



The Leader In Recreational Aviation

Chapter 736 Newsletter for July 2013

EAA, AOPA Urge Survey Participation for Medical Exemption

EAA and AOPA continue their joint efforts to have the FAA grant a third-class medical exemption for private pilots who fly noncomplex aircraft, and you can help.

The petition was submitted in March 2012, and the two organizations recently received indications that the FAA sought more data related to the rate of medically related incidents among pilots flying under sport pilot rules. This data will help the FAA decide whether to allow private pilots or better to fly day VFR, four-seat (with one passenger), 180-hp-maximum aircraft using a self-certification medical standard and a driver's license in lieu of a traditional third-class FAA medical.

EAA is asking all pilots currently flying under sport pilot rules - either certificated sport pilots or private pilots exercising sport pilot privileges - click to [complete a brief survey](#) to better document the amount of hours flown by this segment of the pilot population. Data will be used to paint a clearer picture of how many pilots fly under these rules and for how many hours each year. No personally identifiable information will be collected.

EAA, AOPA Fix FAA's Outdated PTS Language

EAA's quick action helped to ensure that light-sport aircraft (LSA) can continue to be used for private pilot check rides. The issue was a classic case of the rules not keeping up with the times.

Some new LSA are equipped with state-of-the-art electronic flight displays, but as VFR-only airplanes the designers did not choose to install a physical "wet compass." This clashed with language in the Practical Test Standards (PTS) for the Private Pilot Certificate that requires the applicant to demonstrate "use of magnetic compass in navigation, to include turns to new headings."

EAA's Advocacy and Safety staff quickly found that the same language was carried over into the proposed new Airman Certification Standards (ACS), and [submitted comments](#) to the proposal to rectify the language. Between EAA's efforts and excellent work on the part of AOPA, both the proposed ACS language and the current PTS now substitute the words "magnetic direction indicator" in the place of "magnetic compass." Private pilot applicants can now take their check rides in any LSA.

"Cases such as this highlight the importance of advocacy organizations such as EAA and AOPA," said Jonathan Harger, EAA government advocacy specialist. "Together we were able to quickly fix outdated language that would have otherwise had unfortunate and unintended consequences."

Why Are Federal Agents Stopping GA Pilots?

The general aviation community is still waiting for answers from U.S. Customs and Border Protection (CBP) about the growing number of reports of law-abiding GA pilots being stopped and having their aircraft searched.

EAA is supporting [AOPA's efforts](#) to find out more about these searches by armed federal agents. CBP has not responded to numerous Freedom of Information Act requests regarding these stops and searches. In nearly all cases, no reasons have been given for the stops, many of which have taken place well within U.S. borders.

"This practice is wrong on so many levels and only builds more mistrust between the pilot community and federal authorities," said Sean Elliott, EAA's vice president of advocacy and safety. "If there is a legitimate reason for these searches of aircraft and the questioning of law-abiding pilots, Homeland Security should not need months to respond to inquiries about the practice. Such delays only arouse additional suspicion."

Pilots who are stopped and targeted for search, but not charged, may never have an opportunity to challenge a potential violation of their constitutional rights as there is never a trial or court action. Civil action in many cases is cost-prohibitive.

As the demand continues for answers, including a possible inquiry through Congress, AOPA has compiled a [step-by-step guide](#) for pilots if they are stopped and have their aircraft searched. EAA recommends that pilots keep this guide for the time being, while the GA community continues to demand answers regarding the CBP practice.



WHAT TO DO IF STOPPED BY LAW ENFORCEMENT

ALWAYS: Be courteous and respectful, remain calm. Answer questions truthfully but succinctly: do not volunteer information.

STEP 1: Inquire as to what is going on. *Law enforcement may respond that they are conducting a ramp check or an inspection.*

STEP 2: Request to see law enforcement's official identification.

STEP 3: Law enforcement asks for documents.

Note: FAA Regulation 61.51(i) (1) states that "a person must present their pilot certificate, medical certificate, logbook, or any other record **required by this part** for inspection upon a reasonable request by the Administrator, NTSB, any Federal, State, or local law enforcement officer."

Exercising Privileges of Private, Commercial, or ATP pilot:

- Must have pilot certificate.
- Must have appropriate photo ID.
- Must have medical certificate.
- Does not have to have logbook in possession, but must be given reasonable time to obtain and present to the official.

Exercising Privileges of Sport Pilot:

- Must have pilot certificate.
- Must have valid U.S. driver's license.
- Must have required authorized instructor endorsements.

Exercising Privileges of Student Pilot:

- Must have student pilot certificate.
- Must have appropriate photo ID.
- Must have medical certificate.
- Must have logbook.

CONTINUED ON OTHER SIDE

Note: Law enforcement may ask for other documents than those specified under FAR 61.51(i). Existing guidance by CBP to law enforcement incorrectly states pilots must present for inspection airworthiness certificate, weight and balance calculations, aircraft logbooks, etc. AOPA is working to correct this misinformation. **Politely** advise the officer FAR 61.51(i) only requires the documents listed above, and under aircraft registration statutes, presentation of the aircraft registration certificate.

STEP 4: Inquire:

- Under what authority are you doing this?
- Am I under arrest?
- Am I being detained?
- Am I free to go?

STEP 5: Inquire as to who is in charge and document the following:

- Name of agency.
- Officer's name, badge number, and phone number.
- Officer's supervisor or commander's name and phone number.

STEP 6: Law enforcement may ask or state that they are going to inspect or search the aircraft and its contents visually, physically, or with dogs.

Make the following statements:

- "I do not consent to this search, but I will not interfere".
- "If you disassemble any part of this aircraft, including inspection plates, you may be rendering this aircraft unairworthy".

STEP 7: If you are a member of the AOPA Pilot Protection Services, and it is during normal business hours, call 1-800-872-2872 to speak with a plan attorney.

STEP 8: If possible record the event with a cell phone or camera. If not available, make detailed written notes during the event or as soon as practical.

STEP 9: CHECK YOUR EMOTIONAL STATUS! Are you able to continue your flight safely after such an ordeal?

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Next Meeting

Our next meeting will be held at **Curtis Air in Pittsfield** on Monday, **July 15 at 6:30 pm**. We can use a few volunteers to help set up for the Fly-In. So, if possible, please get to the airport around 3:00 pm to put up tents and get the food trailer in position.