

## **AVIATION RULEMAKING ADVISORY COMMITTEE**

### **RECORD OF MEETING**

**MEETING DATE:** April 20, 2017

**MEETING TIME:** 1:00 PM

**LOCATION:** Federal Aviation Administration  
800 Independence Avenue SW.  
5th Floor  
Conference Room 5 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 March 30, 2017 (82 FR 15785).

**ATTENDEES:****Committee Members**

Todd Sigler*	The Boeing Company (Boeing) <i>ARAC Chair</i>
Dr. Tim Brady*	Embry Riddle <i>ARAC Co-Chair</i>
Lirio Liu*	Federal Aviation Administration (FAA) <i>Office of Rulemaking, ARM-002</i> <i>Designated Federal Officer (DFO)</i>
Dale Bouffiu	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 Brignone	FlyersRights.org
Paul McGraw*	Airlines for America (A4A)
George Novak	Aerospace Industries Association of America (AIA)
Walt Desrosier	General Aviation Manufacturers Association (GAMA)

Mark Larsen*	National Business Aviation Association(NBAA)
David Supplee*	International Association of Machinists and Aerospace Workers (IAMAW)
Mack Dickson*	Experimental Aircraft Association (EAA)
Stephanie Flori*	AeroSpace and Defense Industries Association of Europe (ASD)
Ric Peri*	Aircraft Electronics Association (AEA)
Justin Barkowski	Aircraft Owners and Pilots Association (AOPA)
Sarah MacLeod	Aeronautical Repair Station Association (ARSA)
Melissa Sabatine	Airports Council International (ACI) American Association of Airport Executives (AAAE)
Chris Witkowski	Association of Flight Attendants (AFA)
Ali Bahrami	Aerospace Industries Association of America (AIA), TAE Chair

**Attendees**

Nikeita Johnson	Federal Aviation Administration (FAA) <i>Office of Rulemaking, ARM-02</i>
Matthew Wenzinger	Joint Venture Solutions, LLC. (JVS)
Sid McGuirk*	Embry-Riddle Aeronautical University (ERAU)
George Tracey*	ATC Working group
Kristen Sanders*	Aurora Sciences (ATC Working Group)
Cole Scandaglia	Transportation Trades Dept (AFL-CIO)
Scott Nutter*	Delta Air Lines
Brian Lee*	Boeing

Mary Schooley*	Federal Aviation Administration (FAA)
Mike Kaszycki*	Federal Aviation Administration (FAA)
Jeff Myers*	Federal Aviation Administration (FAA)
Krysten Urchick *	Federal Aviation Administration (FAA)
Chris Parker*	Federal Aviation Administration (FAA)
James Wilborn*	Federal Aviation Administration (FAA)
Captain Patrick Burns*	Delta Air Lines
Star Simpson*	MIT
Andrew Applebaum	FlyersRights.org
Alison Duquette	Federal Aviation Administration (FAA)
Michael Cameron	Federal Aviation Administration (FAA)
Brent Hart	Federal Aviation Administration (FAA)
Jim Crotty	Federal Aviation Administration (FAA)
Charlie Leocha	Travelers United
Paulo Montoiro	Aerospace Industries Association of America (AIA)
Susan Benhoff	Baker Botts LLP
Thuy Cooper	Federal Aviation Administration (FAA)
Scott Gore	Federal Aviation Administration (FAA)
Chris Walker	Delta Air Lines
Scott Odle	National Air Traffic Controllers Association (NATCA)
Peter Ivory	Federal Aviation Administration (FAA)
Sara Mikalop	Federal Aviation Administration (FAA)
Valerie Smith*	Aircraft and Environment (A&E)

Jeffery Finley\*

Aircraft and Environment (A&E)

\*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 in addition to the public for attending. He then invited the attendees to introduce themselves.

Mr. Dale Bouffiu, Federal Aviation Administration (FAA) acting Designated Federal Officer (DFO), read the Federal Advisory Committee Act (FACA), Title 5, United States Code (5 U.S.C.); Appendix 2 (2007) statement. Mr. Bouffiu informed the meeting attendees this is a public meeting, and the meeting materials are public information (as available on the website), and whatever ARAC provides for presentation during the meeting, is also appropriate for distribution.

