

AVIATION RULEMAKING ADVISORY COMMITTEE

RECORD OF MEETING

MEETING DATE: June 8, 2017

MEETING TIME: 1:00 PM

LOCATION: Federal Aviation Administration
800 Independence Avenue SW.
8th Floor
Conference Room 8 A, B, C
Washington, DC 20591

PUBLIC ANNOUNCEMENT: The Federal Aviation Administration (FAA) told the public of this Aviation Rulemaking Advisory Committee (ARAC) meeting in a Federal Register notice published May 22, 2017 (82 FR 23483-23484).

ATTENDEES: **Committee Members**

Todd Sigler	The Boeing Company (Boeing) <i>ARAC Chair</i>
Dr. Tim Brady	Embry Riddle University <i>ARAC Co-Chair</i>
Lirio Liu	Federal Aviation Administration (FAA) <i>Office of Rulemaking, ARM-002</i> <i>Designated Federal Officer (DFO)</i>
Lorelei Peter	Federal Aviation Administration (FAA)
Dale Bouffiou	Federal Aviation Administration (FAA) Office of Rulemaking
Chad Balentine	Air Line Pilots Association, International (ALPA)
Damon Cox	Airline Dispatchers Federation (ADF)
Ambrose Clay*	National Organization to Insure a Sound Controlled Environment (NOISE)

Gail Dunham	National Air Disaster Foundation (NADF)
David Oord	Aircraft Owners and Pilots Association (AOPA)
Phil Poynor	National Association of Flight Instructors (NAFI)
Yvette Rose	Cargo Airline Association (CAA)
Jennifer Sunderman	Regional Airline Association (RAA)
Paul Hudson	FlyersRights.org
Michelle Betcher	Airline Dispatchers Federation (ADF)
Robert Ireland	Airlines for America (A4A)
George Novak	Aerospace Industries Association of America (AIA)
Walt Desrosier	General Aviation Manufacturers Association (GAMA)
David Supplee*	International Association of Machinists and Aerospace Workers (IAMAW)
Chris Martino	Helicopters Association International (HAI)
Ric Peri	Aircraft Electronics Association (AEA)
Justin Barkowski	Aircraft Owners and Pilots Association (AOPA)
Sarah MacLeod	Aeronautical Repair Station Association (ARSA)
Mark Larsen*	National Business Aviation Association(NBAA)
Chris Witkowski	Association of Flight Attendants (AFA)
George Paul	National Air Carrier Association (NACA)
Stephanie Flori*	AeroSpace and Defense Industries Association of Europe (ASD)
Mark Phaneuf	Air Line Pilots Association, International (ALPA)

Andrew Applebaum FlyersRights.org

Attendees

Kerri Smith	Federal Aviation Administration (FAA) <i>Office of Rulemaking, ARM-02</i>
Matthew Wenzinger	Joint Venture Solutions, LLC. (JVS)
Jim Johnson*	Joint Venture Solutions, LLC. (JVS)
Brent Hart	Federal Aviation Administration (FAA)
Thuy Cooper	Federal Aviation Administration (FAA)
Jim Crotty	Federal Aviation Administration (FAA)
Peter Ivory	Federal Aviation Administration (FAA)
Greg Hollinger	Federal Aviation Administration (FAA)
David Cameron	Federal Aviation Administration (FAA)
Julia Greenway	Federal Aviation Administration (FAA)
Cole Scandaglia	Transportation Trades Department
Kristen Sanders	Aurora Sciences, LLC
Allen Levin	Bloomberg News
Rachel McKee	Air Line Pilots Association, International (ALPA)
Alison Duquette	Federal Aviation Administration (FAA)
Maryam Gracias	Air Line Pilots Association, International (ALPA)
Rikki Gardonio	Air Line Pilots Association, International (ALPA)
Chris Moore	Teamsters Airline Division
Bob Fisher	Teamsters Airline Division
Dinkar Mokadam	Association of Flight Attendants (AFA)

