

[REDACTED]

From: [REDACTED]
Sent: Tuesday, February 02, 2016 12:12 PM
To: RegReform (ANF)
Subject: Recommendations for Massachusetts aeronautics regulations

Executive Office for Administration and Finance:

This is a compilation of comments and recommendations regarding Massachusetts aeronautics regulations. Please consider these in your efforts to modernize and update your regulations. You really need to also overhaul Mass. Chapter 90 legislation, particularly in the area of Airport Commission authority and accountability, and to align with federal laws and regulations for airport sponsor grant obligations.

The regulations reviewed are in black text. The comments, etc. are highlighted in blue text.

I (and others) would be happy to meet with you or your representatives to discuss the reasons for these recommendations. Residents of Chatham, MA have become quite familiar with the flaws and weaknesses of Mass. aeronautics laws and regulations. I believe we can offer a constructive dialog.

One last point, I have written to the Mass. Aeronautics Division for a schedule of the regulations listening post sessions regarding the review process. I've never received a reply. If MassDOT is unwilling to engage the public in this effort, then what's the point?

Thank you.

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In the case of allegations of violations of any aviation law or regulation, where are the investigation and enforcement procedures? Add a new regulation to require written documentation of the complaint process and as well as written documentation of the disposition or enforcement action, on the public record and readily reviewable by the public, of every allegation. The present system has no accountability and many complaints are simply ignored.

How does the public register complaints regarding the failures of airport commissions to perform their duties in accordance with the law?

The regulations should establish ethics and conflict of interest criteria for airport commissions. No airport commissioner should have a business interest in the airport. No airport manager should have a business interest in the airport. Airport Commissions should not award contracts to members of the Commission or to the airport manager (other than his management contract.)

Add regulations to establish procedures to define and identify noise sensitive areas. Establish a formal process to address noise complaints including: informal attempts to reconcile issues through

the airport manager, formal hearing before airport commission, appeals process to Mass. Aeronautics Division, with final authority before Mass. Supreme Court.

Mass. G.L. Chapter 90 prescribes a number of duties for airport commissions, but with no provision for enforcement. The regulations should expand on and clarify those requirements. For instance, Chapter 90 Section 51J requires airport commissions to develop rules and regulations for the airport, but without defining what rules and regulations are.

2.03: Waiver

The commission, acting through its director, may, for good cause shown, waive any provision or requirement in 702 CMR not specifically required by law, when, in its judgment, after consideration of the facts involved, strict compliance with said provision or requirement would not serve to protect the public safety and convenience, and would result either in undue hardship or failure to accommodate an overriding community, regional, state or national interest.

1. All waivers shall be written and documented on a standard form with justification, and easily accessible by public without need for public records requests.
2. Explain "strict compliance."
3. Define public service and convenience.
4. Define undue hardship.
5. Define "accommodate an overriding interest."
6. In general, the wording is confusing. Restate it more clearly.
7. No verbal waivers allowed.

3.08: Authority of Operator

(1) The operator of an aircraft shall be directly responsible for its operation. In emergency situations which require immediate decision and action, he may deviate from the rules prescribed herein to the extent required by considerations of safety. When such authority is exercised, he shall, within seven days thereof, file a written report of such deviation with the Commission.

3.10: Interference with Operation

No one shall interfere with the operation of an aircraft so as to endanger the life, safety or property of another.

1. There is ambiguity in the case of skydiving. Who has overriding authority and responsibility for the operation - the pilot or the drop zone supervisor or operator? In the case of tandem operations, who has overriding authority for the safety of the jump? What happens when a pilot says skydiving is unsafe due to pilot fatigue, winds, gusts, etc. but is pressured by his employer who operates the drop zone. How can the pilot (or instructor) be responsible if he is an employee and could lose his job? The regulations need to be very clear on this. A skydive operator can pressure the pilot to continue operations but if something goes wrong the operator can cite federal and state regulations saying what happens in the air is the pilot's responsibility. This is not a hypothetical issue. It happens.

4.15: Parachutes and Parachute Jumps

(1) Parachutes. No person operating an aircraft shall permit to be carried in the aircraft available for emergency use other than federally certificated parachutes which have been packed by a certificated parachute rigger within the time limitation imposed by the applicable federal aeronautical regulations. 4.15: continued

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(2) Parachute Jump. Except when necessary because of an in flight emergency, no person shall make a parachute jump, unless wearing a federally certificated and properly maintained auxiliary parachute as described in 702 CMR 4.15(1), arranged so that it can be operated if the first parachute should fail to function or become fouled, and without having received a permit from the Commission. Student jumps at parachute jump centers may be made without having received such a permit provided that the student is under the direct supervision of a person holding a supervisory parachute jump permit issued by the Commission.