## **New Tasks**

### **Flight Test Harmonization Working Group**

Mr. James Wilborn began by pointing out, task 3 is not a new task, but rather a continuation of work the group is already performing. The work in phase 1 was for the team to identify approximately thirty topics requiring review or updating. From this list, the team came up with a plan to prioritize and handle those topics. All but two topics were addressed at the end of phase 2, necessitating a third phase to complete the work. In phase 3, the group will continue to work on the next set of topics. In summary, Mr. Wilborn noted the group is ready to meet in June, but needs tasking approval to continue their work.

Mr. Sigler opened the floor to any possible questions about the tasking.

Ms. Sarah MacLeod (ARSA) asked if the group has gone back to reassess the list of topics considering they are three to five years old, to see if priorities are still the same. Mr. Wilborn stated that the team does periodically reevaluate the list. In fact, they have made a few adjustments to move some of the tasks back to later phases to ensure that they are working on more relevant topics.

Mr. Sigler noted a schedule change referencing paragraph 2d, however, he did not see a paragraph 2d in the task description. Mr. Wilborn stated, that it appears there was an error in the bullet numbering in the task description and advised that they would fix this error before publishing. Additionally regarding the schedule, Mr. Sigler questioned the assumption of a two-year timeline in lieu of thirty months, as was previously discussed

within the WG According to Mr. Wilborn, he was not sure of the reasoning behind the decision, but he will inquire within the team and update the committee. Mr. Mike Kaszycki (TAE), stated the reason behind the two-year timeline is to keep the group on task and aggressive. If additional time is necessary at the end of the project an additional six-month extension is an option.

After a motion to accept the tasking was made and seconded, ARAC members unanimously voted to accept the tasking.

## **ARAC Input to Support Regulatory Reform of Aviation Regulations Task**

Mr. Bouffiou began the discussion by reminding the members of the committee to read ahead copies of the Executive Orders relating to this task were sent out via email. Mr. Bouffiou stated the tasking solicits input and help of industry leaders to identify regulations for potential deregulatory action. The Executive Orders require repealing two regulatory actions for each new one proposed with the cost of the regulatory action being zero or less in fiscal year 2017 and 2018. Mr. Bouffiou informed the members, this is an opportunity to look at regulations having an unintentional impact on industry or to identify those that are overly burdensome for consideration by the FAA. The 1<sup>st</sup> phase would consist of developing a list of possible regulations for deregulatory action while the second phase would require providing more detail to the information, such as cost information for each of the listed regulations. Mr. Bouffiou pointed out, since official acceptance of the task by the committee has not taken place, there is no expectation of receiving a list during this meeting. However, once receiving acceptance, the deadline for the list is in time for the next ARAC meeting in June.

Mr. Sigler mentioned few of the ARAC members questioned the tasking wording defining a regulation. In opening the floor for discussion, he asked ARAC members to identify their concerns regarding accepting the tasking as written or ask the FAA to allow ARAC to follow the guidance in the Executive Order and provided by OMB.

Mr. Walter Desrosier (GAMA) stated he supports the flexibility the tasking provided and sees an opportunity to address the fundamental aspect of tasking within the interpretive material. Mr. Bouffiou advised, there was consideration of removing the sentence starting the tasking with a definition of a regulation.

Mr. Sigler stated, instead of trying to add a specific definition within the tasking, we should consider just staying within the scope of the Executive Order, so not to constrain the ARAC during the process of completing the tasking. Ms. MacLeod asked if the ARAC could accept the tasking “as is” and avoid having the FAA go back to the Department of Transportation (DOT) to change the task. Continuing, she asked if the ARAC possibly separate the report into actual regulatory sections and then identify other items the ARAC believes require consideration.

Mr. George Novak asked, as a point of clarification, if the initial list is the final list or will the FAA consider additional information as it becomes known. Ric Peri (AEA) notes the costs effects are typically in the implementation or administrative overhead of a regulation. Mr. Peri stated, we must consider the implementation costs of the rule including the wording. Mr. Bouffiou advised, the FAA is looking for the most useful group of regulations to consider, so he believes the FAA would consider additions after the completion of phase 1. In continuing, Mr. Bouffiou stated there is some concern with scope if the submitted report materials address regulatory issues too broadly . The FAA will consider implementation of appropriate rulemaking actions they can to make regulatory guidance less onerous using the list the ARAC provided.

