



Chapter 736 Newsletter for February 2014

EAA Reviewing Lack of Super Bowl ATC Charges

EAA is investigating reports that increased staffing and equipment for air traffic operations in the New York metropolitan area during Super Bowl XLVIII were not subject to event reimbursements, similar to those assessed during EAA AirVenture 2013 last summer.

EAA has been working in good faith based on the FAA's official ATO guidance, which states that the Super Bowl/NFL, NASCAR and other major aviation events will all reimburse the agency for air traffic control costs such as overtime, backfill costs, and so forth. In 2013, FAA officials told EAA those costs were the reason AirVenture was required to pay an assessment for ATC support at Oshkosh.

As [AvWeb reported this week](#), the NFL or Super Bowl organizers not paying for similar costs for the Super Bowl creates a sense of inconsistency regarding exactly what the FAA policy is. EAA is currently investigating that further through a number of channels.

FAA Releases Relaxed AoA Policy for GA Aircraft

The FAA today released a [new, less-restrictive policy](#) for installing Angle of Attack (AoA) systems in GA aircraft. The policy allows aircraft owners to install AoA systems that are manufactured and certified by ASTM standards, rather than part 23 certification, as a minor modification in type-certificated aircraft.

The policy comes as a result of a General Aviation Joint Steering Committee (GA JSC) push to make AoA indicators available to aircraft owners at lower purchasing cost and fewer regulatory burdens for their installation. EAA is a longtime member of the GA JSC. While AoAs have been on the GA market for type-certificated aircraft for years, the costs and hassles associated with purchasing and installing them caused the vast majority of owners to simply use an airspeed indicator as a reserve lift reference.

"That the FAA is cutting red tape for aircraft owners who want to install safety equipment is excellent news," said Sean Elliott, vice president of EAA advocacy and safety and a member of the GA JSC steering committee. "AoAs are proven, reliable instruments that enhance information available to the pilot, especially in critical phases of flight. We believe that widespread use of AoAs will have a measureable impact on loss-

of-control accident totals, and we are pleased that the FAA created an easy route for widespread, easy installation."

Approved AoAs must be stand-alone units that meet ASTM design requirements, must not interfere with certified stall-warning devices, and must be placarded "Not for use as a primary instrument for flight." Installation will not require a field approval, but will require a change to the aircraft's operating limitations.

Bill to stop new sleep apnea policy set for vote in House

The full House is set to vote next week on a bill that would require the FAA to go through the rulemaking process before implementing policy changes related to sleep disorders. An identical measure has been introduced in the Senate.

The measure passed the House Transportation Committee in December after being introduced by House Aviation Subcommittee Chairman Frank LoBiondo (R-N.J.), and Rep. Rick Larsen (D-Wash.), ranking member of the aviation subcommittee.

GA supporters in the Senate introduced an identical measure on Jan. 16. The legislation was introduced by AOPA members Sens. Joe Manchin (D-W.Va.) and Jim Inhofe (R-Okla.), and co-sponsored by Sens. Mark Begich (D-Alaska) and Mike Johanns (R-Neb.). Begich and Johanns co-chair the Senate GA Caucus, and both Manchin and Inhofe are caucus members.

AOPA had previously demanded that the FAA withdraw the policy or submit to the rulemaking process, and turned to friends in Congress for help after the FAA unilaterally announced the policy change.

Under the original FAA proposal, pilots with a body mass index (BMI) of 40 or greater would have been required to undergo expensive testing for sleep apnea. The FAA said it planned to expand the policy over time to include all pilots with a BMI of 30 or greater, which includes more than 100,000 individuals. The FAA has since stepped back from that proposal for the time being.

"The entire medical certification process has become unnecessarily cumbersome and expensive, while doing little to improve safety," said Jim Coon, AOPA Senior Vice President of Government Affairs and Advocacy. "That is why AOPA and EAA filed a petition to change the way recreational pilots certify their fitness to fly—a petition that has waited almost two years for a response from the FAA. And it's why we'll continue to push to reform the entire third-class medical process."

Congress intervened in a similar situation in October 2013 after the Department of Transportation attempted to require sleep apnea testing for commercial truck drivers. In that case Congress passed a law requiring the Federal Motor Carrier Safety Administration to go through the formal rulemaking process before requiring testing.

Next Meeting

Our next meeting will be held at the Weathervane Restaurant in Waterville on Monday, February 17th. Please arrive at the restaurant by 6:00 pm if you plan to have dinner so that the regular meeting can begin at 7:30.