Christine DeJong	American Society for Testing and Materials International (ASTM International)
Tom Ewing	Public Attendee
Julie Brightwell	The Boeing Company (Boeing)
Rich Swayze*	Delta Airlines
Dennis Shanahan*	Injury Analysis, LLC
Stephen Grot*	Federal Aviation Administration (FAA) Aircraft Maintenance Division, AFS-330
Mary Schooley*	Federal Aviation Administration (FAA)
James Wilborn*	Federal Aviation Administration (FAA)
Mike Collins*	Public Attendee
Evan Burn*	Public Attendee
Wayne McGuire*	Public Attendee
Karen Mahany	Public Attendee
Cory Cummins*	Air Methods Corporation (Air Methods)

*Attended via teleconference.

WELCOME AND INTRODUCTION

Mr. Todd Sigler, Aviation Rulemaking Advisory Committee (ARAC) Chair, called the meeting to order at 1:05 PM and thanked the ARAC members and the public for attending. He invited the attendees to introduce themselves.

Ms. Lirio Liu, Federal Aviation Administration (FAA) Designated Federal Officer (DFO), read the required Federal Advisory Committee Act (FACA), Title 5, United States Code (5 U.S.C.); Appendix 2 (2007) statement. Ms. Liu confirmed that it was a public meeting, and that the meeting materials presented are public information (as available on the website), including any materials distributed for presentation during the meeting, will be appropriate for distribution after the meeting.

Ratification of Minutes

Mr. Sigler asked for any revisions or amendments to the minutes from the March 16, 2017, meeting. There was a motion to approve the minutes, which ARAC approved as submitted.

Mr. Sigler stated ratification of the minutes for the April 20, 2017, meeting will occur electronically, since they were not distributed in a timely manner prior to this meeting for review by the committee.

ARAC Input to Support Regulatory Reform of Aviation Regulations

Mr. Sigler reminded the ARAC this report was in response to the tasking accepted by the ARAC at the April 20, 2017, meeting. He provided an overview of the first phase of the ARAC tasking, which was to evaluate the FAA's regulations in Title 14 of the Code of Federal Regulations to determine any regulations that should be repealed, replaced, or modified. In completing the evaluation, the committee should attempt to identify regulations that eliminate jobs or inhibit job creation, are outdated or ineffective, impose costs exceeding the benefits, or interfere with regulatory reform policies. Mr. Sigler said, there is a follow-on activity asking the ARAC to provide quantitative benefit for the items named during the first phase.

Mr. Sigler read the letter prepared for the FAA (Attachment A) from the committee regarding the first phase of the tasking. Mr. Sigler noted that not all ARAC members submitted input and there was no attempt to reach consensus. Mr. Sigler asked Ms. Liu what will happen if ARAC approves to accept the initial report.

Ms. Lirio Liu explained the FAA needs input to balance the FAA rulemaking program. The FAA wanted only a list for the first phase without the substantiated background (i.e., cost) because it recognized that requesting the background information would be too much effort in such a short timeframe (April-June). Ms. Liu explained the FAA plans to triage the initial list from the ARAC by using the following discriminators:

1. Are there obvious cost changes?
2. Is it legally viable?
3. Does it maintain the current level of safety?

Ms. Liu stated if the answer to each of these questions is yes, then the item will remain on the list of regulatory actions for consideration. This initial screening by the FAA will provide a smaller subset of regulations to look at. The FAA will then look at a second round of discriminators that would go into further detail.

1. Have exemptions been granted?
2. Would the change have an impact on international considerations?
3. Would the change require any infrastructure changes?
4. Would the change affect a statutory requirement?
5. What are the actual cost savings?

6. Are there any interdependencies on other regulations?

Ms. Lirio advised these questions will help build a list for the rulemaking program and help the FAA determine what would be valuable to consider from now until September. It will be those types of questions of how many populations will be affected, independencies, complexities of one rule change to another, the guidance material required and also the impact on resources in our organization. This is how the FAA will set up prioritization of what it will do with the information in the report. Within the next week or so, the FAA wants to get a better subset of these rules because the FAA does not expect to take action on all these rules at this point or any of them without the additional data. Ms. Liu stated that the FAA will do its due diligence as it recognizes ARAC has been very responsive with providing this report with in a rational timeframe. Ms. Liu noted the FAA's appreciation of ARAC's effort. Ms. Liu stated that triage should be completed before the submittal for phase two.

