



The Leader In Recreational Aviation

Chapter 736 Newsletter for November 2015

Committee passes Manchin amendment to Pilot's Bill of Rights 2

The Senate Committee on Commerce, Science and Transportation has reviewed S.571, better known as the Pilot's Bill of Rights 2, and passed an amendment offered by Sen. Joe Manchin (D-W.Va.), bringing third class medical reform one step closer to reality. A full committee vote on the amended legislation was temporarily deferred as a result of scheduling conflicts.

The committee considered several possible amendments to the Pilot's Bill of Rights 2 at the Nov. 18 markup, including two offered by Ranking Member Sen. Bill Nelson (D-Fla.), but ultimately passed only the Manchin amendment, which had strong support from the aviation community and medical professionals. One amendment offered by Nelson would have required a panel of aerospace medical experts to create a checklist of conditions that could impair the individual's ability to safely operate an aircraft and which pilots would have to sign along with the physician's verification. Opponents argued that doctors are well equipped and in a better position than a federal agency to know what to look for in a standard physical exam. The other Nelson amendment would have limited certain liability protections to federal employees, whereas the Manchin amendment extends those protections to federal contractors including pilot examiners, aviation medical examiners, and others. Both Nelson amendments were defeated 11-13.

Earlier in the week, AOPA and 16 other aviation organizations **sent a letter** to committee leaders urging them to pass the Pilot's Bill of Rights 2 and the Manchin amendment. In addition to promoting third class medical reforms, the amendment includes reforms to the FAA's Notice to Airmen (notam) program, which ensures pilots receive critical safety information as part of their preflight preparation, and provides protections to volunteer pilots who fly in the public interest.

As amended, the Pilot's Bill of Rights 2 would allow hundreds of thousands of pilots who have held a valid third class medical, either regular or special issuance, within 10 years of the legislation's enactment to fly without needing to get another FAA medical exam. It would apply to pilots flying VFR or IFR in aircraft weighing up to 6,000 pounds and carrying up to five passengers at altitudes below 18,000 feet and speeds up to 250 knots. For pilots whose medical certificate lapsed more than 10 years before the legislation is enacted and those who have never held a medical certificate, a one-time medical certification will be required. After a pilot has been medically certified once, either through the regular or special issuance process, he or she will also be able to fly indefinitely without needing to go through the FAA medical certification process again.

Pilots who develop certain medical factors, including some cardiac, psychological, or neurological conditions, will have to get a special issuance medical one time only. Under

the Manchin amendment, the FAA will have one year from the date the legislation becomes law to produce a final rule reflecting the legislation's provisions. If the final rule is not ready by that date, pilots will be allowed to fly under the guidelines set out in the legislation without facing FAA enforcement action.

Once the amended version of the Pilot's Bill of Rights 2 passes the committee, it will go to the full Senate, where the legislation has 69 cosponsors. Similar legislation in the House has 150 cosponsors. After passing both bodies the bill will then go to the president for his signature.

Aviation group hopes for end to federal 'fuel fraud' law

The U.S. House passed a \$325 billion highway bill that includes an amendment requiring a federal agency to study the diversion of general aviation jet fuel tax proceeds to the federal Highway Trust Fund.

The amendment approved for inclusion in the highway bill, requires the Government Accountability Office to study the impact of diverting tax revenue collected from the sale of non-commercial jet fuel.

Federal excise taxes on the sale of non-commercial jet fuel to general and business aircraft have been diverted into the highway fund since 2005. That's when "fuel fraud" law was enacted because of concerns that a 2 1/2 cent per-gallon additional tax on highway diesel fuel would prompt trucking firms to use jet fuel to get around paying the higher tax. The law raised the non-commercial jet fuel tax rate to that of highway diesel, although it did provide for a refund of those taxes if an operator could prove the jet fuel was used for non-commercial aircraft.

But the National Air Transportation Association said there's no way to collect the refund because the Internal Revenue Service doesn't provide that mechanism. "Thus the Airport and Airways Trust Fund receives no revenue from the majority of general and business aviation jet fuel sales because non-commercial end users are not permitted to apply for the refund themselves," NATA president Thomas Hendricks said in a statement. "We hope GAO examines whether fuel additives and diesel engine design changes since 2005 also render the provision nothing more than a bureaucratic roadblock draining the Airport and Airway Trust Fund of revenues needed for airport improvements and the deployment of a modernized air traffic control system."

FAA updates list of cold temperature restricted airports

The FAA has released an updated list of airports where temperatures can fall so far in cold weather that altimeter error may require pilots on instrument approaches to make altitude adjustments to ensure safe obstacle or terrain clearance.

The **updated list** of cold temperature restricted airports is available in the *Notice to Airmen Publication* that takes effect Nov. 12, and includes examples of how pilots should make the necessary corrections—a procedure that became mandatory this year. The first list of affected airports was released in 2014.

When the reported temperature at a listed airport drops to or below the published cold temperature restriction, aircraft on approaches may be flying lower than the altitude indicated on a barometric altimeter. Under those flight conditions, pilots “must make an altitude correction to the published, ‘at,’ ‘at or above’ and ‘at or below’ altitudes on all designated segment(s), for all published procedures and runways” for the airport, as shown alongside its entry on the list.

“Pilots may correct on the other segments of the same approach,” according to the *Notices to Airmen* publication. The publication’s discussion of the procedure specifies that they must advise air traffic control of the corrected altitude in use “if the additional corrections are in the intermediate and/or missed approach segment.”

Pilots should not change their altimeter settings to account for any needed altitude increases, the FAA said.

Instrument approach procedures for airports with a cold temperature restriction are published with a snowflake **symbol**.

Operators whose aircraft are equipped with avionics that compensate for temperature should ensure that the system is activate and working, or else they should be using the chart and applying the manual adjustment, Controllers are not responsible for assigning cold temperature adjusted altitudes.

It is recommended that pilots become familiar with the altitude-adjustment process, and check the temperature of the destination airport during flight planning, when the adjustment should be computed.

The cold temperature error table used for calculations also may be found at the beginning of the *Terminal Procedures Publication*.

Have a wonderful Thanksgiving Everyone!