also register each aircraft used and pay an annual aircraft registration fee.

Proposed AS 42.30.225(e) and (f).

Proposed AS 42.30.235 gives DPS the ability to adopt regulations, under the Administrative Procedure Act, to carry out the bill's provisions. Other than the definitions portion, the remainder of the bill deals with enforcement and penalties for operating in violation of the provisions of this bill. If any carrier operates without the necessary insurance or bonding, or if an air carrier fails to register its aircraft, the carrier's registration can be summarily suspended, with an administrative hearing provided within 10 days. Proposed AS 42.30.240(a). This is similar to the ATC's stop-order authority in AS 42.07.181. There are three other bases for revocation, although they are not grounds for pre-hearing suspension: intentional misrepresentation of a material fact in obtaining registration; intentional failure to comply with the provisions of this bill or regulations adopted under them; and failure to pay applicable fees. Proposed AS 42.30.240(b). Carriers with a suspended registration may cure the defect any time before the hearing, or after a hearing and before registration is revoked. Proposed AS 42.30.240(c). However, if registration is revoked for any reason, the carrier must pay fees and reapply to become registered again. Revocations are appealable to the superior court. Proposed AS 42.30.240(d).

In addition to the ability to administratively handle violations by lifting a carrier's registration, DPS may also pursue enforcement actions in court. Under proposed AS 42.30.245(a)(4), designated representatives of the department may issue citations for violation of the commercial motor vehicle safety regulations. The department may pursue an action in superior court to enforce its statutes and regulations (proposed AS 42.30.245(b)) and seek a misdemeanor conviction or payment of civil penalties where applicable. Proposed AS 42.30.250 and 42.30.255. A knowing act or omission in violation of any of this bill's provisions is a misdemeanor punishable by a fine of not more than \$500, and payment of the costs of prosecution. Proposed AS 42.30.250 (modeled after AS 42.10.393 and AS 02.05.230). Carriers who operate without the necessary insurance or bonding while their registration is suspended, or who operate without obtaining registration or while registration is revoked, are subject to a civil penalty equal to the amount of revenue earned as a result of their operation, or up to \$1,000, whichever is greater. Proposed AS 42.30.255 (comparable to AS 42.10.394 and AS 02.05.231). Aircraft or motor vehicles used in commerce before registration is obtained, or after regis-

tration is revoked, may be seized by DPS. The court may order the aircraft or vehicle forfeited to the state, or may release it to the offending carrier upon payment of civil or criminal penalties. Proposed AS 42.30.245(c).

The initiative's action in abolishing the ATC and in effecting the economic deregulation of the transportation industry in Alaska creates a new era for both Alaska's residents and its industry. I believe that it is important that the legislative and executive branches of government cooperate to the fullest extent to establish a program that achieves the intent of the initiative and provides an adequate level of safety to protect the general public. I am willing to explore with the legislature other approaches to accomplishing this objective.

I urge prompt consideration of this measure before February 28, 1985 so that the roads and skies will remain safe for business and the public.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Sheffield".

Bill Sheffield
Governor

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB103
 Title: "Public Safety to reg. safety of commerical vehicles..."
 Sponsor: _____
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Public Protection
 ERU, Program or Subprogram(s) Affected: Division of Motor Vehicles - Commercial Vehicle Safety

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		250.0	250.0	250.0	250.0	250.0
200 TRAVEL		3.0	3.2	3.4	3.6	3.8
300 CONTRACTUAL		66.0	53.6	56.3	59.1	62.1
400 SUPPLIES		7.0	7.4	7.8	8.2	8.6
500 EQUIPMENT		30.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		356.0	314.2	317.5	320.9	324.5

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		356.0	314.2	317.5	320.9	324.5
FEDERAL FUNDS						
OTHER						
TOTAL		356.0	314.2	317.5	320.9	324.5

POSITIONS:

FULL-TIME		6.0	6.0	6.0	6.0	6.0
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Marcia Lynn McKenzie Phone: 465-4349
 Division: Administrative Services Date: 1/22/85

Approved by Commissioner: Robert J. Sundberg Date: 1/22/85
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

COST ANALYSIS

The following costs are for administration of permitting, certification, bonding and insurance. These costs are in addition to the positions and funding included in the Governor's budget which are for vehicle safety inspections.