What is a supervisory jump permit? It is not defined or explained. Who issues it?

No non-emergency parachute operation shall be permitted over congested areas, in accordance with federal regulations. Define congested areas as any area occupied or likely to be occupied by non-participating people on the ground, including highways, residential areas, businesses, shopping plazas, day care facilities and schools, recreational fields, recreational bodies of water, etc. No parachute operation shall be permitted where there is a likelihood of an errant parachutist landing in a congested area.

In the event of a violation, the pilot, parachutist or tandem instructor, and drop zone supervisor/operator shall be jointly liable, for enforcement penalties as well as for civil liability.

No liability waiver shall require a student or client jumper to forego rights to sue in the event of parachute operator negligence.

(3) Altitude Before Jump. Any person making a non-emergency parachute jump shall open his main parachute before reaching an altitude of 2000 ft. above the surface of the ground or water. Static line or other positive parachute opening devices will be so designed or adjusted to conform with the above requirement.

(4) Jump Near Water. No person shall make a non-emergency parachute jump from any aircraft within one mile horizontally from any pond, lake, river or ocean unless the jumper wears an adequate flotation device.

(5) Permit for Jump. No pilot or person in command of civil aircraft in flight shall permit any parachute jump from such aircraft other than a jump made to abandon the aircraft in distress, unless prior thereto the person making such a jump shall have obtained a permit therefor from the Commission or its authorized representative or is jumping under the supervision of a MAC supervisory parachute jump permit holder and the pilot or person in command of the aircraft shall have examined such permit. A permit will only be issued after the Commission has received, in writing, authorization from both the owner of the land where the parachute jump is to be conducted and the designated Area Safety Officer.

Who or what is the designated Area Safety Officer?

Add special Tandem regulations designed to protect "students."

Limit skydiving to Min. and max. wind speeds per manufacturers specs.

Place strict gust limits on tandem skydive operations.

Require random drug and alcohol testing for all persons involved in parachute operations including parachute packers.

Require operations to stop skydiving after every incident (cutaways, off drop zone landings, accidents, injuries) pending approval of airport manager to renew operations.

4.16: Parachute Jump Centers

For parachute jump centers, require compliance with all federal laws, regulations, guidelines, etc. and eliminate redundancy. State regulations should build on and enhance federal rules, not repeat them.

All jump centers should make full insurance policy available for public inspection and include a simple english summary or interpretation of the policy for prospective jumpers, employees, and residents in proximity to parachute operations.

All parachute jump centers must comply with airport minimum standards.

(1) Permit for Parachute Jump Centers.

(a) Parachute jump centers will be required to undergo an annual inspection by the Commission prior to the issuance of an annual permit. The Commission must receive, in writing, a letter from the airport commission, or in the case of a privately owned airport, from the owner, indicating that continued use of the center for the upcoming year is granted to the operators of the parachute jump center.

(b) Parachute jump center permits may be issued by the Commission if the following requirements are met:

1. The area used as a drop zone shall be unobstructed and with a distance of at least 150 yds. from the target to the nearest obstruction or hazard.

Add analysis to account for obstruction induced turbulence with corresponding adjustments for (increased) distance from nearest hazard. Prohibit drop zones prone to excessive wind gusts. Irregular shaped drop zones must still comply with 150 yds requirement. No PLZ shall include airport runways, ramps, taxi-ways, runway safety areas, or taxi-way safety areas. No airplane operations shall be permitted in the PLZ.

2. The drop zone, during all jumps, shall include a clearly defined landing area at least ten yds. in diameter with a small disk in the center.

Airport Commissions should clearly locate, mark, and identify the exterior perimeters of parachute landing areas on airport properties and apply to the Aeronautics Division and receive a written approval of that PLA. PLA's must be reserved for exclusive use as a drop zone while parachute operations are in effect. All such PLAs must identify the PLA on the airport layout plan and require written FAA airport obstruction analysis and FAA Flight Standards safety analysis prior to approval by Aeronautics Division.

3. A method of determining wind drift must be used which shall satisfy the Commission.

What are the approved methods? Cite them.

4. The person in charge, at any given time, of the jump center shall be the holder of a supervisory jump permit issued by the Commission.

