



October 21, 2008

Ms. Lynn Doucet
Acting Chief, Regulatory Affairs (AARBH)
Civil Aviation, Safety and Security Group, Transport Canada
Place de Ville, Tower C
330 Sparks Street
Ottawa, Ontario K1A 0N5
Canada

Dear Ms. Doucet:

Reference: Proposed Amendment to Canadian Aviation Regulations (Parts I and VI - ELT) concerning 406 MHz ELTs, Canada Gazette Volume 142, No. 3, dated July 28, 2008.

EAA (Experimental Aircraft Association) is the world leader in recreational aviation. With an international membership of 160,000 people in more than 112 nations, including 5,100 members in Canada, EAA brings together aviation enthusiasts, pilots and aircraft owners who are dedicated to *Sharing the Spirit of Aviation* by promoting the continued growth of aviation, the preservation of its history and a commitment to aviation's future. EAA programs, activities and events are known throughout the world for *Preserving* the heritage of aviation, *Promoting* access to flight, *Protecting* the right to fly, *Preparing* the future of aviation, and of our *Passion* for aviation safety and education.

EAA understands the importance of the public aviation safety decision by the International Civil Aviation Organization (ICAO) action requiring upgrading Emergency Locator Transmitters (ELTs) on all international flights from 121.5/243 MHz to a higher 121.5/406 MHz standard. EAA agrees that this upgrade will have an immediate and positive search and rescue impact on the pilots and passengers who fly in recreational and general aviation aircraft.

EAA also understands that the ICAO 406 MHz ELT rule applies to international flight operations, not to domestic flights.

EAA is providing the following comments to this proposed rule:

- a. Section 605.38(3) – To support small recreational aircraft, EAA recommends adding new sections (h) and (i):
 - “(h) is a small aircraft (five or less seats) that is operated within 25 miles of the aerodrome of departure.”
 - “(i) is an aircraft equipped to carry not more than one person.”
- b. Section 605.38(3) – To promote the continued growth of general aviation industry and tourism between the U.S. and Canada, EAA recommends adding new sections (j):

“(j) is a U.S. registered general aviation aircraft (five seats or less), with a maximum gross weight of 12,500 pounds or less, operating in Canada. These aircraft will comply with U.S. ELT regulatory requirements.”

Reason: EAA understands the ICAO ELT frequency standardization requirements for international travel and the safety reasoning for that standardization. We also understand the need to promote the growth in tourism between our countries. As such, EAA recommends that Canada allow small U.S. registered aircraft, with a maximum gross weight of 12,500 pounds or less and with a maximum of five (5) seats, be allowed to operate under U.S. ELT regulatory requirements as an equal level of safety.

If the above Section 605.38(3) recommended change is found not to be acceptable, then EAA recommends the following alternative be adopted to promote an equal level of safety, while promoting the continued growth of tourism within the general aviation industries of our two countries. EAA recommends adding new sections (j) and (k) to Section 605.38(3) as an alternative solution:

(j) is a U.S. registered general aviation aircraft (five seats or less), with a maximum gross weight of 12,500 pounds or less, transitioning Canadian airspace with no intention of landing in Canada. These aircraft will comply with U.S. ELT regulatory requirements.”

Reason: This addition will allow pilots flying small general aviation aircraft to continue to fly to/from New York (northeast U.S. area) to Michigan by using very common/direct flight routes that require the overflight of Canada, whereas the pilot has no intention of landing at a Canadian airport.

“(k) is a U.S. registered general aviation aircraft (five seats or less), with a maximum gross weight of 12,500 pounds or less, flying in Canadian airspace. These aircraft are permitted to use a 406 MHz Personal Locator Beacon (PLB) in lieu having a 406 MHz ETL installed in the aircraft.”

Reason: This addition will allow for the continued growth of tourism as these small U.S. registered general aviation aircraft stop at

Canadian airports for food, gas, lodging, fishing, aircraft maintenance and other tourism purposes.

EAA would like to thank Transport Canada for allowing us the opportunity to comment on this proposed change to the Canadian Aviation Regulations. EAA suggests that if the above changes are adopted, tourism between our two countries will continue to flourish.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy". The signature is fluid and cursive, with a large initial "R" and a trailing flourish.

Randy Hansen
Government Relations Director

Cc: Merlin Preuss, Director General Civil Aviation
Franz Reinhardt, Director Policy & Regulatory Services
Bob Bancroft, Chief, Personal Aviation & Special Flight Operations
LT Jeff Shoup, NOAA-SARSAT