



*The Leader In Recreational Aviation*

## Chapter 736 Newsletter for September 2018

### FAA Chief: Drones Are the Next Internet

“Drones are going to do for aviation what the internet did for information,” acting FAA Administrator Dan Elwell said and called on the industry to work with the FAA to fully integrate them into the National Airspace System.

Giving the keynote address at the InterDrone conference in Las Vegas, Elwell said it is up to industry to not just make a business case for UAS operations but also a safety case, noting that public and law enforcement have legitimate safety concerns. “The public has very real and justified questions about these aircraft. And their concerns can’t just be swept under the rug. If we want this technology to take hold, we’ve got to take these questions head on,” he said. “Everyone’s interested in drone operations at night and over people. But we need to address the concerns that our national security and law enforcement partners have first.”

Elwell again took issue with the lax regulation of recreational drones compared to commercial operations. “Until we can set remote ID requirements that will be universally applied to every drone, until we can make sure everyone is following the same rules inside the system, full integration just isn’t possible,” he said. “The fact is that a lot of safety problems require technological solutions. And that means we need buy-in from all of you. The innovators. The inventors. The out-of-the-box thinkers.”

He said the FAA is ready to move now and to move quickly to enable the drone industry to grow with initiatives including the current UAS integration pilot program. “The FAA has spent decades working with airlines, manufacturers, and countless others to get where we are now. We’re ready to use everything we’ve learned so that the drone industry can reach its full potential as quickly as possible,” Elwell said. “We’re building flexible, responsive regulatory processes that can keep up with all your creativity while ensuring safety isn’t compromised.”

### MAINTENANCE TEST FLIGHTS

Airmen occasionally call to discuss mechanical issues and accidents that occurred during “maintenance test flights.” While these types of flights may be advisable or even

required, the phrase is sometimes misused to justify flights that take place outside of the regulations.

For example, airmen have expressed a desire to fly with a mechanic to diagnose a reoccurring issue before maintenance is started or to test fly an aircraft after maintenance is completed but before it is returned to service.

**FAR 91.407(b)** requires that an airman conduct an operational check flight any time an aircraft has undergone maintenance “in a manner that may have appreciably changed its flight characteristics or substantially affected its operation in flight.” Under this regulation, the pilot cannot carry passengers until the pilot flies the aircraft, makes an operational check of the maintenance, and logs the flight in the aircraft records.

While post-maintenance flights are only required prior to carrying a passenger, FAR 91.407(a) still requires that the mechanic approve the aircraft for return to service and make the appropriate maintenance record entry before any person may operate the aircraft. Therefore, airman cannot fly an unairworthy aircraft with a mechanic to diagnose an issue or to inspect the completed maintenance prior to the mechanic’s sign-off.

Special flight permits, or “ferry permits,” can be obtained to allow the operation of an aircraft that does not meet applicable airworthiness requirements but is capable of safe flight. However, flights to diagnose an issue or inspect a repair are not included in the approved purposes outlined in **FAR 21.197**.

In addition to regulatory violations arising from the flight of an aircraft that was not properly returned to service, it could lead to potential issues with your insurance coverage. The insurance company could deny coverage based on provisions requiring the aircraft be flown in an airworthy condition or excluding coverage when it is operated for the purpose of performing maintenance.

It is often wise to conduct a cautious post-maintenance flight to ensure there are no issues with an aircraft returning from maintenance. However, this type of flight should never be conducted to determine if the aircraft is airworthy. Always ensure that your mechanic has fixed all the known issues, inspected the plane, and returned it to service before you decide to take off on your next flight.

### **Time Beginning To Run Short for Long-term FAA Bill**

As time begins to run out on the FAA’s current authorization, prospects are increasing that Congress will pass another short-term extension with action on a full bill put off until after the November elections. The agency is currently operating on a short-term extension that runs through the end of September.

The House passed its comprehensive five-year bill in April, but the Senate has yet to bring its version to the floor for a vote. Senate Republican leaders still are hopeful to begin consideration of the bill shortly; Sen. John Thune (R-South Dakota) said last week

that he is not yet planning for an extension, according to Washington insider publication *Politico*.

The Senate for weeks has been wading through possible amendments that could be added to the bill and is believed to be close, maybe down to the last dozen. With a limit on the number of amendments, lawmakers are anticipating that the FAA bill could be completed in as little as a day on the Senate floor.

But with just a little more than a month left, finding that day is becoming more problematic, industry sources fear, particularly with numerous nominations, including to the U.S. Supreme Court, before the Senate and funding bills yet to be completed.

Even if the Senate were to take up its version of the bill, it would still need to be reconciled with the House version and return to both chambers for a vote.

Earlier this month 33 aviation organizations urged Senate leaders to take action soon, calling passage of a long-term bill essential to maintaining the safest, most efficient aerospace system in the world. House Transportation and Infrastructure Chairman Bill Shuster (R-Pennsylvania) has also stressed a need for Senate action short-term.

Most agree that the prospects for final passage remain strong. The bill has wide support in the Senate, and most controversial issues have been ironed out. Also, the Senate leadership has acknowledged the need for passage of a long-term bill. But the question remains whether that can happen in the next month.

**Next Meeting to be determined**