

Airport familiarization and a helpful FAA?

By John Morris

In February of this year a famous actor and active aviation supporter/pilot had what might be considered two potentially very bad flight related incidents. The first involved landing on a taxiway instead of the assigned runway and the second was overflying an operating aircraft at KSNA [see airport diagram]. Then, shortly before writing this article (1st week of April) the FAA announced that no action was going to be taken against the pilot! Huh? Was the FAA giving in to the recognition of the actor or actually being helpful by not suspending/revoking his license?

Before answering that question I want to tell you about an incident, a runway incursion actually, that I had almost two years ago and the resulting FAA investigation. First I need to give some background leading up to the incident because the possible causal airport familiarization effect may be similar to what transpired with the actor/pilot.

The airport involved in my incident, KSFb [see airport diagram] is not unknown to me. I have flown into/out of this airport numerous times over the last ten years. So that should imply that I am familiar with the airport and its layout. That would be somewhat incorrect, as it turns out! All of my flying had been related to PC12s based at the same FBO located at the north side of the airport. As a result every departure/landing that I have done has been on Rwy 9L/27R, the primary international/regional airline runway. Also, with the location of the FBO I have always been able to depart using the Romeo (R) or Lima (L) intersections due to the performance of the PC12 and the runway length available for either direction of departure. Rwy 9C/27C is primarily used for very busy flight training schools and Rwy 9R/27L is also used by the flight schools and for aircraft parking on the south side of the airport.

On the day in question Rwy 9L/27R was closed, at least for the morning. The winds were calm but a light frontal area was approaching central Florida in a couple of hours. My IFR flight was down to Miami (KMIA), quick pick-up, and return to KSFb. For the first time, for me anyway, I was assigned Rwy 18 for takeoff. Nice, quick departure straight out southbound. By the time I arrived at, then departed from KMIA the weather at KSFb had shifted-winds out of the west, ceilings lowered and runway 27L was now in use for all IFR approaches. So while enroute I briefed the approach and airport diagram (flying NG that day, nice to have full size charts at eye level!). I was definitely interested in the airport diagram since I had never landed on 27L or been on that side of the airport. With my “familiarity “ of the airport I assumed after landing that I would eventually be cleared to cross Rwy 36 via taxiway Sierra (S) to taxiway

Romeo (R) for a straight taxi to the FBO at the north end. I had also noted on the diagram the Hot Spot located at the Sierra/Romeo intersections.

After landing ground control instructed me to hold short of Rwy 36 (via Sierra). Idled there for approximately 5 minutes, wondering what was up since no ground traffic around me and Rwy 36/18 not in use. Ground control finally calls with instruction to taxi onto Rwy 36 and hold short of Rwy 27L. I read back the instructions, started taxiing, making a gradual right turn following the yellow taxi line [runway is 150 wide with crest in middle for water runoff] and when about perpendicular and able to see down Rwy 27L I was already over the hold line and observing a light jet going around. Crap and double crap! Without stopping I immediately initiated a fast left turn to exit the Rwy 27L area while hearing the ground controller calling out "Runway Incursion" – triple crap! Can you guess what came next? "Are you ready to copy a phone number"? Call tower when able.

After dropping off the passenger and putting the plane to bed, going home and filing an ASRS (Aviation Safety Reporting System) report I called the number. The tower supervisor was helpful, plus informed me that that particular area has had the same kind of "incident" numerous times with many different types of aircraft/drivers. He was asking me if I had any suggestions about how to avoid this from occurring. At that moment I could not clearly give one as I WAS guilty of the infraction and wanted to know what was going to happen next! He could not say for sure but he and I both knew that since the ground controller spoke the words "Runway Incursion" it could not immediately go away. Hence the reason I filed the ASRS report. The next day I was travelling and I received a call from the tower manager. He was almost apologizing and asking if I could come to their monthly local pilot/controller meeting to discuss this. He also intimated that this would probably go up the FAA food chain but to what end he couldn't say. Swell.

6 months plus 2 weeks goes by when I get a voicemail from a safety inspector out of the Orlando FSDO wanting to talk about the "incident".

