



Chapter 736 Newsletter for January 2017

2017 Maine Aviation Forum

Maine Aviators,

The ninth annual Maine Aviation Forum will be held on Saturday February 18th at the Owls Head Transportation Museum located adjacent to the Knox County Airport (KRKD) in Owl's Head, Maine. The weather alternate is the next day, Sunday February 19th. Registration starts at 9:30 and the Forum runs from 10-4.

For those of you, who haven't attended, this one day Forum, recognized by the Aero Club of New England for its commitment to promoting General Aviation in Maine, gathers the leadership of the various Maine based aviation organizations together to share ideas, concerns, and information and to coordinate activities for the coming year.

There will be coffee and pastries in the morning and also lunch will be provided.

Also, as in the past, PLEASE LET US KNOW HOW MANY ARE COMING AT LEAST A WEEK AHEAD OF TIME TO PLAN FOR THE FOOD.

EAA Chapter 736 members – please RSVP to:

- Duke Tomlin duketomlin@myfairpoint.net or
- Mike Watson psi@fairpoint.net

If you represent an aviation organization, business, or interest and would like a few minutes to make a brief presentation, let me know so I can put you on the Speakers List.

All are invited, spread the word.

FAA RELEASES THIRD CLASS MEDICAL REFORM FINAL RULE REGULATIONS EFFECTIVE MAY 1

The FAA has released a **final rule on third class medical reform**, though it will be several months before pilots can fly under the new program that the agency has named BasicMed

Experts are examining the Jan. 10 announcement, which at first look appears to closely mirror the **legislation signed into law on July 15, 2016**. Pilots should note that BasicMed will not be effective until May 1, so they cannot fly under the rule until then.

Under the reforms, pilots who have held a valid medical certificate any time in the decade prior to July 15, 2016, may not need to take another FAA medical exam. The 10-year lookback period applies to both regular and special issuance medicals. Pilots whose most recent medical certificate was revoked, suspended, withdrawn, or denied will need to obtain a new medical certificate before they can operate under the reforms. Pilots who have never held an FAA medical certificate, including student pilots, will need to go through the process one time only.

The FAA explained that “what we’re providing is an alternative path. Under BasicMed, the FAA provides two avenues to meet the medical requirements.”

After meeting the initial requirements to fly under the reforms, pilots will need to visit any state-licensed physician at least once every four years and take the free aeromedical factors online course every two years. The course will be available for free on AOPA’s website. A certificate of completion of the course and the checklist from the physician must be kept in the pilot’s logbook; alternatively, pilots may carry a legible representation, such as a smartphone image, of the document to be able to show to an FAA inspector if asked. The checklist will be a four-page form that includes instructions for you and your physician. No information from the checklist you complete along with your physician is sent to the FAA.

In the near future, AOPA will be offering a free online medical course to let pilots comply with the BasicMed rules. The course is just one part of a range of AOPA’s Fit to Fly resources for **pilots** and **physicians** created to help people take full advantage of BasicMed. The Fit to Fly resources also include an **interactive tool** that helps you determine if you qualify for BasicMed as well as **FAQ’s** and other important information for you and your doctor.

CFIS WELCOME INCLUSION IN BASICMED

FAA’s Jan. 10 announcement of the new rule known as BasicMed that creates a path for many pilots to fly without a medical certificate.

When the rule’s fine print became available for examination, some certificated flight instructors expressed surprise along with their elation upon learning that CFIs could continue serving their fellow pilots—and student pilots—without a medical certificate provided they meet the same qualifications as any other pilot choosing to forego an FAA medical exam and comply with the BasicMed provisions instead.

Under BasicMed, an eligible pilot may fly an aircraft weighing up to 6,000 pounds with up to six occupants, day or night, IFR or VFR to 18,000 feet msl, not for compensation or hire, within the United States unless authorized by the country in which the flight is conducted.

