



# THE VIEW FROM WASHINGTON

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## Who's Responsible When the Speeder Gets Caught?

**A**s we wrap up this year's AEA International Convention & Trade Show, I'd like to thank all of the members, employees and leadership of the Federal Aviation Administration who attended the convention, as well as the employees and leadership of the International Civil Aviation Organization authorities. At this year's convention, we had international participation from the authorities of Canada, New Zealand, Brazil and Russia.

During the convention, the AEA hosted:

- Sessions on Canadian and European regulations for United States repair stations.
- The annual Regulatory Rise & Shine Round Table.
- A real-world Human Factors in Maintenance session with Hal Shevers, founder and chairman of Sporty's.
- An exceptional four-panel regulatory session with the FAA leadership team that impacts our members.

As many of you might remember, the two weeks prior to the AEA convention in Washington, D.C., was pretty tough on the FAA leadership, with House and Senate hearings on FAA oversight of airlines, then stretching to FAA oversight of repair stations, both domestic and foreign. With all that was going on in Congress, I am grateful and humbled the FAA leaders took time out of their schedules to brief us on their activities and what we can expect in the next year or two.

Thank you again to all of the FAA presenters who helped make this year's convention such a success. While we do not always agree, these folks have opened their doors to discussions and rolled up their sleeves to solve the problems.

The AEA Annual Regulatory & Industry Affairs session began with Hank Krakowski, chief operations officer for the FAA's Air Traffic Organization. Krakowski presented an excellent view

of the roadmap for the future of the air traffic management system — translation: what your customers will need in their cockpits to fly in the national airspace.

The "FAA Leadership Panel" included James Ballough, director of the FAA's Flight Standards Service, John Hickey, director of the FAA's Aircraft Certification Service, and Kim Smith, manager of the FAA's Small Airplane Directorate, who provided the audience with an excellent 10,000-foot view of where the FAA is at present, where they hope to be in the next five years, and how they plan to get there. These are the FAA's decision-makers who affect every aspect of aviation maintenance, as well as aircraft and avionics systems certification.

"The Avionics Panel of the Future" brought the topics down from a leadership overview to product-specific discussions. Steve VanTrees, manager of the Avionics Systems Branch of the FAA, is the FAA's lead on the Aircraft Equipage working group looking at NextGen; Steve Brown, senior vice president of operations for NBAA, is the chair of the FAA's Aviation Rule-making Committee working on the ADS-B issue; and Gary Bennett, owner of Northern Lights Avionics in Anchorage, Alaska, is on the working group implementing the next phase of the Capstone Program in Alaska.

The final panel of the day, "Installation of Primary Equipment: How to Deal with the Enhanced Certification,"



*Hal Shevers, founder of Sporty's and Cincinnati Avionics, discussed the practical side of human factors during the AEA convention's "Human Factors in Aircraft Maintenance" session.*

brought the topic right to the ground. Three FAA managers took part in this panel: Rich Jennings addressed the certification of avionics components; Wes Ryan addressed the certification of the aircraft; and Carol Giles addressed field approvals and repair station issues.

Two notable issues were raised in the final panel:

- The FAA will be introducing delegated field approvals later this year.
- The Repair Station final rule should be out by August.

Both topics already are scheduled for discussion during the AEA regional meetings this fall.

The delegated field approval will be very limited at first — specifically for simple alterations on Part 23/CAR 3 aircraft.

It doesn't sound as though the repair station rule has changed much since the original proposal; however, the AEA has been assured the issues raised by the Association during the public comment period will be addressed.

Another item coming out of the discussion was the self-audit part of the proposal, which brings me to the last issue I'd like to raise this month: taking responsibility for our own safe and compliant operations.

In the Maintenance Implementation Procedures between the FAA and EASA, there is a requirement for EASA Part 145 repair stations located in the United States to perform self-audits at least annually to ensure compliance with "all applicable FAR Part 43 and 145 paragraphs," as well as the EASA special conditions.

This got me thinking: Who is responsible for ensuring a repair station — or an air carrier, for that matter — is in compliance with the Federal Aviation Regulations (or EASA, TCCA, CASA, CAA, etc. regulations)?

Title 49 of the United States Code states the Administrator of the Federal Aviation Administration shall promote safe flight of civil aircraft in air com-

merce by prescribing regulations and minimum standards in the interest of safety for inspecting, servicing and overhauling aircraft, aircraft engines, propellers and appliances; equipment and facilities for, and the timing and manner of, the inspecting, servicing and overhauling; and a qualified private person, instead of an officer or employee of the Administration, to examine and report on the inspecting, servicing and overhauling.

As many of you know, I equate knowing the aviation regulations for



*During the AEA's annual Regulatory & Industry Affairs Session, FAA leadership was significantly represented and participated in three different panels, sharing information with a large crowd of AEA members.*

running your business to knowing the speed limit on the roadways you drive. If you know the speed limit, you can comply. If you don't know the speed limit, you are only guessing.

Let's take this analogy one step further. Assume we know the speed limit — that is, the traffic regulation. We are monitored for our compliance to this regulation by the local traffic enforcement bureau. The traffic police certainly don't have the resources for "absolute" compliance with the traffic regulations. They typically monitor high traffic or high non-compliance areas with speed traps, with radar guns or, as is the case here in Washington, D.C., with speed and/or intersection automatic cameras.

Based on the resources of the local office, it will "encourage" compliance with traffic regulations through education, fines and, in some cases, suspension of privileges; however, it cannot ensure the traveling public everyone

will comply with speed limits all of the time.

When an accident occurs in which the victim violated the traffic regulations, do we blame the traffic police for the backup during our morning commute? Not usually; generally, we blame the person who violated the traffic laws.

During this year's AEA convention in Washington, D.C., more than one person talked to me about how "the FAA caused all of the delays in air travel the week before." Let me just say, they did their job; maybe not perfectly,

but I'm sure the evidence will come out in time.

Similarly to local traffic police, the FAA doesn't have the resources to ensure "absolute" compliance with the aviation regulations all of the time. Also like traffic police, the FAA monitors our compliance — educating us to the importance of following the regulations, fining us for non-compliance and, occasionally, suspending our certificate.

We can no more blame the FAA for the backup in air travel than we can blame the traffic cop for the backup on our freeways.

As we move forward this year, I think it is a great time to ask the question: Are you in compliance with "all applicable FAR Part 43 and 145 paragraphs?" □

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*If you have comments or questions about this article, send e-mails to [avionicsnews@aea.net](mailto:avionicsnews@aea.net).*