Mr. Sigler reiterated ARAC did not forward all submissions to the FAA because some submissions fell outside of the FAA's purview. Mr. Sigler opened the floor up to the committee members for comment and discussion.

Ms. Yvette Rose asked for clarity on the discriminator regarding the level of safety. In responding, Ms. Liu said through this process it would essentially just be a judgment call, but if something is going to degrade the level of safety it would likely be eliminated from the list unless additional information can be provided. Mr. Chris Witkowski stated his understanding was there would be no degradation in safety. He asked if Ms. Liu could confirm that this was the case. Ms. Liu confirmed if the change would result in a degradation of safety than it would no longer be considered.

Mr. Robert Ireland asked if the FAA would be sharing triage results with the ARAC, so the committee has an idea of the results as they progress through the summer. Ms. Liu confirmed the FAA would share the triage information with the ARAC; but did not have a timeline of when the information would be shared or become available to the ARAC. Ms. Liu also agreed sharing the triage list is beneficial because the FAA may believe something is economically feasible or beneficial, but may need the additional data from phase two to make the final determination.

Ms. Gail Dunham advised she believes there is an item requiring removal from the list and asked how the FAA would like for her to submit this request. Mr. Sigler asked Ms. Dunham if there was a specific regulation she wanted identified in the minutes. Ms. Dunham requested 14 CFR 121.436 be removed. She supported this by stating a lot of work went into the rulemaking of this regulation and she believed it really has helped improve the level of safety it addresses. Ms. Liu reiterated that during the triage anything degrading the level of safety or is affected by any statutes, would not be considered any further. Ms. Sarah MacLeod requested the FAA identify any of the Congressionally-mandated regulations in a timely manner so the ARAC does not spend any additional time on those regulations.

Mr. Witkowski advised that he does not believe the letter followed what the tasking required. He believed it is difficult to ask for ARAC approval of the list considering the large number of proposals being made. He stated that he believes it should be incumbent on the individual [organization] submitting recommendations and not have it come from ARAC. In this scenario, Mr. Witkowski suggested the individual organizations submit recommendations as ARAC members, but not have them voted on by the body of ARAC. In response, Mr. Sigler stated he did his best to describe where the recommendations are from in the letter, but he did not identify which member submitted which recommendations.

Mr. George Novak stated there were many members who did not submit any recommendations, or had left some submissions out because other members had already submitted them. He believed it would be difficult to put a name to each of the submissions. Mr. Witkowski restated he does not believe the ARAC has done what was required in the tasking and the ARAC should not be characterizing the letter as complying with phase one. Ms. Rose responded by describing the ARAC as a unique body. The tasking was written to the ARAC and voted on by ARAC for acceptance. Doing anything else is like having ARAC going back on what was agreed upon. Ms. Rose stated that she believes Mr. Witkowski's disagreement is with the word "should" within the tasking to which Mr. Witkowski agreed. Mr. Witkowski then asked if she meant to change the tasking. Ms. Rose did not suggest the ARAC change the tasking, but the point allows for dissenting opinion.

According to Mr. Witkowski this discussion goes back to his earlier point regarding the April 20th meeting and specifically the discussion during the meeting about the amount of time being allowed to complete the tasking. He felt there is usually more discussion and time allotted to consider whether to approve a tasking or not. Mr. Sigler responded that no one suggested changes to the tasking prior to the vote at the April 20th ARAC meeting. After some discussion among the members, Mr. Sigler intervened and stated he thought the group as a whole is stuck and the conversation has not progressed. Mr. Sigler proposed ARAC finish the current phase of the tasking, with opportunities to meet as a group between now and the next deadline. He noted there is not an additional meeting currently scheduled, but the ARAC has work to complete in relation to the tasking. Mr. Sigler believed there was ample time for the group to express their concerns. However, some have waited until just before the deadline to express concern over the process.

