AOPA Summit 2012 Seminar Notes

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Gary Baluha

Protecting Yourself from FAA Enforcement

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- Five possible outcomes of an investigation (increasing severity)
    1. "No Action" letter
        - No further action
    2. Request for re-examination
        - A "709 Check"
            - This doesn't appear on the pilot's record
    3. Administrative action
        - Warning notice
        - Letter of correction (including remedial training)
        - These will stay on the pilot's record for 2 years
    4. Legal enforcement action
        - Certificate suspension or revocation
        - Civil penalty (i.e. a fine)
    5. Criminal enforcement

- 709 Check
    - Conducted by an FAA inspector
        - The request must be reasonable
        - Re-examination is limited to the reason for the request
    - The airman can request a different inspector/FSDO
    - Airman should get and log training prior to the check
        - This is usually a better option than challenging
    - *Failure or refusal to take the check will lead to an emergency order*
    - A successful re-examination usually ends the matter
        - The FAA *may* still take further action, but rarely
- Remedial training
    - Different than a "709 check", and offered in the Letter of Investigation (LOI)
    - Airman may negotiate training with the FAA inspector
        - This training can be done with a regular flight instructor as chosen by the airman
    - Upon completion, the FAA issues a Letter of Correction that stays with the airman for 2 years
        - This will usually end the matter
- Legal enforcement action – non-emergency order
    - Preceded by a Letter of Investigation
        - This is a notice a proposed certificate action
    - The airman is entitled to an informal conference with the FAA-appointed lawyer

- With <u>proper preparation</u>, the matter can often be closed at this point
  - Suggest hiring a lawyer
  - Rights of appeal of order to NTSB
    - A trial-type hearing before an NTSB judge
  - *The airman's license is still effective during the NTSB appeal, <u>EXCEPT</u> during an emergency suspension or revocation*
  - Generally requires a defense lawyer

- Responding to the Letter of Investigation
  - ***No legal requirement to reply!***
  - Reply <u>only after guidance</u>, indicating cooperation, but not unnecessarily making any damaging admissions
    - Reply can be used as evidence in an FAA enforcement action
    - A reply is desirable if remedial training is offered in the LOI

- If declaring an emergency, or you receive ATC priority, you MUST respond
  - *But only if asked! (No need to respond otherwise)*
- The airman must also show their certificate or logbook if requested

- Emergency cases
  - The order is effective <u>immediately!</u>
    - The airman is grounded
  - By statute, the NTSB must dispose of an appeal in 60 days
  - ***Get legal representation***!

- *ASRS*
  - Must be filed within 10 days
  - FAA may make a finding of violation
    - But it is appealable to the NTSB
  - Exceptions
    - Accident
    - Criminal offense
    - It must be "inadvertent and not deliberate"
      - This is currently being narrowly defined by the FAA
    - Lack of competency or qualification
    - *No finding of violation 5 years prior*
      - This does **NOT** mean you can only file one ASRS report every 5 years!

- Accidents can lead to enforcement (sometimes unnecessarily)
  - Accident/incident reporting requirements are NTSB, not FAA
  - "Accident" vs "incident"

- Defined by NTSB Part 830
- Ramp checks
    - Do <u>not</u> surrender certificate
        - "Present for inspection", not "surrender"
        - In surrendering your certificate, you will need to make a written statement
            - i.e. the inspector can't just take your certificate
    - If asked to show your credentials, politely ask the FAA inspector for theirs

Chart Challenge: Approaches

Andy Miller

- Good news: There have only been 31 NTSB approach accidents in the last decade (in western states)
- Bad news: 77% of these were fatal

- Case study: "VOR or GPS-B", KPSP
  - Can it be flown without DMS if GPS is inoperative/unavailable?
    - Yes
  - What do you do at MAPNN?
    - Go missed or continue
      - Only two options
    - Need to know: altitudes, terrain, runway environment

- Have a mental map of every approach
  - Where is a safe place to go?
- Will you make the right decision?
  - Discipline
    - Not to go below the DA/MAP if the runway environment is not in sight
  - Use mental reminders
  - Set and use personal limits
- Don't brief the "missed approach", brief the "missed-approach procedure"
  - Brief the full missed approach procedure
  - Assume every approach will go missed

- Situational awareness => PRACTICE
  - It is as much an attitude as it is a skill
  - Situational awareness is an information management skill
- Use of information
  - Use tools and good practices
    - Cross-check navigation
  - Use the briefing strip
  - Highlighters (real or electronic)
    - To highlight key sections of an approach
- Get information ahead of time
  - Pre-fly the approach
    - Chair-fly
    - Use a simulator

