



*The Leader In Recreational Aviation*

## Chapter 736 Newsletter for August 2016

### **Fly-In 2016**

This year's is but a memory. The weather was great and allowed us to fly 79 Young Eagles. Every eligible child got his or her ride.

We again thank all the pilots and helpers for their assistance.

### **Congress passes medical reform in FAA extension**

The nearly five-year effort by EAA and AOPA for meaningful third-class medical certification reform is now reality. U.S. Senate passed an FAA funding extension that [includes major changes](#) for medical certification.

The measure passed on an 89-4 vote and was signed by President Obama on July 15. This would bring a successful conclusion to an effort that began when EAA and AOPA jointly petitioned the FAA in 2012 for sweeping changes to third-class medical certification.

“What a great moment for recreational aviators who have been burdened with unnecessary regulations and expense with regard to medical certification,” said Jack J. Pelton, EAA CEO/Chairman. “There have been many doubters, but many more pilots who saw this as the most important advocacy effort EAA has pursued in years. We thank everyone who has given their support through all the ups and downs involved in getting this legislation across the finish line.”

Under the measure, the FAA has six months to issue the appropriate implementing regulations, but if they fail to do so within a year then the FAA can no longer take enforcement action against a pilot who does not hold a medical and otherwise meets the requirements stated in the legislation.

“Time and again the Senate has voted to pass the Pilot’s Bill of Rights 2, showing the strong bipartisan support there is among my colleagues for the general aviation community and specifically for reforming onerous third-class medical regulations,” Inhofe said. “Now we have finally accomplished this goal with third-class medical reform included in the FAA extension that has successfully passed both chambers. This is a huge win for general aviation and will ensure that GA pilots across the country are not overburdened by existing medical certification regulations. I am grateful for the strong and consistent voice of EAA members who shared why third-class medical reform is necessary. I want to thank Jack Pelton, CEO/Chairman of the Experimental Aircraft Association, and his team for their leadership and support from the beginning and all their work to educate my colleagues in Congress on issues that affect pilots.”

While Inhofe forged the path forward in the Senate, working to surmount notable challenges and hurdles to the measure, EAA-member pilots Rep. Sam Graves (R-Missouri) and Rep. Todd Rokita (R-Indiana) were leading the [effort in the House](#). Pelton credited them for making it possible to create legislation that would pass Congress.

“This FAA extension is a win for General Aviation,” said Graves. “With provisions on third-class medical reform and tower marking requirements that improve safety for aviators, we can begin to fix some of our industry’s most pressing challenges. With that said, we must press forward to address some policies not included in this bill, such as lengthening the timeframe of aircraft registration, repealing statutory flight restrictions at sports stadiums near air shows, and permanently killing the threat of FAA fees for ATC services at air shows like Oshkosh and Sun ’n Fun.”

The bill will allow most pilots who have held a valid medical certificate since July 2006 to fly without needing another FAA medical exam. Instead, pilots can be examined by their personal physician every four years and take an online aeromedical factors course every two years to remain medically qualified to fly.

### **White House unveils plan to boost drones**

The Obama administration is mounting a new effort to expand drone use, which includes boosting funding for research, directing federal agencies to use the technology for department missions and teeing up new rules for flying drones over crowds.

The administration is building on its efforts to integrate drones into the national airspace, following on the heels of its [first major rule](#) permitting small commercial drone use in June.

The White House Office of Science and Technology Policy announced the latest slew of policy initiatives in conjunction with a Tuesday workshop to examine the future of unmanned aircraft systems (UAS) and aviation.

The emerging industry is projected to generate more than \$80 billion for the U.S. economy by 2025 and could create up to 100,000 jobs.

Michael Huerta, head of the Federal Aviation Administration, announced at the workshop that he plans to propose rules concerning the operation of drones directly over people by the end of this year.

The FAA is also chartering a new unmanned aircraft safety team and a drone advisory committee to analyze safety data and mitigate drone threats, as well as forming a data exchange working group with NASA.

The administration’s drone boosting effort will entail \$35 million in funding over the next five years from the National Science Foundation in order to research how to design, control and apply drones to beneficial applications.

