



## **Chapter 736 Newsletter for February 2019**

### **PILOTS, MARK YOUR DRONES**

#### ***FAA UPDATES REGISTRATION DISPLAY REQUIREMENT***

With the law enforcement community concerned that a rogue drone could contain explosives or other nasty surprises, the FAA has updated the registration rule for small drones requiring those numbers to be visible on the outside of every unmanned aircraft.

The new drone marking requirement was one of several related rule changes for drones published in the *Federal Register*. Draft versions of two significant overhauls to Part 107, first released in January during the federal government shutdown, also were published with no significant changes to the proposals that would expand allowable operations including flights over people and beyond line of sight.

The FAA first required registration of small drones, including those used for noncommercial purposes, in 2015. A lawsuit filed by an attorney and drone enthusiast suspended the registration requirement for hobbyists in May 2017, though federal law was updated that December to reinstate the requirement to register all drones weighing 0.55 pounds or more. More than a million drone owners have registered to date, and now every drone will have to be marked on the outside with that registration number to fly legally after Feb. 25. (The FAA published the interim final rule requiring external drone marking on Feb. 13 with an effective date of Feb. 25, though an agency press release issued the day before indicated a Feb. 23 effective date for the change.)

Prior to the change, a drone's registration number could be posted inside a battery compartment, or another internal compartment. Law enforcement agencies had expressed concern about that, the FAA noted in the interim final rule: "Requiring first responders to physically handle a small unmanned aircraft to obtain the registration number poses an unnecessary safety and security risk to those individuals, as well as to others in the immediate proximity to the aircraft, because of the potential for the unmanned aircraft to conceal an explosive device in an enclosed compartment (such as the battery compartment), designed to detonate upon opening."

The updated marking requirement does not stipulate location or the size of the marking, only that every small, unmanned aircraft subject to the rule (which is any unmanned aircraft weighing 0.55 pounds up to 55 pounds) be marked with the FAA registration number on the outside.

The FAA noted in the rule that the aforementioned legal challenge to the drone registration requirement, *Taylor v. Huerta*, delayed imposition of an external marking requirement the agency had planned to impose in 2016.

Congress removed most of the restrictions that had limited regulation of noncommercial drone use in October, allowing the FAA to impose more stringent requirements on those who fly drones outside of Part 107 requirements.

### **Air Traffic Controllers Warn System Hasn't Recovered Since U.S. Shutdown**

The aviation system's safety still hasn't fully recovered from the 35-day U.S. government shutdown that halted progress on new technology and stopped reviews of incident reports, the air-traffic controllers' union president told Congress.

U.S. aviation was "on the verge of unraveling" when the partial shutdown ended Jan. 25. Flights were delayed into New York's LaGuardia Airport as controllers didn't report to work due to illness and fatigue, said Paul Rinaldi, president of the National Air Traffic Controllers Association.

The shutdown cut off funding to more than a dozen departments and agencies and was the result of a political dispute between President Donald Trump and lawmakers over funding for a wall on the Mexico border. To prevent another shutdown, lawmakers must pass a compromise measure to renew long-term funding.

Wednesday's hearing before the House aviation subcommittee delved into the impact of the shutdown on air safety in the U.S.

Installation of a new radar system designed to warn controllers when aircraft aren't lined up to land on the proper runway was one of the programs that was temporarily halted.

The new system is working at some airports, but its installation at others was halted when the Federal Aviation Administration furloughed more than one-third of its workers as part of a partial government shutdown that lasted 35 days.

The importance of the radar was highlighted in recent days when the system alerted controllers in Philadelphia that a plane was headed for a taxiway instead of the runway, he said. A controller ordered the plane to halt its landing and it flew about 600 feet over two planes on the ground.

Nicholas Calio, president of the trade group Airlines for America, said safety during the shutdown wasn't compromised. However, some of the many layers of protection were temporarily jeopardized and it forced the FAA to delay some flights as a way to ensure safety.

While no airline crew or aviation inspector knowingly allowed a plane to take off in an unsafe situation, the shutdown reduced oversight and could have led to inadvertent errors.

In addition to potential safety issues, the shutdown slowed or halted scores of normally routine actions in the aviation industry, from hiring new airline pilots to approving new aircraft designs.

## **AOPA URGES FAA TO DELAY PIPER WING-SPAR AD**

**The FAA should pull back its proposed airworthiness directive calling for logbook reviews and possible wing-spar inspections of up to 20,000 Piper PA-28 and PA-32 series airplanes and instead gather safety data through alternative, readily available, and less onerous means, AOPA said in a regulatory filing.**

The scope of the proposed AD is too broad, and the “intrusive and expensive action” it would mandate is inappropriate without proper groundwork being laid, AOPA said in formal comments submitted on Feb. 4.

AOPA reiterated the request made Jan. 8 that the FAA grant 45 days’ additional time for providing detailed comments. The association also challenged contentions contained in the AD including compliance cost estimates and the formula owners would use to calculate an aircraft’s factored time in service—a key element in determining whether further steps must be taken to inspect the aircraft and report findings.

The additional time for the public to comment would also give the National Transportation Safety Board an opportunity to conclude its investigation into a fatal accident that occurred on April 4, 2018, in Daytona Beach, Florida, involving a Piper PA-28R-201.

“That accident is widely believed to be the driving force behind the proposed AD, likely figured into the FAA’s safety risk assessment and corrective action review board, but strangely is not mentioned” in the notice of proposed rulemaking for the AD.

Once the NTSB has issued its recommendations, the FAA should initiate its Airworthiness Concern Sheet process, allowing it to “engage and collaborate with stakeholders, including AOPA, Piper Aircraft, Inc. and others, to target and implement mitigations” for the problem of metal-fatigue cracking of a lower main wing spar cap that may have been a causal factor in the Florida accident, he said.

AOPA’s comments addressed several other aspects of the proposed AD.

- The AD’s proposed corrective actions are not a regular maintenance activity and could introduce adverse safety impacts into the affected fleet.
- AOPA has received numerous calls and concerns from members who were confused by the FAA’s proposed formula for determining an affected aircraft’s time in service, and urged that the FAA consider an alternative formula for aircraft that have missing records, and to make allowances for aircraft that have been on progressive maintenance schedules.
- The FAA’s estimates of labor time involved in reviewing aircraft records are “inaccurate” given the extensive histories of some airplanes, and the estimated costs of replacing a wing spar, if necessary, are “woefully inadequate.”
- AOPA described the number of proposed aircraft models covered by the AD as “overly broad,” and noted concern “that the FAA rejected several proposed service publication

drafts produced by Piper Aircraft, Inc., which would have inspected the area of interest in detail on a more representative and limited group of aircraft—similar to the April 4th accident aircraft.”

**Reminder that the Aviation Forum at Owls Head is Saturday, Feb 23 starting at 9:30 am.**