- Can you prevent mistakes?
    - Maintain proficiency
    - Use the tools
    - Cross-check constantly
- <u>Two key words</u>
    - Practice
    - Commitment (i.e. discipline)

http://www.aopa.org/asf/hotspot/ifr.html

FAR Refresher

John Yodice

- Aircraft must have "within it"
  - Registration certificate
    - New 3-year renewal
  - Airworthiness certificate
  - Approved flight manual
    - Or approved manual material, markings, and placards
- Recent experience requirements – FAR 61.57
  - To carry passengers
    - Must be in the same <u>category and class</u>
      - Day
      - Night
        - Time between 1 hour after sunset and 1 hour before sunrise
  - IFR as PIC
    - Done in the same <u>category</u>
      - Or representative simulator or FTD
- Categories
  - Airplane
  - Glider
  - Lighter-than-air
  - Rotorcraft
- Class
  - E.g. ASEL, AMEL, Rotorcraft helicopter
- Flight review – FAR 61.56
  - One review covers <u>all</u> aircraft
  - *Not* a pass/fail
    - Only a logbook entry of "satisfactory"
    - If not satisfactory, no logbook entry
- Endorsements – FAR 61.31
  - High-altitude aircraft: A pressurized aircraft with a service ceiling above 25,000' MSL
  - Note, "grandfathered" clauses
- Logbook entries
  - Not generally an issue, until an accident or incident and the FAA asks to see the logbook
    - Too late to make any necessary entries!
  - Be sure to keep your logbook entries up to date
- FAR 91.151 (VFR), FAR 91.167 (IFR)
  - Fuel requirements: "Normal" cruise speed

- - Helicopters have different requirements
- VOR Check (for IFR operations)
  - In order of preference
    a. At departure airport
       i. VOT
       ii. Ground Checkpoint
    b. Designated airborne check
    c. Pilot-made airborne check
  - OR, dual-VOR check
  - Must record
    - Date
    - Place
    - Bearing Error
    - Pilot's Signature
- Seatbelts – FAR 91.107
  - Briefing: <u>once</u> per flight
    - How to use the seatbelts
  - Notification: <u>three times</u> per flight
    - Prior to surface movement
    - Prior to takeoff
    - Prior to landing
  - Use
    - Crewmembers
      - At all times, except if the shoulder harness interferes with duty
    - Passengers
      - Seatbelt and shoulder harness for takeoffs and landings
      - Applies when we are passengers
- Minimum safe altitudes – FAR 91.119
  - "Necessary" means "reasonable"
  - Congested area
    - 1000' above, 2000' horizontal
  - "Populated by not congested"
    - 500' AGL
  - Sparsely populated
    - 500' radius from any person/vessel/structures
  - Except for takeoff or landing, an altitude that permits a safe landing during an engine failure
- Airspace
  - Class-A
    - DME (or approved GPS) required above 24,000' MSL
  - Class-B

- - VOR or TACAN required if IFR
  - o Class-C
    - Usually tops at 4,000' AGL
    - Satellite airports
      - If no control tower, establish communications as soon as practicable after departure
      - Must comply with FAA arrival and departure traffic patterns
  - o Class-D
    - Usually tops at 2,500' AGL
    - No transponder requirement
    - Satellite airports
      - Same requirements as Class-C satellites
    - Separation services provided only for IFR and SVFR, NOT VFR
  - o Class-E
    - Surface area: surface to 700' AGL (magenta dashed line)
    - No transponder requirement
  - o Class-G
    - Inside shaded magenta: surface to <700' AGL
    - Inside shaded blue: surface to <1200' AGL
    - Elsewhere: surface to 14,500' MSL
- If aircraft is transponder equipped and it is operational, it MUST be on
  - o Unless otherwise requested by ATC
- Non-regulatory airspace
  - o Warning areas
  - o Alert areas
- Requirement to ask ATC if unsure of any clearance
- "Instruction" vs "Clearance"
  - o "Depends on the controller's tone of voice
    - Joke
  - o There is a difference, but the requirements are the same
- Taxiing
  - o A clearance is required to cross every runway
    - Including inactive/closed runways
- If reading back an instruction incorrectly and not corrected, the deviation is generally excusable
- Emergency deviations
  - o NOT excusable if the emergency is intentional
- Weather requirements – FAR 91.155 and FAR 91.157
  - o Easier to memorize the "standard" requirements, then apply any exceptions/special rules
  - o "Standard" VFR
    - 3 statute miles visibility

- Clouds
  - 500' below
  - 1000' above
  - 2000' horizontal
- Exceptions are either higher or lower minimums
  - Class-G, Day
    - Flight visibility 1 statute mile
    - Above 1200' AGL
      - "Standard" cloud requirements
    - Below 1200' AGL
      - Clear of clouds
  - Class-B
    - 3 statute mile visibility, clear of clouds
      - All aircraft are positively controlled, hence more liberal cloud requirements
- SVFR at night
  - Aircraft and pilot must be instrument rated