The Department of the Interior is being directed by the administration to develop programs that use unmanned aircraft systems — which can be 100 times cheaper than helicopters — to examine and maintain federal land.

The department, which oversees more land than any other agency, is already actively using the technology but hopes to expand its drone use in order to tag animals and mitigate avalanches.

Drones are being deployed across the country for a wide range of reasons, including for inspecting physical infrastructures, responding to natural disasters, conducting search and rescue missions, monitoring agriculture and studying severe storms.

Unmanned aircraft industry associations have also collectively agreed to implement a broad educational effort to help promote best privacy best practices.

### **PILOT'S BILL OF RIGHTS INCLUDES MORE THAN MEDICAL REFORM**

With third class medical reform now law, Sen. James M. Inhofe (R-Okla.) said he will push to get the proposed Pilot's Bill of Rights 2 enacted.

“Ninety percent of the pilots of America think that since we passed third class medical reform...that that's all there is in the Pilot's Bill of Rights 2,” Inhofe said July 30 at EAA AirVenture. “That's not all there is.”

The third class medical reform language in the bill was inserted into an [FAA reauthorization bill](#) that President Barack Obama signed into law on July 15. That language understandably received a lot of attention, Inhofe noted during a panel discussion with AOPA President Mark Baker and EAA President Jack Pelton. But the [bill also includes a wide range of protections for pilots](#), and Inhofe said it's vital to get those protections enacted as well.

Among other measures, the bill would clarify that pilots who are facing an FAA enforcement or certificate action can choose to appeal directly either to a U.S. district court or to the National Transportation Safety Board for a trial or full hearing.

To ensure that certificate holders are given a fair chance to respond to a notification of an FAA investigation, the bill also would require the agency to provide a specific description of the incident being investigated. And if the FAA doesn't provide timely notification that it is initiating an investigation, the bill would prevent the agency from moving forward with administrative or enforcement action, or retain any records related to the case.

“This is something that goes a long way in making sure the playing field is clear,” said Alan Farkas, an aviation attorney with SmithAmundsen in Chicago. “The Pilot's Bill of Rights 2 leaves no room for interpretation. If the FAA comes out and says for emergency reasons [it] needs to revoke your certificate, they cannot do that without providing the full file of information that they would be using against you in enforcement proceedings.”

The bill would prohibit the FAA from requiring pilots to submit to re-examination of their pilot certificate unless there is clear evidence of unsafe behavior on the part of the pilot or the pilot has obtained his or her certificate through fraudulent means. Kathy Yodice, an aviation attorney for AOPA's Pilot Protection Services and Legal Services Plan, said the FAA currently has very broad authority to re-examine an airman at any time, and the policy is to exercise that authority when there is a reason to question the airman's qualifications.

"That's fine, we can all be subject to a test, but there are some abuses coming from the FAA when people have been examined by a designated pilot examiner and years later it's determined that the designee acted inappropriately," Yodice said. "The FAA re-examines all the airmen that designee was involved with." Language in the Pilot's Bill of Rights 2 makes it a fairer process, Yodice said. "The FAA should not punish you for something you didn't do, nor have you demonstrated any problem in the system. It's the FAA's problem for not monitoring the designee."

Inhofe said he introduced the Pilot's Bill of Rights 2 after he was involved in a 2010 incident in which the FAA maintained that he landed a Cessna 340A on a closed runway at an airport in Texas. Inhofe completed remedial training in lieu of enforcement action.

"For that four months, I thought some unelected bureaucrat could take away my ability to fly an airplane, and it could happen to any one of you," Inhofe told the AirVenture audience. The senator flew and camped at AirVenture for the thirty-second consecutive year.

Baker said Inhofe has a strategy to move the Pilot's Bill of Rights 2 forward, and he has included it in the Senate version of the proposed National Defense Authorization Act. "So we have a vehicle to move that bill forward and we intend to do that," Baker said.

### **Next Meeting**

Our next meeting will be held at Pittsfield Municipal Airport, at Curtis Air on **Monday, Aug 15th at 6:30 pm.**