Personal Services \$250.0

1	Administrative Support Center Supervisor	Range 14
4	Administrative Support Technicians	Range 12
1	Accounting Technician II	Range 14

It is anticipated that the positions, located in Anchorage, will be transferred from the ATC component, along with needed office equipment (desks, chairs, etc.). Minimal overtime and negotiated one-time compensatory payments are included.

Travel 3.0

Contractual Services 66.0

Telephone, postage, etc.	\$25.0
Printing of applications, forms, advertisements, etc.	8.0
Space Lease	15.0
Maintenance on data/word processing equipment	1.3
Copier costs	3.0
Professional fees (Dept. of Law)	12.0
Risk Management	1.7

Supplies and Materials 7.0

Office and library supplies

Equipment 30.0

Data/word processors

TOTAL \$356.0

For FY 87, space lease costs are transferred to the Department of Administration. A five percent annual inflation adjustment is applied beginning in FY 87.

05-12-04-06-00 (00-00-0-00-00-00)

STATE OF ALASKA -- COMPONENT BUDGET SUMMARY

17:51

12/21/84

AGENCY: DEPARTMENT OF PUBLIC SAFETY
 CATEGORY: PUBLIC PROTECTION

PROGRAM: MOTOR VEHICLES
 SUB-PROGRAM: COMMERCIAL VEHICLE SAFETY

----- F I S C A L Y E A R 1 9 8 5 -----

EXPENDITURES	(18)	(01)	(02)	(03)	(04)	(05)	(06)	(08)	(09)	(10)	(11)	(12)	(13)
1 FUNDING	FY83 ACT	FY84 ACT	FY85 ATH	ADJ BASE	FORMULA	INCREMNT	REQUEST	GOVERNOR	HOUSE	SENATE	C. C.	BILLS	LEG.REC.
01 PERS. SERV.				536.4			536.4	536.4					
02 TRAVEL				25.0			25.0	25.0					
03 CONTRACTUAL				100.0			100.0	100.0					
04 COMMODITIES				6.5			6.5	6.5					
05 EQUIPMENT													
06 LANDS/BLDGS													
07 GRANTS, CLMS													
08 MISC.													
* TOTAL EXPEND				667.9			667.9	667.9					
09 I-A TRANSFER				46.5			46.5	46.5					
1004 GEN FUND				667.9			667.9	667.9					
15 FULL TIME				11.0			11.0	11.0					
16 PART TIME													
17 TEMPORARY													
18 STAFF MCNTHS				132.0			132.0	132.0					

06-12-04-06-00 (00-00-0-00-00-00)

STATE OF ALASKA -- COMPONENT BUDGET ANALYSIS

17:51

12/21/84

AGENCY: DEPARTMENT OF PUBLIC SAFETY
CATEGORY: PUBLIC PROTECTION

PROGRAM: MOTOR VEHICLES
SUB-PROGRAM: COMMERCIAL VEHICLE SAFETY

***** GOVERNOR ANALYSIS *****

OBJECT GROUP	VARIATION		DESCRIPTION: GOVERNOR (\$667.9) VERSUS FY85 ATH (\$0.0)
01 PERS. SERV.	536.4	100.0%	TRANSFER FROM THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT (DCED), ALASKA TRANSPORTATION COMMISSION (ATC), FOR THE COMMERCIAL VEHICLE SAFETY PROGRAM \$536.4.
02 TRAVEL	25.0	100.0%	TRANSFER FROM DCED, ATC, FOR THE COMMERCIAL VEHICLE SAFETY PROGRAM \$25.0.
03 CONTRACTUAL	100.0	100.0%	TRANSFER FROM DCED, ATC, FOR THE COMMERCIAL VEHICLE SAFETY PROGRAM \$100.0.
04 COMMODITIES	6.5	100.0%	TRANSFER FROM DCED, ATC, FOR THE COMMERCIAL VEHICLE SAFETY PROGRAM \$6.5.
** TOTALS	667.9	100.0%	

Testimony prepared for the
Senate Transportation Committee
regarding Senate Bill 103 by
the Alaska Air Carriers Association

February 28, 1985

Mr. Chairman and members of the Senate Transportation Committee, my name is Bob Jacobsen and I am here today on behalf of the Alaska Air Carriers - an association comprised of 115 member air service companies throughout Alaska.

I would like to begin by commending the Committee for its early review of this matter both because it is of great concern to our association and because of the February 28 deadline after which the Alaska Transportation Commission will no longer be in existence.