A member made a motion to put the approval of the report to a vote. Because it was a contentious conversation, Mr. Sigler chose to perform a roll call vote. ARAC voted 15-4 to approve the report. Ms. Gail Dunham (NADF), Mr. Chad Balentine (ALPA), Mr. Chris Witkowski (AFA), and Mr. David Supplee (IAMAW) voted against the approval of the report.

FAA noted unsolicited inputs from Delta Airlines, Flight Safety International, Mesa Airlines, Blue Hawaii, Exhaustless and Commercial Drone Alliance were received. With approval from Mr. Sigler, Delta Airlines made a brief statement regarding their submittal.

ARAC acknowledged the public submissions but did not include them in the tasking report.

Rotorcraft Occupant Protection Working Group

Mr. Dennis Shanahan presented on behalf of the Rotorcraft Occupant Protection Working Group (ROPWG). He summarized the work that the ROPWG is currently working on. The group began this work after receiving task two approval from the FAA and ARAC starting in January 2017. The May 15th working group report to the ARAC contains the work plan and an interim report. The group intends to complete the full report by the end of the calendar year.

In completing this task, the work group analyzed the crash performance of fully compliant helicopters including data on post-crash fires resulting from fuel sources. Their analysis did not identify any thermal injuries or post-crash fires in survival crashes of these types of helicopters. The analysis of the working group did consider partially compliant helicopters, which have standard features but are not certified. The study included 274 crashes encompassing six different models from three different manufacturers.

In comparing the data from both analyses, the group found the partially compliant helicopters from pre-Original Equipment Manufacturer (OEM) demonstrate equivalent crash performance to the fully compliant helicopters. In referencing the report, Mr. Shanahan stated the working group does not feel it is necessary to require updating newly manufactured legacy helicopters to full compliance as they already meet 952 and OCA guidelines. He stated the working group feels the partially compliant helicopters do not meet the same criteria as there are several different helicopters with different variations and all are close to meeting the specifications. The majority of the helicopters in the working group analysis had some commonalities including crash resistant fuel systems, lengthened fuel lines, break away valves, and some even have roll over vent valves. The working group recommended newly manufactured legacy helicopters not be required to meet 952.

Mr. Sigler noted that the members had not received the ROPWG's PowerPoint presentation prior to the meeting, but the FAA will distribute the presentation via email after the meeting. To inform the ARAC members of the recommendations in the slides, Mr. Sigler synopsized the working groups' recommendations verbally. Mr. Walter Desrosier added, and discussed each sub paragraph of 952. The report also identified within each sub paragraph those items being recommended and those that are not consistent with their conclusions. Mr. Ric Peri asked if the group looked at the effects of § 21.101 (need correct amount) and the change to the product rule as a detriment to voluntary equipment upgrades. Mr. Shanahan responded the group did not consider this as it was not part of the tasking.

ARAC voted to accept the report.

CONCLUSION

As time was running out, the working groups did not provide individual reports. However, Mr. Sigler asked if any members had questions on the submitted reports. There were none.

Mr. Sigler thanked the committee members and made note of the great discussion that occurred during the meeting.

Ms. Liu reported that the TAE Subcommittee chair, Ali Bahrami, has been named the new FAA Associate Administrator for Aviation Safety. As a result, the FAA has appointed Keith Morgan (Pratt & Whitney) the new TAE Subcommittee chair. Ms. Liu announced that Dr. Tim Brady and Ms. Yvette Rose will assume the positions of ARAC Chair and Vice Chair, respectively. She also thanked Mr. Sigler for his extended term as Chair and presented him with a plaque recognizing his service to the ARAC.

ADJOURNMENT

Mr. Sigler adjourned the meeting at 2:41 PM

Approved by:
Todd Sigler, Chair

Dated: _____

Ratified on: _____