

123.05



NEWS

FROM THE PRESIDENT

As no doubt many of you have noticed, the familiar call of "DATA-GENERAL 1" is no longer being heard on 123.05. Due to the economic pressures in the computer industry, Data-General found it necessary to terminate its flight department, which includes of course, yours truly. I appreciate the many calls of concern from our members, and although I don't know where this change is going to take me, my efforts on behalf of NEHPA will continue as long as I am in the area.

John Anderson

IFR OPERATIONS IN THE NORTHEAST CORRIDOR

Your Association has been working with the FAA on proposed revisions to helicopter IFR routing that should make it easier to operate between Boston, New York, and Washington. A list of our members who operate IFR has been given to the FAA so that coordination can occur quickly and efficiently. Changes should be effective later this year.

JANUARY MEETING

Be sure to
mark your calendar:
January 4, 1990
Days Inn, Woburn, MA
6:30-7:30 Social Hour
7:30-Meeting
Agenda: Election of
officers
NEHPA planning
for 1990

NOVEMBER MEETING

Thursday
November 2, 1989
Days Inn, Woburn, MA
Sponsor
McDonnell Douglas
Social Hour: 6:30-7:30

Come early and communicate with your fellow members. This informal hour is an important part of our effort to increase safety and professionalism through sharing information and experiences.

Meeting: 7:30-9:30
Agenda highlights

Nomination of officers for 1990

Dick Kirkland
McDonnell Douglas

Dick Groux
Avion Systems, (TCAS)

Helicopter IFR operations in
the Northeast corridor.

This promises to be an interesting
and informative meeting.

See you there!

THE FUTURE OF VERTICAL LIFT TRANSPORTATION

Although the immediate future of the tilt-rotor remains uncertain, the future of vertical lift aircraft as a major element in our nation's transportation is not! When you consider that the 100 largest airports in this country account for 93% of the commercial air traffic annually, and that the FAA projects that these same airports will have to accommodate 270 million more passengers per year by the year

2000, it's obvious that we are headed for a severe crisis. In today's environmental and political climate, expansion of the airport system is unlikely, and vertical lift is the only solution! The folks with vision in the Congress, the FAA and our industry know that this is inevitable and are making a strong effort to address the myriad of issues that face us. At last, the FAA in its National Airspace System (NAS) Plan, the National Plan of Integrated Airport Systems (NPIAS), and the Rotorcraft Master Plan (RMP) is placing some serious priority and funding on vertical lift programs. Effort is underway in all the important areas such as Air Traffic Control, route structure, approach needs, landing areas, etc., and although the bureaucratic process is sometimes painfully slow, it is definitely on the move. There are many substantial problems to be overcome, but the key is a commitment on the part of our government to make it happen. Our good friend John Zugschwert at AHS put this issue in perspective in his article in the Sep/Oct issue of Vertiflite, and I encourage you to read it. In fact, this issue is filled with information on the future of our industry, and should be required reading for anyone who plans to be a part of vertical lift in years to come. But, who will make all these things happen, and most important, who will lead our industry? Strong leadership has emerged within the FAA in an effort called the National Civil Tiltrotor Initiative, and the AHS has picked up the gauntlet for our industry. Many of you have asked me "where is the HAI", a question which I cannot avoid as a member of the Board of Directors. The simple answer is one of priorities and resources. The HAI has very limited resources and

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1989 SAFETY SEMINAR

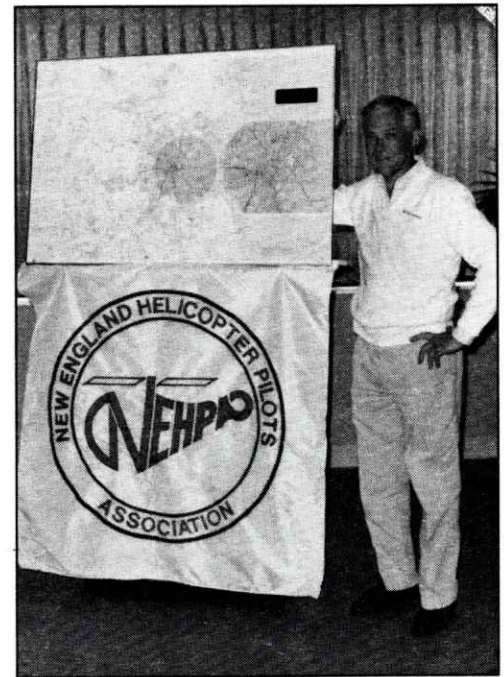
Our most successful seminar ever, over 180 of you attended, many of you with your helicopters. We had an impressive cross-section of pilots, including military, professional, recreational, and those who were just enthused or curious about helicopters. Also in attendance were a number of fixed-wing pilots who left with a new appreciation of the helicopter, and some new friends to boot!

