



The Leader In Recreational Aviation

Chapter 736 Newsletter for June 2017

Next Meeting - Please Note Special Date

Our next meeting will be held at Curtis Air at Pittsfield Municipal airport (2B7) on **Monday, June 26th at 6:00 pm.**

Please make every effort to attend. This will be the final meeting before the fly-in.

FAA Still Taking Names for Drone Registry after Court Ruling

The U.S. Federal Aviation Administration is still encouraging drone hobbyists to register their names on-line, despite a recent court ruling that found its registry unlawful for model aircraft. At the same time, the agency is working with the unmanned aircraft industry to find a legal or legislative fix to the situation, FAA Administrator Michael Huerta said Tuesday at the Paris Air Show.

In a decision dated May 19, the U.S. Court of Appeals for the District of Columbia Circuit said the FAA's on-line registry violates a provision of 2012 legislation—the Special Rule for Model Aircraft—that prevents the agency from regulating a model aircraft that is used for recreational purposes, as long as it is flown safely. The agency can petition for a rehearing within 45 days of the judgment, but industry observers assume the FAA will seek a legislative remedy from Congress.

As of the court's decision, 763,678 hobbyists had registered through the FAA's on-line system, paying \$5 to obtain a single identification number for all of the small drones they fly.

“We’re evaluating the decision that took place,” Huerta said during a presentation on “The Future of Drones,” in the U.S. Pavilion. “We’re still encouraging people to continue to register—they are still continuing to register because it provides a very important educational opportunity. We’re working with industry to identify what the legal or perhaps legislative options are to proceed.”

Huerta suggested there may be a distinction made between model aircraft or drone hobbyists who fly within the guidelines of an organization such as the Academy of Model Aeronautics and drone enthusiasts who operate outside of an organization.

“It’s very interesting to see what the reaction from the unmanned aircraft industry has been, which is essentially to support the agency’s position on the need for a registry,” he said. “Industry has been working with Congress to try to provide some clarity on what appear on their face to be two conflicting statutes—one is the so-called modelers exemption, and the other is the need to register all aircraft.”

Asked if the FAA plans to retain the database of names while the drone registry remains in dispute, Huerta said the agency is considering the possibility that people may want to “de-register” their names.

Huerta also disclosed that an aviation rulemaking committee (ARC) the FAA has assembled to develop recommendations for remote tracking and identification of drones is holding its first meeting this week. Federal agencies working together have already reached agreement on seeking amendments to federal wiretapping and privacy laws to allow them to disrupt drone flights near critical sites, he said.

“There is a lot of concern and a lot of interest on the part of law enforcement to ensure that, for critical infrastructure and facilities, there is a way to keep unmanned aircraft out,” Huerta said. “Technically, the way that is done is generally through interception of the radio frequency signal that exists between the aircraft and the base unit. But there is a problem: under our existing legal framework you can only do that if you have a warrant.”

Senate panel to reject Trump’s air traffic control plan in aviation bill

A Senate panel has declined to include President Trump’s controversial proposal to separate air traffic control from the federal government in a must-pass aviation bill, according to the committee’s chairman.

Sen. John Thune (R-S.D.), who leads the Commerce, Science and Transportation Committee, said the Senate’s long-term reauthorization of the Federal Aviation Administration (FAA) will not include the spinoff plan, citing the lack of support for the idea on his panel.

Instead, Thune said the House will have to take the lead on efforts to transfer the country’s air navigation system to a private corporation.

“No, we don’t have the votes to pass that in our committee at the moment,” Thune told reporters on Tuesday. “We’ll see what the House is able to do and we’ll proceed accordingly. But if that issue were to get addressed, it would probably have to be on the floor in conference.”

Thune added that final touches are being added to the bill, with a committee markup likely to happen “next week.”

The FAA’s current legal authority expires at the end of September, and lawmakers in both chambers have been crafting separate long-term proposals to reauthorize the agency.

Earlier this year, Trump endorsed a plan that would put a nonprofit entity in charge of air traffic control operations as a way to speed up long-stalled modernization efforts. The

FAA would maintain safety oversight, while the corporation would be in charge of operations and have the power to impose user fees.

But the idea received an icy reception from senators earlier this month, when GOP lawmakers raised concern over whether rural airports and general aviation users would be adequately protected and represented under the new model.

The spinoff proposal is generally more preferred by Republicans in the lower chamber, where the House Transportation and Infrastructure Committee is preparing to unveil a long-term FAA bill soon that will include spinoff language.

A similar proposal was included in the House's long-term FAA reauthorization last year, but it stalled amid opposition from GOP tax-writers and appropriators, forcing lawmakers to instead enact a short-term patch.

Senators have warned that the same thing could happen again if they pursue the spinoff plan, especially with a packed calendar and few remaining legislative days before the FAA's legal authority expires.

"With the administration's support of this concept, the chances of getting a long-term FAA reauthorization in my view have now been diminished," Sen. Jerry Moran (R-Kan.) said earlier this month

MAKEOVER PROPOSED FOR 'VFR NOT RECOMMENDED'

"VFR not recommended" is a familiar cautionary statement to generations of pilots who learned to fly in pre-digital times when most weather briefings consisted of a phone call between a pilot and an FAA flight service specialist.

For the last 10 years, however, as pilots' preferences have evolved, phone calls have given way to digital communications for procuring preflight weather information. But there is no automated equivalent of the so-called "VFR not recommended" statement in the era of the flight information service-broadcast (FIS-B) and other electronic sources of weather data.

What would be an "effective intervention" that could serve as an automated "VFR not recommended"-type caution to a pilot planning a VFR flight on a stay-on-the-ground (or file IFR) kind of day?

The FAA has begun research to help answer that question and measure the present effectiveness of "VFR not recommended." The agency's Weather Technology in the Cockpit (WTIC) program has made this research a priority as the FAA prepares to award its Future Flight Service Program contract in 2018.

"Due to the shift of most pilots to using self-assisted services like FIS-B and online applications, it is important the FAA understands what an effective intervention would be today and how that intervention, such as a variation of VNR, could be provided via automation," AOPA said in a December 2016 letter urging that the efficacy of the statement be evaluated.

AOPA has met with the FAA's research team, and will participate in an FAA/industry working group to analyze the effect "VFR not recommended" has on pilot decision making, said Rune Duke, AOPA director of airspace and air traffic.

For as long as "VFR not recommended" has been part of aviation weather briefings, student pilots have been taught that the word "recommended" is included in the familiar phrase because only the pilot, not the weather briefer, can make a final decision whether to fly.

But "VFR not recommended" has always had its critics who point out that the presence in a forecast of isolated or low-probability weather phenomena (mountain obscuration in low clouds or fog, or possible scattered thunderstorms on a sunny day in Florida, for example) can produce a "VFR not recommended" statement even when widespread visual conditions are expected.

If the statement's accuracy problem was strike one, its obsolescence in the digital age could be strike two.

"Communicating the threat of VFR into IMC has become more difficult since 2006 as VNR is now viewed as ineffective, over used, too subjective, and cannot be provided to most pilots given they utilize automated resources," Duke wrote.

AOPA emphasized that "VFR not recommended" should not be eliminated—as was done in Canada.

"Instead, we contend that VNR and its concept should be evaluated by WTIC for improvement to become an effective intervention for those pilots who may be considering a flight that could result in VFR into IMC," Duke's letter continued, urging that the FAA study consider a solution for pilots who receive their weather via automation, and for those who still get their weather from a live briefer. Ultimately, it will be flight service who will make the decision to retain or improve "VFR not recommended" based on the research conducted by WTIC.