On Friday, I was present for the testimony of Representative Marrou regarding the intent of people who voted for the initiative which abolished A.T.C. We appreciate Representative Marrou's efforts to remove unnecessary regulatory constraints which impede free competition among air carriers. But it is also important for the Committee to recognize that among the people I know who voted in favor of the initiative, including some members of our organization, did so to express opposition to an overemphasis by A.T.C. on economic regulation and underemphasis on safety and fitness which are and should continue to be a primary concern of government. The only safe conclusion to draw when trying to figure out the intent of the initiative's supporters is that they believe in greater freedom of competition in the transportation industry and what they hope will be lower freight and passenger cost. That is the only common thread which ties the motor carriers, air carriers, and Jones Act (water) carriers together in the initiative.

We feel that it would be a mistake to conclude that Alaskans are no longer concerned with safety or that the initiative standing alone will assure that the transportation industry is as safe as possible. For this reason, we appreciate the efforts of Governor Sheffield in introducing legislation which we feel is necessary to protect public safety.

While we agree with the intent of Senate Bill 103, we do have some suggestions which we think will simplify and improve it.

First, the registration, insurance provisions, and proof of FAA certification, as they apply to the air carriers are similar to the occupational licensing function of the Department of Commerce. We believe the registration of air carriers would be handled by that Department more efficiently and at lower cost than by the Department of Public Safety.

Second, the minimum liability insurance which is currently required by A.T.C. for air carriers is \$100,000 per seat (non-certificated carriers). The minimum liability insurance which must be carried by certificated carriers is \$300,000 per seat. I have been advised by an attorney in Anchorage knowledgeable in this jurisdiction that the average death settlement in 1982 was approximately \$250,000. Rather than allow the minimum liability insurance requirement to be set by regulation, we suggest you consider this and recommend that you establish it by statute.

When the federal government recently deregulated the airline industry, the same issues were addressed as those now before the committee. In the decision to sunset the Civil Aeronautics Board (C.A.B.), it was decided by Congress that the economic regulatory function of the agency would be discontinued, but that oversight of fitness and financial responsibility for certificated carriers be transferred to the federal Department of Transportation. The certification process requires an application, an operations and business plan, and a declaration of previous accidents, consumer complaints, and judgments awarded against the applicant. The application is reviewed and awarded based on fitness to operate, not upon the competitive effects of the business.

Because we recognize that the line between economic regulation and public safety - one key aspect of which is financial responsibility and fitness to operate - is not easy to define with precision; and because we also feel strongly that legislation should be in place February 28 to protect public safety, we do not believe it is possible to tackle this issue without risk of delay beyond that date. Therefore, we strongly urge the Committee to consider an amendment which would require the administration to undertake an interim study which would:

1. Examine the federal certification process for scheduled carriers to determine which aspects are desirable to incorporate in the state registration process in the interest of public safety.
2. Examine the impact of deregulation on rural air service to determine whether measures designed to insure reliability of service are necessary.

The results of this study would be reported back to the next session of the legislature with recommendations.

We also recommend to you that because of some fundamental differences between the air and trucking industries, that you divide the Governor's bill into two separate bills.

Last, Mr. Chairman, we sympathize with your task in reducing state expenditures this year to bring them in line with available revenues. In FY 85, A.T.C. was budgeted at \$1.4 million. We feel that the Governor's bill with the amendments we have suggested could be administered by the Department of Commerce for a much smaller budget.

Part 103—Ultralight Vehicles

Subpart A—General

§ 103.1 Applicability.

This Part prescribes rules governing the operation of ultralight vehicles in the United States. For the purposes of this Part, an ultralight vehicle is a vehicle that:

(a) Is used or intended to be used for manned operation in the air by a single occupant;

(b) Is used or intended to be used for recreation or sport purposes only;

(c) Does not have any U.S. or foreign airworthiness certificate; and,

(d) If unpowered, weighs less than 155 pounds; or

(e) If powered:

(1) Weighs less than 254 pounds empty weight, excluding floats and safety devices which are intended for deployment in a potentially catastrophic situation;

(2) Has a fuel capacity not exceeding 5 U.S. gallons;

(3) Is not capable of more than 55 knots calibrated airspeed at full power in level flight; and

(4) Has a power-off stall speed which does not exceed 24 knots calibrated airspeed.