AOPA Flying Club Network

- 77% of polled pilots think that GA is deteriorating
    - Older pilots are the most pessimistic
- 55% of pilots expect to be flying less in the coming year
- Good news: only 7% of active pilots are likely to leave aviation

- 38% of pilots in clubs list "social element" as a factor
- 37% of pilots complained of scheduling

- Clubs play a mediating role in flight training

- Top factors in determining the success of a flying club
    - Learning opportunities
    - Availability of aircraft
    - Friendly environment
    - Management
- Generalized factors
    - Benefits
        - Membership
        - Instructor standards
            - Long-term relationship with the club
        - Value
            - Partnering with other clubs
        - Safety education
            - Regular safety seminars
            - Organize FAA tours
            - Maintenance learning
    - Fleet
        - Scheduling
        - Aircraft management
        - Aircraft selection
            - Adapting the fleet to changing membership needs
    - Community
        - Engagement
            - Host aviation events (e.g. Young Eagles, etc)
        - Social activities
    - Governance
        - Club leaders consult with the members
    - Risk Management

- Biggest factor for existing members
  - Club benefits
- Biggest factor for prospective members
  - Aircraft fleet
- Biggest impact on membership enjoyment
  - Scheduling
- Biggest factors worth improving ("low hanging fruit")
  - Value
    - Tell the value story to the members
  - Safety education

- AOPA Flying Club study
  - 28% of all clubs were formed within the last 20 years
  - Most clubs have 1-2 aircraft
    - Predominantly piston singles
    - 73% of clubs own their aircraft
  - Less than $1/4^{th}$ of polled clubs plan to add aircraft to their fleet
    - 50% plan to upgrade their aircraft
  - 37% of clubs don't have a regular place to meet
  - Most clubs don't require CFIs to be members
- Study will be available on the AOPA website

- Most clubs are run by volunteers
- Flying clubs serve as an entry/re-entry point to aviation
  - 37% of pilots were once in a club
    - Club membership can lead to aircraft ownership
- Most members enjoy being in flying clubs

- What will AOPA do to support clubs
  - Long-term initiative to facility flying club growth
    - Marketing & promotion
    - Help new clubs get started
    - Create a national network of flying clubs
      - Networking among clubs
  - Immediate next steps
    - Flying club finder database
    - Facebook group
    - Monthly eNewsletter (December 2012)
  - Long-term goals
    - Build the flying club network
      - No fees to sign up

- Clubs agree to a shared statement
  - Determine the role of software
  - Insurance
  - Reciprocity
    - What if membership in one club gave the pilot benefits in another club
      - Something to look in to, but not necessarily a guarantee

- Case study: West Valley Flying Club
  - ~1000 members
  - 7 board members
    - Includes *one* CFI, *one* aircraft owner, and some members at large
      - Ensures a single group doesn't take over the club's direction
    - Only half of the board members are ever elected at once

What is Your CFI Worth?

Judy Phelps, Rich Stowell

- Student's point of view
    - When everything is normal: "I pay too much!"
    - When it's an emergency: "Worth every penny!"

- Be sure the student and instructor is a good match

- What matters?
    - Quality + Focus = 73%
        - Quality = 45%
        - Focus = 28%
    - Information Sharing = 13%
    - Community = 14%
- 60-80% of students who start training, don't finish
    - Biggest complaint: instructor not using a syllabus
- Some statistics
    - Approximately 1.2 students per instructor
    - Aviation is a small market
    - If the retention level increases, so will the market

- Hourly rates compared
    - Golf: $75-$90/hr
    - Tennis: $45-$120/hr
    - Horseback Riding: $45-$90/hr
    - Shooting: $45-$60/hr
    - Personal Trainer: $60-$100/hr

- Traits of a successful instructor
    - Focused
    - Motivated
    - Hard-working
    - *Customer Oriented*
    - Professional
        - Uses a syllabus, etc
    - Continues to learn
- Instructional value
    - Cost + Service + intangibles >= Customer's (time + money + desires)
        - Customer's desires

- Safety
- Honesty
- Enjoyment
- Utility
- Convenience
- Increasing your value
  - Learn all you can
  - Use a syllabus and be honest with your students
    - SAFE's website has free syllabi available
      - http://safepilots.org/resource-center/public-documents
  - Participate in FAASTeam and other training programs
  - Consider Master Instructor continuing education program
  - SAFE's aviation educator mentoring program
  - Be creative
    - Find your niche
    - Organize training events
    - Become a speaker
    - Get involved in the aviation community