

Mr. James Viola
Airman Certification and Training Branch (AFS-810)
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

July 01, 2012

Dear Mr. Viola,

In response to your request I solicited the SAFE membership for input. As I am sure you are aware, flight instructors are a breed unto themselves, and it is often difficult to find concurrence on any given subject. That being said we received comments on a variety of regulations. Some of these comments were substantiated with documentation and suggested ways of revising the regulation or interpretation while others were perhaps just a venting of frustration.

The attached document is a collation of the comments received. Please understand that this does not reflect an official SAFE position, but rather merely serves as an opportunity to share with AFS 800 some of the issues that flight instructors in the field are concerned about.

Thank you very much for giving us this opportunity to provide input.

My best regards,
Doug

Doug Stewart
Executive Director
Society of Aviation and Flight Educators

SAFE Response to AFS 810 "Regulatory Review" Request

1. CFR 61.56 - Flight Review

- Reform the one-size-fits-all flight review - Pilots with 9000 hours, 3000 hours in type, who fly 100+ hours per year and have an accident/incident/violation free record don't need a flight review every two years. I say four years is the right interval. What they probably need is an annual on-line refresher of risk management and other SRM skills, presented as a scenario and content controlled. This could be done with the stroke of a pen by AFS-800 by calling it an "FAA approved pilot proficiency program" per 61.56. They would also have to log so many "events" per year. They have to log their time anyway. Remember, this is an option for pilots, not mandatory. We could call it "Pro WINGS". Now, 100 hour pilots with 20 hours in type, who fly 10 hours per year are another matter and physical skill deficiencies are more important. They need a flight review every 90 days and that's exactly what most FBO's insist on before they rent them a plane. How about a standardized proficiency program for them? It would include dual instruction, like the current WINGS program, but they also need risk management training. How about a letter from AFS-800 that says a content-controlled on-line training program on risk management meets the requirement for two of the three WINGS knowledge credits, or the one hour in the flight review for the Part 91 review?
- Three levels of flight review:
 - 1) High Activity Pilots. with more than 400 hours total time, an IFR rating, and more then 100 hours PIC in the preceding 24 calendar months would be exempt from the flight review.
 - 2) Low time/low activity pilots (those with less than 200 hours total time, no IFR rating, and less than 5 hours PIC in the preceding 90 days) would be required to obtain a continued PIC endorsement from a CFI every 90 days.3)
 - 3) Everybody else would still need a Flight Review."
- Flight instructor initial check ride counts as Flight Review; FAA-2011-0437-0001

2. CFR 91.319 - Experimental / Amateur Built Aircraft

- Amend experimental amateur built aircraft operating limitations to permit flight instruction during Phase I.
- Amend experimental amateur built aircraft operating limitations to permit "for hire" of the experimental amateur built aircraft to conduct pilot transition and recurrent training (or at least expose the waiver process)
- Delete 91.319(c) --flying experimental aircraft over densely populated areas-- that rule is not waived for all experimental by the individual operating limits for each Experimental aircraft making the rule -- at odds with the FAA's own practice.

- Delete 91.319 (d) (3) "notify the control tower of the experimental nature..." towers I talk to don't care-- they want to know if you are an RV or a Lancair or what.

3. CFR 61.197 – Flight Instructor Renewal

- I would suggest that the FAA consider completely revamping CFR 61.197, "Renewal requirements for flight instructor certification". Under current regulation the flight instructor certificate is the only certificate that does not require a recurring biannual flight evaluation. Even DPEs are mandated to have their flying ability evaluated on a recurring basis.

At least two thirds of those people holding a current flight instructor certificate have given no flight training whatsoever in the preceding two years... in fact many of them have not provided any flight instruction whatsoever far into the distant past. They renew predicated solely upon completion of a FIRC. However their certification would allow them to legally provide instruction should they decide that after who knows how many years of not instructing they now want to actively instruct.

Of the remaining third, some of them give enough instruction to fulfill the requirements of 61.197(2)(i), but have no idea of any of the changes that might have occurred within the regulatory or technical worlds, and have no clue whatsoever to any of the concepts of SBT and risk management. There are also those few instructors who renew based upon ""duties and responsibilities"" but quite often these few get their renewal predicated more on a friendship with some ASI within a FSDO, rather than any actual review of their valid activity. But even these two categories of renewal process have no one evaluating the applicant's ability to teach in the cockpit.

