



The Leader In Recreational Aviation

Chapter 736 Newsletter for November 2018

ADVOCATES PRESS CASE FOR VIP TFR RELIEF

AOPA has long supported minimizing TFR impacts on GA airports and believes the mandate for FAA involvement, included in the agency's reauthorization bill signed in October, could chart a course to a solution.

Local advocacy groups believe airport-access procedures modeled after provisions made for three Maryland airports within Washington, D.C.'s highly restricted airspace might be adopted for the airports in New Jersey and Florida.

The reauthorization bill "requires the FAA administrator to conduct an analysis of the potential for using security procedures similar to the Maryland-Three Program during TFRs affecting New Jersey's Solberg and Somerset airports, and Florida's Palm Beach County Park Airport, also known as Lantana Airport. The airports are severely curtailed or shut down entirely when President Donald Trump visits his golf resort properties in Bedminster, New Jersey, and Palm Beach, Florida.

So far in 2018 there have been 40 days in which presidential security TFRs limited activity at the two New Jersey airports, said Suzanne Nagle, executive director of the New Jersey Aviation Association and a co-owner of Solberg airport. In 2017, the airports were under TFRs for 49 days.

The injurious economic effects of the TFRs are felt by a wide variety of New Jersey aviation activities from fixed-base operations at Solberg airport to a skydiving business in Alexandria and an annual summer balloon festival that occurs during peak flying season. The festival proceeded in 2018, but sightseeing flights from Solberg airport were prohibited, she said.

With TFR airspace stretching over much of the state and affecting bordering states, it's difficult to quantify all the effects, she said. But a TFR's duration—up to two weeks if the president is in town for an extended stay—also is important. During peak flying season, even a weekend TFR can be financially disastrous. Weekends are when most of the people want to fly, summer and fall. What is not so easily identified is the loss revenue that the airport never knows about. There are aircraft owners/pilots/businesses that will not even consider using the three airports in question because they never know for sure when and if these airports will be open.

In June 2017, six members of Congress jointly sent a letter to the director of the U.S. Secret Service expressing the need for innovative methods to mitigate VIP TFRs' impact

on general aviation. The letter suggested implementing enhanced egress and ingress procedures similar to the Maryland-Three Program.

AOPA worked with members of Congress from New Jersey and Florida to include the provision in the FAA reauthorization bill (H.R. 302), that requires the FAA to develop a report on methods for mitigating the impact of TFRs associated with the president's travels.

Also, AOPA worked with Congress to include \$3.5 million of reimbursement funds in the fiscal year 2019 Transportation Housing and Urban Development Appropriations bill for non-gateway airports and businesses that are required to close during presidential TFRs. The Senate passed its THUD bill as part of a package of appropriations bills that must still pass the House.

Frank Steinberg, President of the Mid Atlantic Aviation Coalition believes the vetting of pilots by security officials and the operating rules that keep the Maryland-Three airports functioning could keep the affected New Jersey airports up and running during TFRs, which he said cover roughly the entire northern half of New Jersey.

"There's no reason why an aircraft with a vetted flight instructor should not be able to take off, instruct outside the TFR, and then fly back in," he said.

Sakata added that "as FAA certificate holders, all pilots are vetted by the security officials on a daily basis. Using the Maryland-Three Program concept and available technologies, it is possible to implement enhanced security procedures that allow egress and ingress at airports located within the 10-nautical-mile no-fly zone of a VIP TFR."

The solution is to sit down and talk about it. Make the president safe, but still let people fly.

With Trump's seasonal vacation travels shifting to his Mar-a-Lago estate in Palm Beach, a TFR was set to be in effect there from Nov. 20 to 26. AOPA reminds pilots to check notices to airmen before every flight and frequently after that for updates. Between 2017 and 2018, there have been 268 violations of Bedminster TFRs and 160 violations of TFRs in Palm Beach.

DRAFT ATP CERTIFICATION STANDARDS RELEASED

The FAA has released a new draft Airline Transport Pilot Airman Certification Standards (ATP ACS) and Type Rating for Airplane for review and will accept public comments on the document until Dec. 21.

The draft ATP ACS is the latest in a series of certification standards to undergo revision, starting with the private pilot-airplane ACS that took effect in 2016. Each ACS has been developed by an AOPA-chaired working group of the FAA's Aviation Rulemaking Advisory Committee. The advisory committee approved a report from the working group that contained the ATP ACS last June.

As with the previous ACS publications and those under development, the working group's goal was to develop clear standards for the aeronautical-knowledge elements listed in the regulations, ensuring that the required knowledge reflects what airmen really need to know for safe operation in the National Airspace System.

To meet the goal, the working group built specific, observable behaviors for risk management and aeronautical decision-making into the ATP ACS. The standard improves on the prior ATP practical test standard by consolidating overlapping tasks, and by linking the "special emphasis" areas applicants and examiners are expected to focus on with specific ATP ACS Areas of Operation and Tasks.

The draft ACS connects the knowledge standards for risk management and skill with content in FAA handbooks, knowledge-test questions, and the practical test. It captures—and in some cases more clearly defines—all test elements for which a demonstration is required on the current ATP or type rating practical test.

The draft ATP ACS includes knowledge requirements not previously included in test standards but required by regulations. For example, a Human Factors Task was added consistent with 14 CFR 61.155(c)(11).

FAA MAPS 'OFF-RAMP' FROM SPECIAL ISSUANCE MEDICALS

The FAA has detailed how pilots with special issuance medical certificates can transition from their first, second, or third class medical certificate and fly as sport pilots, as glider pilots, or under BasicMed.

Some pilots have found it difficult to navigate the transition from special issuance medical certification to alternative medical qualifications, like sport pilot or BasicMed rules. The solution starts by understanding that the holder of a special issuance has obligations on two levels. First, an FAA special issuance authorization letter contains specific terms that the individual must meet to be eligible to apply for and hold a medical certificate. Second, the airman must then be able to pass the examination for a first, second, or third class medical certificate.

A recent FAA legal opinion explains that if the pilot's special issuance medical has expired, but the pilot's authorization letter that allows the pilot to seek medicals hasn't, the pilot's ongoing obligation to submit medical information to the FAA ended when the associated special issuance medical certificate expired.

In January 2018, AOPA met with FAA representatives and followed up with a set of questions that highlighted the association's concerns. AOPA requested "clear and published FAA guidance" and offered draft responses the FAA could consider adopting. AOPA believes that the legal opinion the FAA posted on Oct. 12 addresses some—but not all—of the questions.

The interpretation clarified a major procedural sticking point in explaining that "an airman's responsibility to comply with the terms of an unexpired Authorization—including a term that requires regular submission of medical information—terminates when the associated special issuance medical certificate expires. Because there is no

reasonable basis for requiring an airman in those circumstances to provide medical information that is not needed for determining medical certification under § 67.401, the FAA would not have a basis to withdraw the Authorization."

However the legal opinion did not take up several other ambiguities—such as whether a pilot participating in BasicMed may surrender an unexpired medical certificate or an authorization for special issuance to resolve any conflicting compliance rules.

The legal opinion cited congressional intent, noting that “it does not appear that Congress, who mandated BasicMed, wanted an airman to be beholden to continued requests for information related to a prior authorization after the most recent special issuance medical certificate has expired and the airman is not in the process of seeking a

With more than 41,000 pilots now flying under BasicMed, it is in everyone’s best interest for the transition from traditional medical certificates to be clear and well defined

AOPA recommends that pilots consult with **Pilot Protection Services** staff prior to transitioning off a special issuance authorization and medical certificate.