



The Leader In Recreational Aviation

Chapter 736 Newsletter for November 2016

Chapter Officers

It is getting to be that time of year again when we have to submit our slate of chapter officers for next year. Our current officers are as follows:

President	Mike Watson
Vice President	Charlie Surprenant
Secretary	Ben Brown
Treasurer	Ed Roy
Newsletter Editor	Bob Gembala
Technical Counselor	Bruce Patten
Technical Counselor	Ed Roy
Membership Coordinator	Al Yarberry
Young Eagle Coordinator	Mike Watson
Web Editor	Bob Gembala
Flight Advisor	Mike Watson

Please let me know if you no longer wish to hold an office or would like to change positions. If you are not on this list and would be interested in a position please let me know as well. I know our numbers are very limited and some have moved or no longer attend so if anyone has any thoughts or nominations please speak up.

Mike Watson

84 MEMBERS OF CONGRESS URGE SWIFT ACTION ON MEDICAL REFORM

A bipartisan group of senators and congressmen signed letters to FAA Administrator Michael Huerta, pressing the agency head to ensure third class medical reform is implemented on time and according to the provisions signed into law in July.

The letters ask the FAA to “follow the intent of the new law,” and to implement third class medical reform “within the 180-day time line outlined in the statute.”

If the FAA does not implement the legislation within a year, the agency will not be permitted to take enforcement action against pilots who do not hold a third class medical but make a good faith effort to comply with the reforms.

The letters also point out that AOPA has already developed a free online medical education course following the recommendations of the FAA-Industry General Aviation Joint Steering Committee, which could be used to meet the medical education requirement.

“Between now and July, FAA is working to implement third class medical reform, a foundational component from my Pilot’s Bill of Rights 2 that was passed into law earlier this year. Part of these reforms included the creation of an online medical education course available for free to all pilots. The AOPA and

FAA have been developing such a course over the past two years, and 84 of my colleagues felt it was vitally important to remind the agency to work efficiently by incorporating its collaborative efforts with AOPA, as Congress intended,” said Sen. Jim Inhofe (R-Okla.). "I appreciate the continued efforts by AOPA and the general aviation community to engage directly with FAA on these reforms, and I appreciate Senator Manchin and Representatives Rokita and Graves for joining me in leading bipartisan, bicameral letters to FAA urging the implementation of third class medical reform under Congressionally mandated timelines.”

“I am pleased to work with Representative Sam Graves and Senators Inhofe and Manchin to lead this letter to the FAA as it begins third class medical certification rulemaking,” said Rep. Todd Rokita (R-Ind.). “As passed by Congress, the law’s intent is clear and straightforward. Therefore, the rules should be equally straightforward and simple to write, resulting in them being created expeditiously. This letter is an important step in reaffirming Congressional intent in this matter, and I look forward to continuing our work on behalf of aviators going forward.”

Fifty-eight members of the House of Representatives and 26 senators signed the letters.

AOPA, GAMA Ask Supreme Court To Hear Case

The Aircraft Owners and Pilots Association and General Aviation Manufacturers Association are urging the Supreme Court to hear a case that they fear, if left unchallenged, could pave the way for juries to set aircraft design standards at the state level beyond those already established by the FAA.

Both associations filed friends of the courts (amicus curiae) briefs, seeking a review of a product liability case, Sikkelee v. Precision Airmotive, involving the July 2005 crash of a Cessna 172N shortly after takeoff from Transylvania County Airport in Brevard, N.C. The pilot, David Sikkelee, was killed in the crash. His wife, Jill Sikkelee, filed a lawsuit claiming that the aircraft lost power and crashed as a result of a malfunction or defect in the Lycoming O-320-D2C engine’s carburetor.

In 2014, a U.S. District Court found in favor of the defendants, determining that the manufacturers involved had satisfied the federal “standards of care” because the engine had been certified and approved by the U.S. FAA. But last April, the U.S. Court of Appeals for the Third Circuit [reversed that finding](#), determining that the FAA does not preempt state law standards of care in aviation product liability, nor do FAA standards eliminate the possibility of a design defect.

The Appeals Court turned to a federal case, Abdullah v. American Airlines, in which the FAA was found to have jurisdiction in the “field of aviation safety.” But the Appeals Court determined that applied to in-air operational safety issues and “does not include product manufacture and design, which continues to be governed by state tort law.” The court further noted that courts “have consistently applied state law to tort claims arising from airplane crashes.”

This finding, the associations believe, permits juries to hold a manufacturer to state design standards, even if the manufacturer satisfied FAA certification standards.

“If a product is defective, aggrieved parties should receive compensation for injuries resulting from the defect, but standards set by the FAA, not by juries or the states themselves, should be used to determine whether the manufacturer is liable in aviation products liability cases,” said AOPA general counsel Ken Mead. “To do otherwise conflicts with the FAA’s areas of responsibility and threatens the affordability and safety of general aviation.”