Before flying under BasicMed, the pilot must get a physical exam by a state-licensed physician, have the associated checklist completed, and then complete an online aeromedical course. It is important that pilots take the steps in that order because the exam information will need to be transmitted upon successful completion of the

aeromedical course. AOPA is urging pilots to review the [regulation](#) and the [advisory circular](#) that were released to get an overview of the privileges and limitations of BasicMed.

Under the rule, pilots who have held a valid medical certificate any time in the decade prior to July 15, 2016, may not need to take another FAA medical exam. The 10-year lookback period applies to both regular and special issuance medicals.

In the final rule, the FAA explained that pilots whose medicals have expired should check the expiration of their most recent medical certificate to determine if they fall within the lookback period. The lookback applies to the expiration date of the medical certificate, which is determined using the “Date of Examination” on the certificate and the duration periods listed in 14 CFR 61.23(d). For those who had a regular medical certificate, the expiration date depends on their age—age 40 or over, or under 40—at the time of the exam. (Expiration dates are listed on special issuance certificates.)

“Persons age 40 or over on the date of their examination would meet the 10-year period described” in the Federal Aviation Administration Extension, Safety, and Security Act of 2016 (FESSA) “if their examination was on or after July 15, 2004. This date is based on the two-year validity period for third class medical certificates issued to persons age 40 or over. Persons under age 40 on the date of their examination would meet the 10-year period described in FESSA if their examination was on or after July 15, 2003. This date is based on the three-year validity period for third class medical certificates issued to persons under 40 years of age that was in effect prior to 2008,” the rule states.

Pilots whose most recent medical certificate was revoked, suspended, or withdrawn or whose most recent application for a medical certificate was denied will need to obtain a new medical certificate (regular or special issuance) before they can operate under the reforms. Individuals who have never held an FAA issued medical certificate, such as new student pilots, will need to obtain an FAA issued medical certificate (regular or special issuance) one time only.

Under BasicMed, “the FAA considers the flight instructor who is acting as PIC to be “receiving compensation for his or her flight instruction” under instructor privileges but is “exercising private pilot privileges while acting as PIC of the flight.”

ADS-B REQUIREMENT CLARIFIED FOR NONELECTRICAL AIRCRAFT

A recently issued legal interpretation from the FAA’s Office of the Chief Counsel has clarified Automatic Dependent Surveillance-Broadcast (ADS-B) requirements for operators of aircraft without electrical systems. The FAA has mandated ADS-B Out equipage after Jan. 1, 2020, for flight in airspace where a transponder is required today.

In the regulations requiring the use of altitude-reporting transponders, 14 CFR 91.215(b)(3) and 91.215(b)(5) specify exemptions for “any aircraft which was not originally certificated with an engine-driven electrical system or which has not subsequently been certified with such a system installed, balloon, or glider.” However, 14 CFR 91.225(e)—which provides comparable exemptions to the ADS-B Out requirement—specifies “any

aircraft that was not originally certificated with an electrical system, or that has not subsequently been certified with such a system installed, including balloons and gliders.” Its omission of the phrase “engine driven” has caused significant confusion among pilots and aircraft owners.

The **legal interpretation** confirms that the same aircraft excluded from the transponder requirement are excluded from the ADS-B Out equipage requirement. That means aircraft subsequently equipped with batteries or an electric starter would not be required to equip for ADS-B Out.

The concern was that the exception expanded the types of aircraft required to equip with ADS-B Out beyond those required to equip with a transponder.

The regulation 14 CFR 91.225(e) allows eligible aircraft not equipped with ADS-B Out to operate within 30 nautical miles of a Class B primary airport—basically, within its Mode C veil—while remaining outside of any Class B or Class C airspace area. In addition, eligible aircraft can operate beneath Class B and Class C airspace. They may not operate above Class B or Class C airspace, and must remain below 10,000 feet MSL.

The legal interpretation states that the FAA may make a technical amendment in the future to eliminate the discrepancy between 14 CFR 91.215 and 91.225.