Mr. Hudson commented, ARAC typically deals with safety regulations whereas the FAA deals in all types of aviation regulations, such as airports and reporting by the airlines. He questioned if the tasking constrains the ARAC work to only safety regulations or all regulations pertaining to the FAA. Mr. Bouffiou responded, he has not heard of any limitations on this activity.

Ms. Yvette Rose asked for clarification on part of the tasking where ARAC would need to quantify both costs and benefits of repealing, replacing, or modifying a regulation. She asked if this was something requiring the work be done in detail, because it could take a large amount of time to complete this portion of the task. In answering, Mr. Bouffiou stated this is a core reason for the FAA is requesting industry input. The Executive Order standards require the net cost of rulemaking must be no greater than zero.

Mr. Desrosier commented, it would be difficult to come up with alternate rule text in addition to the cost benefit quantitative data, but ARAC can identify a long list of rules and regulations for the FAA to consider repealing or replacing. Mr. Bouffiou stated, the alternative text is not an expectation. The intent of the list is as a starting point for the discussion of repealing, replacing, or modifying the rules.

Regarding the cost analysis portion of the tasking, Mr. Hudson asked for clarification on the costs analysis. Specifically, are the costs considerations those with an effect on industry and the FAA; or do the costs also consider the effect on the public? Mr. Sigler advised, the consideration is of all costs.

Mr. Chris Witkowski asked, why did the FAA choose to bring this task to the ARAC rather than putting it in the Federal Register for public comment? Mr. Bouffiou responded, that the FAA recognize ARAC as a quality cross section of industry and public leaders. Mr. Witkowski continued by expressing a concern regarding having a consensus on each of the decisions since this is how the ARAC typically operates. Mr. Sigler stated, ARAC will work through various forms of communication to establish a plan to work through the task and he, as Chair of the committee, has the action to accomplish this. He stated, he hopes the industry has already come up with initial lists. Ms. MacLeod stated, ARAC may not get consensus, but they can provide a pro and a con for each item on the list informing the FAA of everyone's view. Mr. Desrosier advised, even though this process is not being brought to the public through the Federal Register, if any changes are made the safeguards are still in place where any potential changes will

have to go through the Federal Register. Mr. Justin Barkowski (AOPA) asked if consensus will be necessary to add any regulations to the list for phase 1. Mr. Sigler stated, he does not believe the FAA is requesting consensus within the tasking.

Mr. Witkowski expressed a concern about the language in the tasking and believes that consensus is necessary to avoid things being put through simply due to a majority. He further explained his concern by stating, anything coming through ARAC typically carries heavier weight and does not want this to have a negative impact on the outcome. Mr. Sigler noted Mr. Witkowski's concern, and inquired if there is any specific language Mr. Witkowski would like to revise to alleviate his concern. Mr. Witkowski stated he needs to leave the meeting; however, his position as the representative for Association of Flight Attendants (AFA) is against ARAC accepting the tasking.

Mr. Hudson questioned if there can be room in this tasking to not only include the rules and regulations, but also include the statutes mandating the regulations as well as the CFR's about the wording of the tasking, Ms. MacLeod stated Mr. Hudson's point is well taken, being the repeal of regulation must be consistent with law.

Mr. Novak made a motion to accept the tasking as proposed and Ms. MacLeod seconded the motion. Mr. Sigler asked if there were any members in addition to Mr. Witkowski, who are not in favor of moving forward and accepting the tasking as it is written? No other members suggested they were against accepting the tasking. Mr. Sigler put the motion up for a vote by the membership, with the rest of the committee voting in favor of accepting the tasking.

Ms. Gail Dunham stated, if during the June meeting the ARAC would consider an additional meeting to discuss the work for the tasking. Mr. Sigler agreed there is a possibility; however, they may wish to avoid it if possible.

## **CONCLUSION**

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

## **ADJOURNMENT**

Mr. Sigler adjourns the meeting at 2:35 PM

Approved by:

Yvette Rose, Vice-Chair

Dated: \_\_\_\_\_

Ratified on: \_\_\_\_\_