In its request for review, GAMA warns, “The court of appeals’ opinion in Sikkelee would impose on the aviation industry fifty state standards, defined by lay juries through the narrow lens of litigation, undermining the FAA’s success and continued efforts at home and abroad, stifling innovation and jeopardizing safety.”

AOPA agreed with that contention in its brief to the court. “This case presents an important question about the states’ role in ensuring continued operational safety of aircraft approved by the FAA,” the association said. “In enacting the Federal Aviation Act, Congress’s intent was to create a uniform and exclusive system of federal regulation in the field of air safety and preserve state tort remedies for violations of a federal standard of care. Federal preemption of state design standards is consistent with Congress’s vision for uniformity in air safety standards and necessary for continued operational safety of approved aircraft.”

The association further contended the Appeals Court erred in finding that the field of aviation safety applies only to in-air operations. “The Third Circuit drew an arbitrary and impracticable distinction between in-air operations and non-in-air operations,” AOPA said, adding, “The error in this analysis is that the regulations governing pilot pre-flight duties, pilot flight responsibilities and flight rules are highly dependent upon the design of the aircraft being operated, and part of a uniform system created and controlled by the FAA.”

Aircraft Speed Limits Explained

Beyond the basics of how fast you can go.

Speed Limits:

In the United States — Mach 1

10,000 feet msl or above — Unrestricted (but not more than Mach 1)

Below 10,000 feet msl — 250 kias

Class B airspace — Unrestricted at or above 10,000 feet msl, 250 kias below 10,000 feet msl

Beneath Class B or in VFR corridor through Class B — 200 kias

Procedure turn — 200 kias

Class C or D airspace (at or below 2,500 feet agl within 4 nm of the primary airport) — 200 kias (unless a higher speed is specifically approved by ATC)

Class E or G airport traffic pattern — 200 kias (recommended)

91.117(d) — If the minimum safe airspeed for any particular operation is greater than the maximum speed prescribed in this section, the aircraft may be operated at that minimum speed. Note: There is no requirement to advise ATC when exceeding a speed for this reason.

Speed Restriction/Adjustment (AIM 4-4-12):

1. If a controller issues a speed restriction while vectoring you, it continues to apply with an altitude change.
2. An approach clearance cancels any previously assigned speed adjustment (however, the controller would not anticipate a large speed increase when close to the runway). Pilots are expected to make their own speed adjustments to complete the approach unless the adjustments are restated. Speed adjustments should not be assigned inside the final approach fix on final or a point 5 miles from the runway, whichever is closer to the runway.
3. It is the pilot’s responsibility and prerogative to refuse a speed adjustment that he or she considers excessive or contrary to the aircraft’s operating limitations with a comfortable margin for safety.

Speed Limit in Class B Airspace (FAR 91.1, 91.117, 91.703, AIM 4-4-12):

1. Below 10,000 feet msl: 250 kias (or 200 kias below the airspace layers or in a VFR corridor). Speed of 250 knots must not be exceeded, even if you are told to “maintain best forward speed.”
2. “Maintain maximum (or best) forward speed” means the maximum or best forward legal speed. ATC does not have the authority to lift the 250 kias below 10,000 feet speed restriction [91.117(a)]. You cannot be cleared to violate a regulation, and you cannot accept such a clearance.
3. At 10,000 feet msl and above in Class B airspace, you can go as fast as you want (below Mach 1, of course) unless issued a speed restriction by ATC.
4. If a controller assigns a speed above 250 knots while at or above 10,000 feet msl and then later issues a descent below 10,000 feet msl, it is understood that you must slow to 250 knots before descending below 10,000 feet.

5. There was a test program that took place at Houston International (IAH) that sought to delete the 250 kias below 10,000 feet restriction for departures only, and only if authorized by ATC. The phraseology was “no speed limit” or “increase speed to (number) knots” or “delete the 250 knot restriction.” This program was canceled in January 2004. Currently, a controller does not have the authority to authorize a speed above 250 knots below 10,000 feet for civil aircraft anywhere in the United States.

Note: The 250 kias below 10,000 feet msl speed restriction does not apply to aircraft operating beyond 12 nm from the coastline of the United States. However, one must consider the potentially catastrophic damage from a high-speed bird strike.

Speed in Class C, D, E and G Airport Areas (FAR 91.117, AIM 3-2-5, AC 90-66A):

1. Unless otherwise authorized or required by ATC, no aircraft may operate faster than 200 kias at or below 2,500 feet agl within 4 nm of the primary airport of Class C or D airspace.
2. “Maintain best forward speed” is not an authorization to exceed the 200-knot restriction in Class C or D airspace.
3. Any speed deviation above 200 knots must be specifically assigned by ATC (e.g., “maintain 220 knots”).
4. While operating in the traffic pattern at an airport without an operating control tower, it is recommended that the pilot maintain an airspeed of no more than 200 kias. In any case, the speed should be adjusted, when practicable, so that it is compatible with the speed of other airplanes in the pattern.

Remember: Never let an airplane take you someplace your brain didn't get to five minutes earlier.

Have a wonderful Thanksgiving Everyone!