



89 Feb

INTRODUCTION OF OFFICERS FOR 1989



PRESIDENT:
John Anderson

John is Chief Pilot at Data General Corporation and has been a helicopter pilot since 1959. He was the first President of the NEHPA. He is a Director of the HAI and a member of The American Helicopter Society, The Society of Experimental Test Pilots, and a former U.S. Navy pilot. He holds an ATP and is a CFI and CFII.



2nd VICE-PRESIDENT:
Dave Manning

Dave is the owner and operator of Manning Aviation in Boston, providing R-22 flight services and factory authorized maintenance. He is a former Vietnam doorgunner and has been a helicopter pilot since 1983. He holds a commercial license and is a CFI.



TREASURER:
Bob Reynolds

Bob is an engineering scientist at General Electric Corporation. He has been a helicopter pilot since 1962 and is the Program Activities Chairman for the Eastern New England Chapter of the American Helicopter Society (AHS).



1st VICE-PRESIDENT:
John Burke

John is a self-employed attorney, specializing in real estate, zoning, and aviation matters. A helicopter pilot for six years, he owns and flies a Hughes 500D. John holds a commercial license with an instrument rating.



SECRETARY:
David Graham

David is the Chief Inspector for the Massachusetts Aeronautics Commission. He has been a helicopter pilot since 1960 and holds both fixed and rotary commercial licenses with an instrument rating.

OFFICERS Telephone Numbers

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John Burke	(508) 653-5252
Dave Manning	(617) 482-4501
David Graham	(617) 973-7181
Bob Reynolds	(617) 229-5187

LETTER FROM THE PRESIDENT

Welcome to the first issue of what is planned to be a bi-monthly publication, designed to help us take one of the most important steps in flying safely and professionally—COMMUNICATION! This has been a goal for us since our inception, and thanks to Elberta, we have finally succeeded. This is YOUR newsletter and its success depends upon your support. I encourage you to participate by contributing material for publication, as well as your suggestions for improvement.

I think it's appropriate to open our inaugural issue with a brief summary of how our association began, and why we exist. Our first gathering (1977 I think) was sponsored by Digital, in an effort to bring together all of the pilots who were operating in the Boston TCA, which was beginning to become a busy environment. At that time, we were operating

on the same tower frequency with all the fixed wing traffic, and it was becoming a chore for both us, and the FAA to conduct safe operations. Helicopter pilots from all over New England joined together that evening at the Sheraton-Tara in Framingham, and the seeds of our Association were sown. But, I'd like to save the details of our roots for another issue, and concentrate here on our purpose.

Although there were a few dissenters who wanted to form a labor organization, the vast majority felt that we needed a PILOTS organization, designed to provide a communications forum, and dedicated to safe and professional helicopter operations. Thus, Article II of our Constitution reads:

"The purpose of this organization is to enable its members to unite their efforts to foster, promote and implement

rotorcraft aviation; to represent its members in all matters concerning the development of constructive programs, policies and legislation; to provide a forum for the exchange of ideas and information."

I believe that we are accomplishing our purpose, indicated by resolution of several noise complaint issues, defined helicopter routes and procedures in the Boston TCA, the healthy spirit of cooperation that exists between us and the FAA, the sharing of traffic and weather information on 123.05, our Affiliate relationship with the HAI, and a whole host of other things that we just take for granted these days.

But we still have a great deal to accomplish. I am excited about some of the things on our agenda for 1989, such as our efforts to organize a Disaster Assistance Program, and this newsletter

which you are now reading. The NEHPA is recognized as one of the most progressive and enthusiastic contributors to the advancement of helicopter safety and professionalism in the nation—we are indeed leaders in our industry! We have a responsibility to ourselves, our employers, our industry, our community, and our country to fly professionally! To do this, we need not only to operate our helicopters professionally, but just as important, to pull together as a team to show the world that helicopters are safe, and provide a valuable service to mankind. We need to do a better job at public relations. Far too many people view helicopters as thrashing, noisy contraptions that fall out of the sky at the drop of a hat, and provide no visible benefit to them. The facts are, of course, that thousands of lives have been saved by helicopters; that our food, shelter, and clothing are all influenced by the helicopter in its variety of missions in the medical, agricultural, forestry, and industrial areas. We in New England are a vital part of that chain, and bear a substantial responsibility for the future of rotorcraft. That is why we put so much effort into things like working with the FAA on TCA issues, long range planning efforts such as the Rotorcraft Master Plan, and the countless hours that our members have put into legislative issues; Lobbying for a collision avoidance system; working with the Perkins School and the residents of Cambridgeport; the list goes on and on, and the work must continue with enthusiasm!