§ 103.3 Inspection requirements.

(a) Any person operating an ultralight vehicle under this Part shall, upon request, allow the Administrator, or his designee, to inspect the vehicle to determine the applicability of this Part.

(b) The pilot or operator of an ultralight vehicle must, upon request of the Administrator, furnish satisfactory evidence that the vehicle is subject only to the provisions of this Part.

§ 103.5 Waivers.

No person may conduct operations that require a deviation from this Part except under a written waiver issued by the Administrator.

§ 103.7 Certification and registration.

(a) Notwithstanding any other section pertaining to certification of aircraft or their parts or equipment, ultralight vehicles and their component parts and equipment are not required to meet the airworthiness certification standards specified for aircraft or to have certificates of airworthiness.

(b) Notwithstanding any other section pertaining to airman certification, operators of ultralight vehicles are not required to meet any aeronautical knowledge, age, or experience requirements to operate those vehicles or to have airman or medical certificates.

(c) Notwithstanding any other section pertaining to registration and marking of aircraft, ultralight vehicles are not required to be registered or to bear markings of any type.

Subpart B—Operating Rules

§ 103.9 Hazardous operations.

(a) No person may operate any ultralight vehicle in a manner that creates a hazard to other persons or property.

(b) No person may allow an object to be dropped from an ultralight vehicle if such action creates a hazard to other persons or property.

§ 103.11 Daylight operations.

(a) No person may operate an ultralight vehicle except between the hours of sunrise and sunset.

(b) Notwithstanding paragraph (a) of this section, ultralight vehicles may be operated during the twilight periods 30 minutes before official

sunrise and 30 minutes after official sunset or, in Alaska, during the period of civil twilight as defined in the Air Almanac, if:

- (1) The vehicle is equipped with an operating anticollision light visible for at least 3 statute miles; and
- (2) All operations are conducted in uncontrolled airspace.

§ 103.13 Operation near aircraft; Right-of-way rules.

(a) Each person operating an ultralight vehicle shall maintain vigilance so as to see and avoid aircraft and shall yield the right-of-way to all aircraft.

(b) No person may operate an ultralight vehicle in a manner that creates a collision hazard with respect to any aircraft.

(c) Powered ultralights shall yield the right-of-way to unpowered ultralights.

§ 103.15 Operations over congested areas.

No person may operate an ultralight vehicle over any congested area of a city, town, or settlement, or over any open air assembly of persons.

§ 103.17 Operations in certain airspace.

No person may operate an ultralight vehicle within an airport traffic area, control zone, terminal control area, or positive control area unless that person has prior authorization from the air traffic control facility having jurisdiction over that airspace.

§ 103.19 Operations in prohibited or restricted areas.

No person may operate an ultralight vehicle in prohibited or restricted areas unless that person has permission from the using or controlling agency, as appropriate.

§ 103.21 Visual reference with the surface.

No person may operate an ultralight vehicle except by visual reference with the surface.

§ 103.23 Flight visibility and cloud clearance requirements.

No person may operate an ultralight vehicle when the flight visibility or distance from clouds is less than that in the following table, as appropriate:

<i>Flight Altitudes</i>	<i>Minimum Flight Visibility</i>	<i>Minimum Distance from Clouds</i>
1,200 feet or less above the surface regardless of MSL altitude:		
(1) Within controlled airspace—	3 statute miles	500 feet below 1,000 feet above 2,000 feet horizontal.
(2) Outside controlled airspace:	1 statute mile	Clear of clouds.
More than 1,200 feet above the surface but less than 10,000 feet MSL:		
(1) Within controlled airspace—	3 statute miles	500 feet below 1,000 feet above 2,000 feet horizontal.
(2) Outside controlled airspace—	1 statute mile	500 feet below 1,000 feet above 2,000 feet horizontal.
More than 1,200 feet above the surface and at or above 10,000 feet MSL:	5 statute miles	1,000 feet below 1,000 feet above 1 statute mile horizontal.

Drew - for 401 Application

IN ADDITION TO THE INFORMATION ASKED FOR IN PART 204.5, PLEASE INCLUDE THE FOLLOWING INFORMATION WITH YOUR PART 204 FITNESS DATA:

- 1) A brief description of each accident or incident involving the carrier seven (7) years prior to filing date of application.
 - A) Date of accident or incident.
 - B) Location of accident or incident.
 - C) Aircraft registration number (N#).
 - D) FAA and/or NTSB file number if known.
 - E) Name of pilot or other employees involved.
 - F) Finding of FAA/NTSB if applicable.
 - G) Positive actions taken by carrier as result of accident or incident.