Again - what is a supervisory jump permit? What does "in charge" mean? Must he be present? Can there be more than one? Must he be on the ground and present and actively in charge at the drop zone?

5. The center shall have facilities and equipment for the ground instruction of student jumpers which satisfy the Commission.

What are the written criteria that will satisfy the Commission? Too vague.

6. The center shall use a system of storage, packing, maintenance, handling and issuing of parachutes which shall meet the approval of the Commission. 7. The center shall use a system of checks which assure the pilot of the jump plane, the person in charge of the jumpers, and the jumper himself that proper inspections have been made of the parachutes and other equipment to be used. These persons shall also have assurance that the jumper has received the required proper instruction and check out.

AND? What are they?

8. All new jumpers (including tandem) must have had at least three hours of ground instructions at the center prior to the first jump.

Include minimum topics such as emergency landing in cold water, hard landings, etc. Also require a more robust explanation of liability and risk issues, which most people simply don't understand. This regulation must apply to new tandem skydive clients.

9. All planes from which jumps are made shall be of the type approved by the Federal Aviation Administration for this purpose.

What are they?

10. There shall be installed in the jump plane and at appropriate locations in the jump center a fully functioning two-way radio.

11. Before any jump, the pilot of the jump plane shall establish communications with jump center control and announce the intended jump and the altitude and approximate location with relation to the airport.

12. During any static line jump, there must be one person aboard other than the pilot and the jumper and he shall possess a current Massachusetts Aeronautics Commission supervisory jump permit.

What is a supervisory jump permit?

13. Reports on the number of jumps, and injuries or damage incurred because of jumping activities will be submitted monthly to the Massachusetts Aeronautics Commission.

14. A log book shall be kept for each jumper indicating each jump, as well as a record or master log for the center file.

15. The certificate of approval for a jump center will be issued annually after applicant's request and a subsequent satisfactory inspection by this Commission.

5.02: Entry on Operating Areas

Except in cases of obvious emergency or distress requiring immediate assistance, no person shall enter, cross or occupy on foot, or cause any vehicle, except aircraft, to enter, cross or occupy any runway, taxi strip or aircraft operating area located on any airport or landing field approved by the Commission under the authority contained in M.G.L. c. 90, § 39B, during the hours of operation of said airport or landing field except after obtaining permission from the airport manager or his authorized representative or from the control tower located at said airport or landing field.

Every airport must post daily for public inspection the name and contact information of the airport manager as well as the name(s) and contact information of his authorized representative. Must an authorized representative be licensed?

5.04: Airport Managers

Establish ethics and conflict of interest criteria for airport managers. Airport managers shall document for public review all complaints of aeronautic violations and noise complaints in a log and document action taken. All airports shall post in a public area phone number(s), email addresses, website addresses for public complaints. Complainants shall be notified of disposition or pending action within five days, as well as notified of final outcome. All complaints shall be presented at the next scheduled meeting of the airport commission. Complaints of violations of federal regulations or state regulations shall also be forwarded to MassDOT.

(1) Licensing. Any person, qualified as provided hereafter in 702 CMR 5.04(2), who successfully

passes a written examination given by the Commission, may be licensed by an Airport Manager. The Commission may, after due hearing if such hearing is requested, revoke or suspend any license issued hereunder for any cause which it may deem sufficient.

(2) Qualifications. Any citizen of the United States or an alien who has filed his declaration of intention to become a citizen of the United States, at least 21 years of age, having a high school education or its equivalent, is eligible to take the required licensing examination.

(3) Duties. The designated Airport Manager shall:

(a) Except when operations are specifically authorized by state or federal authority (scheduled airlines, etc.) have authority to suspend flying operations on or from the airport by displaying standard markers as described in 702 CMR 5.03(1)(b)2., when in his opinion the condition of the landing areas or local conditions might make such operations unsafe.

(b) Be responsible for the observance in the operation of the airport of all the laws governing aeronautics and the rules and regulations adopted or approved thereunder.

(c) Designate a person whom he deems competent and whom he has instructed on action to be followed in emergency situations to act in his stead at such times as he shall be absent from the airport.

(d) Report to the Commission infractions of aeronautical regulations and accidents on or in the vicinity of the airport, or involving aircraft or airmen based at or customarily operating from the base under the manager's jurisdiction.