As for the future, I steadfastly maintain, that until this country establishes a comprehensive network of IFR heliports and the necessary support structure, the full versatility and potential of rotorcraft is not going to be realized. What use are airliners without airports, trains without tracks, cars and trucks without roadways, and rotorcraft without heliports? We have the potential to become a vital link in our country's transportation system, and YOUR association is fully involved in making this a reality!

In closing, on behalf of all of our officers, I'd like to thank you for your support and confidence, and let you know that we will strive to represent you professionally in 1989! We will do our best, but we need your help; first, by flying your helicopter safely and professionally; second, by pulling together as a "family," sharing information and supporting each other; and third, by attending our meetings and functions, contributing your time, knowledge, and experience for the benefit of all of us.

EDITOR'S BLOCK

If there is something you wish to contribute to the newsletter, or any questions and comments about it, please write or call:

Elberta Hilliard
8 Hope Street
Hopedale, MA 01747
(508) 478-3877

DINNER DANCE ANNOUNCEMENT

Be sure to put Saturday night, April 8th, on your calendar for our annual spring dinner-dance. You will be receiving more information and reservation form soon.

MARCH MEETING

Our next meeting will be held on Thursday night, March 2nd, at the DAYS INN in Woburn. Social hour from 6:30 to 7:30; meeting starts promptly at 7:30.

Agenda items planned:

- Establishment of a Disaster Assistance Program
- Safety presentation by Art Davis
- Fall Safety Seminar planning
- HAI Convention report
- Report on the FAA Rotorcraft Master Plan
- Special report: The New MBB-108

Note: This, and future meetings will be announced in the newsletter, so please don't be expecting a separate mailing to remind you. As they have been in the past, our meetings are held on the first Thursday of January, March, May, September, and November, unless specifically notified that a change is necessary.

CFI/CFII LISTING

If you are a CFI and would like to make yourself available to other members and potential members of our Association, please send your name, telephone number, and type of aircraft you are current in to Elberta, and we will publish a list. Your experience is a valuable asset, and sharing it with other members is a great way to promote safety.

NAME FOR NEWSLETTER

Got an idea for a name for this newsletter? Submit it to Elberta, and we'll present submissions to the members at a future meeting.

Next issue: NEHPA pilots are:

Send your idea in the above format, using the word "HELICOPTERS," to Elberta before March 16th. The best submission will be published and the author will receive a helicopter tie-tack or lapel pin.

123.05

Whenever possible, keep a radio on 123.05 and share your position, and other important information, with your fellow helicopter pilots.

HELICOPTERS ARE:

HELPFUL
EMERGENCY SOLVERS
LIFE-SAVERS
INDISPENSABLE
CONVENIENT
OK
PRODUCTIVE
TIME-SAVERS
EFFECTIVE
RELIABLE
SAFE

IDEAS FOR THE NEWSLETTER

How about:

- Helicopter theme cross-word puzzles, especially safety oriented?
- Photos with "What's wrong with this picture" or "You write the caption"? (Black and white please)
- An operational or regulation "Question of the month"?
- "Question I always wanted to ask but didn't want to look like a dummy"? (Anonymous OK)
- A section listing new members?
- A section listing new licenses/ratings and first solos?
- A listing of employment opportunities?
- A listing of helicopters and equipment for sale or wanted?

What else can you think of? Use your imagination and send suggestions to Elberta.