ALSO, PLEASE INCLUDE THE FOLLOWING INFORMATION SO THAT THE BOARD MAY MAKE A RELIABILITY FINDING IN ADDITION TO A FITNESS DETERMINATION:

- 1) Carrier's systemwide on-time and completion record for the preceding year.
- 2) Availability of back-up aircraft. (If the aircraft used in your proposed scheduled service are down, does your fleet contain back-up aircraft, or would you be able to charter like aircraft to perform the scheduled service).
- 3) Fuel availability. (A brief description of carrier's contracts with fuel suppliers).

INDEX OF APPENDICES

Appendix	Title
A	Data Required by Section 204.5
B	Affidavit of Citizenship
C	Key Personnel
D	List of Stockholders
E	Financial Statements
F	Aircraft Operated
G	Affidavits of Aircraft Safety Compliance
H	Statements Regarding Consumer Complaints
I	Illustrative Description of Service
J	Projected Balance Sheet
K	Operating Authority

SAMPLE OUTLINE
OF
LETTER OF INTENT
(ON COMPANY LETTERHEAD)

COMPANY NAME

Type of Operations:

Type and Class of Aircraft:

Area of Operation:

Organizational Personnel:

Estimated Date for Submitting:

Formal Application _____
Operations Manual _____
Training Program _____
Proving Test Proposals _____
Operations Specifications _____
Maintenance Program _____
Maintenance Manual _____

Date Ready For Certification Inspection _____

SIGNATURE OF COMPANY OFFICIAL

Make an appointment with both the Principal Airworthiness Inspector and the Principal Operations Inspector for briefing.

2a. TYPE OF INSPECTION				<i>Instructions: Complete all items for original amendment, or base inspection. Complete applicable items coded (*) for ramp inspection.</i>				2b. PLACE OF INSPECTION											
ORIGINAL		BASE																	
AMENDMENT		RAMP																	
3. PERSONNEL		TOTAL NO.		PILOT(S)-IN-COMMAND*		SECOND PILOT(S)*		MECHANIC(S)		OTHER(S)									
4. AIRCRAFT*	MAKE AND MODEL			REG NO		OWNERSHIP OWNED LEASED		HOURS SINCE LAST 100 HR. INSPECTION		DATE OF LAST ANNUAL INSPECTION		AIRCRAFT CONDITION							
5. TRIP DATA*		FROM				TO				DISPATCHER'S NAME									
		ESTIMATED FLIGHT TIME			FUEL ABOARD			CREW ON-DUTY TIME		CREW FLIGHT TIME									
6. ADMINISTRATIVE	<i>(For compliance, check "Yes," or "No")</i>							YES	NO	9. A/C REQUIREMENTS	<i>(For compliance, check "Yes," or "No")</i>							YES	NO
	A. Operating Certificate & Specifications										A. Operating Limitations/Flight Manual*								
	B. Aircraft Requirements*										B. Performance Requirements*								
	C. Current List of Aircraft										C. Inspection and Maintenance*								
	D. Current Pilot Records										D. Maintenance Facilities & Personnel								
7. PERSONNEL	E. Operation/Maintenance/Company Manual									E. Aircraft Log & Maintenance Records*									
	A. Airmen Qualification, Competency and Proficiency*									F. Service Difficulties Reported									
	B. Check Airman Authorizations									G. Fueling Procedures*									
	C. Training Requirements									A. Dual Controls*									
8. DISPATCH	D. Autopilot Authorization*									B. Equipment Requirements: General*									
	A. Clearance: Required: <input type="checkbox"/> Yes <input type="checkbox"/> No Filed: <input type="checkbox"/> Yes <input type="checkbox"/> No									C. Turbine Aircraft Requirements									
	B. Weather Reports and Forecasts*									D. Night or VFR Over-the-Top*									
	C. Required Operating Information*									E. IFR Requirements*									
	D. Fuel Requirements*									F. Radio & Navigational Equipment*									
	E. Load Manifest*									(1) VFR Night, Over-the-Top									
	F. Weight and Balance Control*									(2) Extended Overwater or IFR									
	G. Airworthiness Check*									G. Fire Extinguishers*									
	H. Area of Operations									H. Overwater, Emergency, & Evacuation*									
I. Alternate Airport*									I. Icing Conditions*										
									J. Oxygen Requirements*										
									K. Simulator										
11. REMARKS <i>(Attach supplemental sheet, if necessary)</i>																			
12. SIGNATURE				TITLE				OFFICE				DATE							