Therefore I would suggest that the FAA consider completely rewriting 61.197 (2) in it's entirety. In it's place I would suggest a two-part requirement: ""(2) Submitting a completed and signed application with the FAA and satisfactorily completing the two following requirements-(i) a graduation certificate showing that within the preceding 3 calendar months the person has successfully completed an approved flight instructor refresher course of ground training.and (ii)passing a flight evaluation conducted by either a DPE or ASI based on a selection of items from the CFI / CFII practical test as shown in a matrix that is part of the CFI / CFII Practical Test Standards

This would have several positive effects upon the CFI ""population"" which would directly improve the quality of all flight instruction provided, which in turn would have a positive effect in improving overall safety of flight. It would remove all those in the CFI ""pool"" who could legally provide instruction per their certification even though they might not have provided

actual flight instruction at any time in the near past. It would force those instructors who actively instruct, but who don't keep up with the changes in regulations, standards and curriculums, to have to take recurrent training in those areas. It would insure that every person who holds a CFI / CFII certificate has their ability to instruct in the cockpit periodically evaluated on a recurring basis."

4. CFR 61.57 – Recency of Experience

- There has been significant obfuscation in the re-write of 61.57 relative the use of simulators. Suggest a return closer to what it used to be. We are going to be seeing a significant increase in the use of "simulation" in flight training and the regulations need to keep step with all the rapid advances being made in this technology

5. Mandatory Occurrence Report (MOR)

- Any time there is an rejected takeoff, at a towered airport, the tower is required to report the event to the FAA (SOC). The FAA does a follow up with the pilot/aircraft owner. This is intimidating and pilots may continue a takeoff when they should make a rejected takeoff because they have it in their mind that they are going to hear from the FAA! We had a pilot doing touch and goes decide that he landed a bit long and he told the tower he was going to make this a full stop for safety. He got a call from the FAA investigating this event! Also, ATC has been instructed to report all events that are not by the book. This includes incorrect communications. This can become a huge deterrent to flying. Imagine being reported for saying ""Roger"" when you should have said Wilco!"" While ATC may not currently be reporting that, the current Washington emphasis is to hold us responsible for the ""letter of the law."" We are finding this as a change to previously approved airport safety projects.
- Publish an AC about the MOR program. Describe pilot's rights.

6. Handbooks

- Complete the modernization of the handbooks - This should incorporate the latest thinking on subjects that affect safety, such as risk management and automation management. The new handbooks on these subjects were a start but they are incomplete. The Aviation Instructor's Handbook could be a powerful repository for the doctrine we want implemented.

7. Test Standards

- Modernize testing standards - The knowledge test and the practical test need reform badly. The knowledge test ARC was only the starting point. Again, these tests should emphasize the deficiencies, such as poor risk management, that cause fatal accidents.

8. FIRCS

- Modernize the FIRC's - AFS-800 controls their content administratively and can change their content and conduct by fiat. We should be advocating that they convey more useful, standardized information.

9. CFR 61.189 Flight Instructor Records

- Establish a common set of standards under 1552 and 61.189 for records retention.
- Delete requirement for flight instructors keeping records for three years. No safety benefit accrues from keeping records and no one in FAA ever uses them.

10. CFR 61.109 – Cross Country Requirements

- There has been an issue in our district with the cross country experience requirements for a private pilot airplane. 61.109 (a) (5)(ii) “One solo cross country flight of 150 nautical miles total distance, with full-stop landings at three points, and one segment of the flight consisting of a straight-line distance of more than 50 nautical miles between the takeoff and landing locations”; and there are a number of different interpretations of the 50 mile requirement by DPE's and FAA FSDO personnel in our district. Think of two airports 75 miles apart with another airport located exactly between them where the student takes off and returns at the end of the flight. One interpretation is that a takeoff from the airport in the middle with landings at the other two prior to returning the point of departure does not meet the requirement because no landing was more than 50 miles from the point of original takeoff. Another was the student could fly to an airport on one end, start a flight there on another line in his logbook, go to the other end, return to the takeoff point and then return to the middle to meet the requirements. This person said it would not count if logged on the same line. It appears the intent of the FAR is to have a 50 mile leg between two of the landing points and perhaps it could be reworded to eliminate this confusion.

11. CFR 91.409 (b) Inspections

- Rewrite 91.409 to indicate whether aircraft rental is included or excluded, or whether rental to a solo pilot is included or excluded.

12. CFR 61.3 – Requirement for Certificates

- Allow airman to download, print and present a facsimile medical certificate from the FAA website.
- Establish time standards for approval of special issuance medicals.

13. CFR 1.1 – General Definitions

- If Aircraft is defined, then so must Vehicle and System be defined.

14. CFR 61 Subpart J and K – Sport Pilots and Instructors

- Rewrite 61 Subpart J and K in declarative language instead of riddles and answers.