QUOTE FROM HAI PRESIDENT Frank Jensen

"Congratulations on your first issue of the NEHPA newsletter. The affiliate organizations are a vital part of HAI's role in representing and promoting a safe, professional, and prosperous helicopter industry. The NEW ENGLAND HELICOPTER PILOTS ASSOCIATION is one of the finest examples of what can be done on the local level to work cooperatively with the FAA, state and local governments, and the community. You are setting the standards for others to follow. Keep up the good work!"
Frank Jensen
President, HAI



EDITOR
Elberta Hilliard

Elberta is currently a senior attending Hopedale Jr./Sr. High School in Hopedale where she lives. Her interests in flying have been with her since she was a small girl and now include helicopters and hot air balloons. On her 16th birthday she soloed in a Robinson

R22 at the Sterling Airport. At the present time Elberta is waiting to hear if she has been accepted for the fall term at Embry-Riddle Aeronautical University in Daytona Beach, Florida where she wishes to pursue a career in aviation. Her goal is to become a Corporate Helicopter Pilot and be involved in the tilt-rotor program.

FALL 1989 SAFETY SEMINAR

Suggestions are needed as to what or who you would like to hear at this important annual event. This is what we really exist for, and also what we spend most of your dues money on, so please help us to make it what you want and need it to be!

MAY MEETING PREVIEW

A special event is begin planned for our May meeting, so put Monday, May 22 on your calendar instead of May 4th. We will be meeting at the Sheraton in Boston in conjunction with the American Helicopter Society's Annual Forum. More later!!

R-22 FLASH

Dr. Frank Robinson has agreed to speak to us at one of our future meetings to discuss safety and operational issues related to the R-22.

NEHPA WINDOW DECALS

At last, thanks to Steve Pearce, we have replenished our supply, and they should be available at the March meeting.

SUMMER OUTING?

If anyone is interested in planning or hosting a summer gathering, please contact John Anderson.

NEEDED

Experienced Public Relations professional who is willing to donate a few hours to help us improve our public image. Do you have someone in your company or community? Please contact John Anderson.

WANTED

Items to be sold at auction to benefit the Bob Girouard Scholarship Fund. Please bring items to a meeting, or send to John Anderson.

HOW A COMPUTER SUSPENDED A LICENSE— A TRUE STORY

You are a pilot in a Part 135 Operation at long last being considered for a position with one of the big airlines. You are departing Newark, N.J., for a routine flight to Pittsburgh. Air traffic control vectors you out of the TCA and instructs you to maintain VFR, although they know you are climbing to 4000 feet as you do everyday. The controller's alphanumeric altitude display for your aircraft indicates that you made a slight incursion into the outer bottom edge of the top layer of the TCA as you climb. The controller says nothing because he probably doesn't notice anything. However, the computer sees it, and about three or four weeks later you receive a letter from the FAA stating that a possible violation is being investigated and that they would like your comments.

You certainly do not think you need an attorney at this point. You are an open and honest person and confess that you may very well have made a slight mistake. You apologize and explain that you have been flying for twenty years without any incident and that your livelihood depends upon your certificate. Whether you intended to or not you just made a statement which provides perhaps the only evidence the FAA may have corroborating otherwise questionable radar data.

About five months go by and you receive a letter stating that your airman's certificate is suspended for ninety days for the TCA violation and because of a violation of 91.9, careless and reckless operation. You are given a choice: (1) turn in your certificate, (2) request an informal conference or (3) appeal to the NTSB. Hoping that you may get an understanding ear from some aviation minded person who will agree that you are not a reckless and careless person, you select the informal conference. Perhaps you will come away with a warning. Not a chance!!

You attend the informal conference without counsel because you are short of funds. You are met by a FAA flight standards inspector who, unknown to you, actually recommended a warning or a fifteen day suspension, but who was overridden by the non-pilot FAA attorney who is also there. They ask you to tell them why you should not receive such a heavy hand. They refrain from letting you know about their evidence,

but in your openness you admit more facts in their once shaky case. But, to save time and still be credited with a kill, they agree to drop the 91.9 allegation (which was fraudulent to begin with) and ask you to accept 60 days. You refuse and appeal.

You receive a hearing before the Administrative Law Judge (ALJ) of the NTSB within about the next six months. With your admission that a mistake was possible, there is nothing to refute the once questionable data from air traffic control. The ALJ is also persuaded by the fact that the FAA says that you caused a conflict alert by your alleged reckless behavior. (This was not a near collision, but simply a compromise in separation criteria of which the controller may not have been aware at the time.) So, the sixty day suspension is affirmed. You appeal to the full NTSB consisting of five members.