TEAR OFF BEFORE USE

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

SUPPLEMENTAL INFORMATION

APPLICATION FOR AIR TAXI COMMERCIAL OPERATOR
(ATCO) CERTIFICATION UNDER FAR 135 - PRIVACY ACT

The information on the accompanying form is solicited under the authority of the Federal Aviation Regulations, Part 135.

Submission of the information is mandatory.

The purpose of this information is to evaluate and establish eligibility for certification.

The data will be used for record keeping and statistical purposes

Incomplete submission may result in delay or denial of your request(s).

FAA Form 8000-6 (1-83)

Detach this part before using form below

No certificate may be issued unless a completed application form has been received (14 C.F.R. 135).



US Department of Transportation
Federal Aviation Administration

APPLICATION FOR AIR TAXI COMMERCIAL OPERATOR
(ATCO) CERTIFICATE UNDER FAR 135

Form Approved:
O.M.B. No. 2120-0039

Submit in triplicate (3) to appropriate FAA District Office

1. APPLICATION IS HEREBY MADE FOR ("X" applicable box) <input type="checkbox"/> ISSUANCE <input type="checkbox"/> AMENDMENT OF ATCO CERTIFICATE	2a. OPERATING AS <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> CORPORATION <input type="checkbox"/> OTHER (Specify):	Yes	No
2. NAME, ADDRESS, AND ZIP CODE OF APPLICANT	2b. U.S. CITIZENSHIP AS DEFINED IN FAR 135		
	2c. PROOF OF REGISTRATION (CAB Part 25J)		
	2d. HOLD A COMMERCIAL OPERATING CERTIFICATE (If "Yes," state Regulation(s) under which issued):		
TELEPHONE (Include area code)			
3. PRINCIPAL OPERATIONS BASE (Airport, City, State)	4. PRINCIPAL MAINTENANCE BASE (Airport, City, State)		
5. NAME OF <input type="checkbox"/> DIRECTOR OF OPERATIONS <input type="checkbox"/> CHIEF PILOT	6. NAME OF <input type="checkbox"/> DIRECTOR OF MAINTENANCE <input type="checkbox"/> CHIEF MECHANIC		
PHONE (Include area code)	PHONE (Include area code)		

7. OPERATION AUTHORIZATIONS REQUESTED (Use separate line for each different authorization requested)																	8. AREA OF OPERATION									
AIRPLANE	HELICOPTER	SINGLE ENGINE LAND	SINGLE ENGINE SEA	MULTIENGINE LAND	MULTIENGINE SEA	PASSENGERS			JET	T PROP	RECIP	VFR	IFR	DAY	NIGHT	PASSENGER	CARGO	COMMUTER	AIRMAIL	OFF-AIRWAYS	AUTO-PILOT	RNAV	MLS	<input type="checkbox"/> CONTINENTAL U.S.	<input type="checkbox"/> SPECIFIC AREAS	<input type="checkbox"/> INTERNATIONAL (List countries)
						9 OR LESS	10 TO 19	20 TO 30																		

9. AIRCRAFT TO BE USED (List one aircraft only in each category and class)									
REGISTRATION NUMBER	MAKE	MODEL	CATEGORY AND CLASS	OWNERSHIP ("X" one)		EQUIPPED FOR ("X" applicable items)			
				Owned	Agreement or Lease (Attach copy)	VFR		IFR	
						DAY	NIGHT	DAY	NIGHT

10. CERTIFICATION	I certify these statements and the attachments hereto are true and correct		
	SIGNATURE OF APPLICANT	TITLE	DATE

RECORD OF ACTION—FOR FAA USE ONLY

11. INSPECTOR'S RECOMMENDATIONS (If additional space is required, attach 8 x 10" sheet of paper)

12. INSPECTORS' SIGNATURES	OPERATIONS	MAINTENANCE	AVIONICS
13. APPROVAL	COMMENTS		