Before this call I was already concerned about what possible action might/could be taken regarding my license since I earn a living using my hard earned license and proceeded to do some research. My first realization was that the filed ASRS report, or get out of jail free card, is not that free! From the current Advisory Circular AC-0046e condensed: 1) The violation reported must have been inadvertent, not deliberate; 2) The violation must not have involved a crime, accident, or lack of qualification or competency on the part of the reporter; 3) Evidence of having filed an ASRS report within 10 days of the event's occurrence (your receipt) must be presented; and 4) Immunity from action under the ASRS cannot have been used in the last five years.

Also from AC-0046e condensed: "The filing of a report with NASA concerning an incident or occurrence involving violation...is considered by the FAA to be indicative of a constructive attitude...."

In the past few years, maybe a decade, FAA inspectors have been given other options regarding actions to be taken regarding a violation. This is where they can actually be helpful. They have a rather large "playbook" of procedures and forms (government regulations!) regarding accidents/incidents and depending on the situation the final outcome could include no suspension, reexamination or revocation. There are numerous stories/articles regarding how a pilot should respond when the "letter" arrives. At the top of the list is pilot cooperation aka confession, if you will. The FAA can hold anything said by the pilot against the pilot if the enforcement action proceeds. The pilot is under no obligation to cooperate but you can see where that will probably lead, knowing how the FAA can go! As long as I feel confident about the circumstances of the violation committed, namely that it falls within the guidelines set forth in AC-0046e-9b/c, and fully cooperate, I prefer to keep lawyers out of it. I then can use the get out of jail card but I would prefer to save that, not that I routinely commit FAA violations but crap happens and this is my living!

So is this what happened with the actor/pilot? Had he ever been to Long Beach before or was there lack of familiarity? Did he use his "card"? The Inspectors can, as a part of their options, require some form of remedial training, including taking on-line courses and providing proof.

As for my incident, I was curious as to why it took so long before I had the "call". During my investigation it appeared that the FAA wanted the procedure to move rather quickly with the latest timeline being 90 days for completion. I also found a legal ruling regarding an FAA enforcement action that was lengthy. The judge ruled that after 180 days the case was "stale", meaning of no further relevance. It was also noted that no one should count on this ruling to be used for other cases as we are dealing with government interpretation of their own rules!

Note: I did not receive a certified letter, return receipt as is required at the beginning of an enforcement action. After our first talk on the phone I received an e-mail Letter "Notification of investigation under the Pilot's Bill of Rights".

The inspector requested that during our next phone conversation that I should have my logbook readily available. During my investigation I also found the probable form (Pilot Deviation Form), among many FAA forms, that the inspector was required to fill out to possibly complete this inquiry. As well as filling in the blanks regarding my flight/medical currency, a lot of questions were asked regarding positioning of aircraft that day, the distance from the jet going around, signage at the runway/taxiway area, procedures, my health-fatigue factor, etc.

FYI, the inspector had reviewed the saved tower tapes from 6.5 months before. At the end of that conversation it seemed to me that no further action was going to be taken. The inspector never said one way or the other. Had this gone according to the “playbook” the inspector’s report would have been sent to a Safety Committee for final review and determination. For days and weeks after I wondered/waited for some kind of letter which never came. I had a client who had a somewhat similar experience and it was 1 year later before a letter arrived clearing the pilot of any further enforcement. Professionally I didn’t like not knowing what the final outcome was.

But calling the FAA to find out? Nope. Let those dogs lie. Instead, I paid for a complete copy of my pilot history from Oklahoma City. I’ve always wanted to see the old stuff anyway! Every form ever filled and flight/ground test taken that has my name and certificate number, the original and current one, is on-file at FAA Oklahoma City. When the packet finally came, about a month after the request, to my relief there was no letter indicating a violation, none ever by the way.

In the case of the actor/pilot it would appear that the “playbook” was used properly and some form of remedial training or the “card” was used. In my case I am not sure why it took so long and I believe the inspector needed to fill-in the (form) blanks to close out the case. Part of filling in the blanks though included my openly talking about the incident as well as my professional instructor experience including telling the inspector I have spoken about this incident to my clients. So the FAA actually sometimes is here to help.

“A safe pilot is always learning”

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