The staff of NTSB lawyers writes the decision for the Board. The Board members, few of whom are airmen, are prompted by the political repercussions of accidents such as we had in Cerrito, and accept the decision of their lawyers, affirming the ALJ. Your appeal is to a court of law, but for all practical purposes, unless there are procedural defects, you are wasting your time because the courts tend not to override "safety" decisions of agencies.

Unfortunately, the big airlines have more applicants than jobs and are seeking objective reasons for rejections. Your suspension provided one, so forget your career with the airlines. If you want to fly privately your insurance may double, if you can get it. You are now a marked pilot because your public record will reflect this violation for the rest of your life. You climb back into the aircraft (if you still have a job) with sixty days less proficiency and probably a very negative attitude about aviation and certainly about the FAA. Sounds far fetched? This is one of the many true stories reflecting where our enforcement systems seems to be going today.

The FAA can also charge civil penalties which were once enforceable through U.S. Attorneys in courts of law where you were entitled to trials by jury. However, on September 7, 1988, without any prior notice, the FAA promulgated regulations removing that form of procedure. Now, as long as the

penalty is under \$50,000, it is adjudicated solely within the FAA, but the FAA can go to court for an order so they could attach your salary, business or property at the end of the proceeding, and a court is not permitted to review the facts of the case itself or the sanctions. Within the twelve pages of these new regulations (which the FAA said were written so that the non-lawyer would be able to understand them), it is mandated that any compromise must be accompanied by a finding of a violation. This means not only that it will always be on your record, but will also be an admission of negligence in any tort suit for injuries against you or your employer. The FAA proclaimed that the impact on you was so insignificant that the advanced notice to the public (like we had in 88-2 on the TCAs) was not necessary.

I am very proud of my former service as Chief Litigation Counsel for the FAA, and I can personally attest that we have some very fine and dedicated FAA people, many of whom we know and who have been working with us in our operations. But, I believe that the attitude and lack of understanding which we see growing within some parts of the

FAA, such is evidenced by these new regulations, can do more to instill distrust of the system and discourage growth and safety generally.

As president of the NTSB Bar Association, I have been formulating a proposal for an airmen's clinic, administered in much the same way as states administer driving clinics for vehicular violations. Many aviation interests are responding quite favorably because the obvious need for some positive element in the enforcement system. Above all, every citizen of the aviation community must now actively participate by submitting suggestions and comments to the FAA and our political representatives, particularly on issues such as the new regulations. A tough but fair enforcement system is necessary; however, I believe that the real enforcement of safety rules lies with us, the aviation public, because we have the most to lose by infractions. We must take back the right and power to rule ourselves by the exercise of that responsibility.

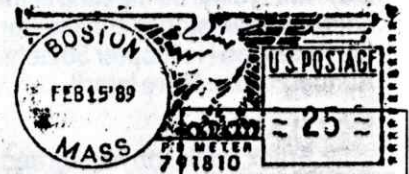
In later messages, I will explain further the airmen's clinic proposal. I submitted comments to the FAA on the new civil penalties rules which I will provide upon request.

Michael J. Pangia is a partner in the firm of Gilman, Olson & Pangia, Washington, D.C. He formerly served as the Chief of the Litigation Division of the Federal Aviation Administration where he supervised all of the aviation litigation involving the government and acted as the FAA's spokesman in accident investigations and hearings before the National Transportation Safety Board. Prior to that he served as the senior trial attorney and head of the Aviation Unit of the United States Department of Justice.

In addition to his Juris Doctorate Degree in law, he holds an engineering degree as well as a commercial pilot certificate and instructor ratings. He serves as an FAA Designated Accident Prevention Counselor and is General Counsel and Member of the Board of the National Aviation Club. He is a founding member and President of the National Transportation Safety Board Bar Association.

An avid flyer in his personal life as well, Mr. Pangia maintains and regularly flies a vintage 1942 Waco open-cockpit biplane. He is a Past President of the Potomac Aero Squadron.

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