

August 12, 2010

The Honorable J. Randolph Babbitt  
Administrator  
Federal Aviation Administration  
800 Independence Ave, SW  
Washington, DC

**RE: UPDATING OF NAVIGATION DATABASES IN PART 135 AIRCRAFT BY FLIGHT  
CREW PERSONNEL**

Dear Administrator Babbitt:

The National Air Transportation Association (NATA), the voice of aviation business, is the public policy group representing the interests of aviation businesses before Congress, federal agencies and state governments. NATA's 2,000 member companies own, operate and service aircraft. These companies provide for the needs of the traveling public by offering services and products to aircraft operators and others such as fuel sales, aircraft maintenance, parts sales, storage, rental, airline servicing, flight training, Part 135 on-demand air charter, fractional aircraft program management and scheduled commuter operations in smaller aircraft. NATA members are a vital link in the aviation industry providing services to the general public, airlines, general aviation and the military.

On May 12, 2010, we submitted a letter to Director of Flight Standards John Allen on behalf of NATA and its members. In the letter, we expressed our considerable concern with the application of 14 CFR 43.3(g) and 14 CFR 43 Appendix A to navigational database updates on aircraft operated under 14 CFR 135. Currently, these regulations are interpreted as applying to all navigation database updates regardless of whether those databases require the access and subsequent return to service as described in Appendix A to 14 CFR 43.

In essence, the rule as is prevents Part 135 pilots from performing navigational database updates and requires those updates to be performed by authorized maintenance personnel. Ironically, the pilots are the individuals interacting with these systems the most, not the mechanics, and in most modern equipment the upgrades require only a basic interface activity. Maintenance personnel often receive guidance from the crew to perform the updates, ensuring they can comply with the current rule, without a mechanic unfamiliar with that particular system inadvertently inducing a system error.

When the current rule was issued in May 1996, the majority of navigational databases required removal of the unit from the instrument panel and, in some cases, disassembly of the unit itself. It was the intent of this final rule to adapt federal regulations to the state of *modern technology* at that time. Fourteen years have passed since the current revision of the rule, a long time in the fast-moving

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world of aviation and technology. Today, the navigational database update process, due to technological advances, has changed from a complex procedure occasionally requiring parts removal and/or disassembly to a more user-friendly, plug-and-play type of process. Modern flight management systems have simple data loaders merely requiring the individual to input a USB drive or other type of modern media. These same systems are used daily by the crew while maintenance personnel require additional training, often by flight crews in order to comply with the current rule.

Since the submittal of this letter to Director Allen, many more of our members have come to us expressing their profound interest in finding a solution to what appears to be a simple regulatory problem.

Regrettably, the FAA seems to have tabled the discussion on this rule because it does not deem it to be a priority. We respectfully disagree with this notion as most every Part 135 operator is directly affected by having the flight crew prohibited from performing navigational database updates. Another concern is that the approved method of compliance varies greatly between FSDOs, with some allowing these updates by flight crew as part of a locally approved maintenance program, whereas this same benefit does not apply to all. This lack of standardization not only creates an unfair economic impact, it also limits the safety of the operator. According to your staff, many petitions seeking exemption from the rule have been submitted to the FAA. In them, members are stating economic hardship and safety concerns that arise from the current rule. None of these petitions have been approved on the basis of arguably failing to address how it affects them uniquely or how it is in the interest of the flying public.

NATA generally concurs that this problem is not necessarily unique to a certain operator, but rather that it impacts every operator with the type of equipment in question, making rulemaking the appropriate remedy. Some of our members estimate that at any given point 75-90% of their fleet is away from base, often in foreign destinations, with no qualified maintenance technician nearby. As a result, aircraft are often expected to fly using the MEL (Minimum Equipment List), meaning that they are flying with out-of-date navigational databases, creating a potential safety hazard to those sharing the skies and ground environment. For this reason, NATA contends that a regulatory change is in the public interest as well.

NATA believes that this issue deserves an expeditious review by the agency and the commencement of rulemaking to reclassify the updating of modern navigational databases so it may be done by Part 135 flight crews under certain circumstances. Part 135 air carriers using aircraft with today's modern equipment installed could establish a comprehensive pilot training program and recordkeeping protocol that would permit pilots to accomplish this

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simple task while maintaining an equivalent level of safety and reduce the considerable economic burden on our nation's operators. The rule as it stands not only fails to be in the public interest, it also fails to provide protection from unnecessary financial and physical hazards.

We are committed to engaging in a direct discussion with you and your staff in order to find a mutually beneficial path towards a much needed solution.

Sincerely,

A handwritten signature in black ink, appearing to read "James K. Coyne". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

James K. Coyne  
President