5.04: continued

702 CMR: MASSACHUSETTS AERONAUTICS COMMISSION

(e) Report to the nearest State Police Teletype Station for transmission to the Commission all changes in size, marking, lighting, obstruction or surface conditions of landing areas which might affect the safety of aircraft operations. Such reports shall contain the name and authority of the person making the report and an amplified copy of the report shall be

(f) Forwarded to the Commission, on March 1st and September 1st of each year, a listing of all aircraft based at the airport.

Include the name of the owner on this list and post the list for public review on line and at the airport.

702 CMR 7.00: ALTERATION OF LICENSES, APPROVAL FORMS, ETC.

No person shall forge or counterfeit, and no unauthorized person shall alter or mutilate any record or document required by or pursuant to the currently effective aeronautical regulations issued by the Commission; or make any false or misleading statements in information required by 702 CMR.

Is this regulation revoked? If yes, then why? If not then strengthen it. No airport manager and no airport commission member shall knowingly present false information as evidence of violations of federal or Mass. laws and regulations. No airport manager and no airport commission member shall withhold from the commission or from the airport sponsor any knowledge of violations, or unsafe behavior of any airport tenant or prospective tenant.

From: [REDACTED] <noreply+0d5bf69db6bfd57@formstack.com>
Sent: Friday, February 05, 2016 8:59 AM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 02/05/16 8:59 AM

Name (optional):: Jim Blake

Company/Organization (if applicable) (optional):: PGANE / Eastern Propane

Address (optional):: [REDACTED]

Primary Phone (optional):: [REDACTED]

Email (optional):: [REDACTED]

CMR Number (If known): : 700 CMR 7.02 "Definitions":

General Regulatory Themes:: Public Safety

Please list the Agency or Agencies affiliated with this regulation:: Mass DOT

Describe the regulatory issue or observation::

Attached is an example of how propane's inclusion in 700 CMR 7.02 "Definitions" "Special Fuels" creates an unfair restriction regarding the transportation on the Mass Turnpike compared to other fuels. Today's email:

Incident: I-90 Restrictions
Date/Time: 02-05-16 0800 hours
Location: I-90 NY Line to Weston
Actions Underway: Storm Patrol
Agencies: SP Weston, SP Charlton, SP Westfield, MDOT
Gist: RESTRICTIONS ON I-90: NY LINE (IC-1) to WESTON (IC-15) [1 to 123 mm]
SPEED LIMIT REDUCED TO 40 MPH.
NO PROPANE or TANDEM

Suggestions for improvements to the regulation::

Modify - 700 CMR 7.02 "Definitions": Special Fuel by deleting the following language liquefied petroleum gas, including propane, LP Gas or LPG)
Revised Definition would be: Special Fuel refers to butane, liquefied natural gas or LNG, and compressed natural gas or (CNG)

From: [REDACTED] <noreply+9745d3d590520d58@formstack.com>
Sent: Monday, February 08, 2016 1:25 PM
To: RegReform (ANF)
Subject: A Clearer Code: Regulatory Reform

Formstack Submission for form A Clearer Code: Regulatory Reform

Submitted at 02/08/16 1:17 PM

Name (optional):: Barbara Burr

Company/Organization (if applicable) (optional):: Burr Brothers Boats

Address (optional)::

Primary Phone (optional)::

Email (optional):: [REDACTED]

CMR Number (If known): :

General Regulatory Themes:: Licensing and Permitting

Please list the Agency or Agencies affiliated with this regulation:: Registry of Motor Vehicles

Describe the regulatory issue or observation:: Is the RMV publishing rulebooks for driving? On two occasions, I could not get written rules at the RMV.

Once, I was driving with an employee on a four lane highway, and he passed a stopped school bus headed toward us, off loading children. I asked him if he saw the bus. He told me he had no idea he was supposed to stop. "It doesn't make sense. Those kids are not going to cross the highway," I asked if he had read the rulebook. He said there was no rule book.

In a separate incident, an employee was stopped for alleged driving violation and issued a \$1200 ticket by the state police. I went to the registry and asked for a CDL rule book. They said there was no such thing. I called my state rep. He said, "Sometimes, a committee meets, and they make rules, but they do not really get written down."

Suggestions for improvements to the regulation::

Can we please publish all the driving rules in paper manuals, and make them available at the RMV?

As an employer, written rules are critical to a smooth operation. Driving rules are fundamental to our operation. Please direct the RMV to issue in writing, clear rules for driving in ordinary traffic and rules for moving wide loads down a state highway, etc...