As anticipated, Craig Geis' presentation was thought provoking, stimulating, and extremely educational. Many of the attendees asked that we have him return again. A

administrative chores and function as our official photographer. Please express your appreciation to all these folks when you see them.

During the seminar, the FAA, represented by Arlene Feldman, Barry Birmingham, and Jeff Roy presented a special recognition award to Carl Towle and the members of the Boston TCA chart committee for their efforts in bringing the chart from a dream to a reality. NEHPA received a beautifully framed copy of one of the original draft copies of the chart. This is another example of the valuable work being done by your association and the unselfish contributions of our members.

John Anderson



President John Anderson with original Boston TCA Chart Photo by Jane Hilliard

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123.05 Newsletter

Editor

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Data-General Control, manned by First Vice President, John Burke

Photo by Jane Hilliard

very special "Thank you" must be extended to Data-General, who not only supplied a great facility, but also the support people to handle Craig's A/V needs, as well as the cafeteria crew and security folks to keep an eye on our helicopters, all at NO COST TO NEHPA!

Many of our members put in a long day supporting the seminar, and Elberta's mother, Jane Hilliard, gave up her Saturday to help with

HELICOPTER VIDEO

Thanks to volunteer efforts from our members, we now have several copies of this valuable video for sale or loan. Narrated by Cliff Robertson, it provides an excellent overview of the history of the helicopter and its contributions to society. If you would like a copy, send \$6.00 to John Anderson at 3 Beaman Road, Sterling, MA 01565, or see him at the November meeting.

**THIS IS
YOUR NEWSLETTER
HOW ABOUT
BECOMING ACTIVE
GET OUT
YOUR PENCIL
AND PAPER
LET'S HERE FROM
YOU
STORIES-COMMENTS
ANYTHING
YOU WISH TO
COMMENT ON**

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cannot spearhead the kind of effort that is needed, while still representing the day to day needs of its membership. Then, you ask, "why the AHS"? The answer: "John Zugschwert"! A man of vision and great enthusiasm, he is the recognized banner carrier for the long term success of vertical lift aviation in this country. The situation reminds me of my most favorite quote by Igor Sikorsky, "The work of the individual remains the spark that moves mankind ahead". As a pilots organization, we have had limited exposure to John in the past, but I can assure you that this will not be the case in our future.

NEHPA will continue to be the leading regional organization supporting the future of our industry, and you, our members, will be the ones who reap the benefits years from now.

by John Anderson

UNUSUAL ATTITUDES

In December of 1988, the FAA published its new Compliance and Enforcement Program (which is really a modification and updating of an earlier program of the same name promulgated in 1980). Concurrent with the promulgation of this new Program has been a significant step-up in the number of enforcement proceedings. As a result of this, involvement in an enforcement action for violation of the FARs becomes far more likely, and we should all develop some level of awareness of how we should approach this process mentally. The focus of this article will be on one of the most important parts of that process, the Certificate Holder's ATTITUDE.

The stated purpose of the Compliance and Enforcement Program is to "promote compliance with safety standards." To achieve this, the FAA has published guidelines to be used by FAA personnel in choosing sanctions that can be im-

posed for violations of the FARs. The prior program did not actually recommend the nature or degree of sanctions. However, due to the fact that the FAA was criticized for being inconsistent in distributing sanctions, this Program establishes a "cookbook approach" to the problem by actually suggesting in each type of instance whether a violation should be sanctioned by a revocation, suspension, civil penalty, or administrative action (e.g. Failure of Part 135 Pilot to use a pre-flight checklist: 15-30 day suspension). The cookbook also suggests the amounts of civil penalties and the lengths of suspensions (The Sanction Guide Table).

Unfortunately, this cookbook approach, in an effort to achieve some consistency in sanction selection, may, in fact, inhibit FAA personnel from fully considering the substantive types of mitigating factors that are so important in every case. Although the program clearly states that FAA personnel are not to eliminate their discretion or experience in making sanction decisions, clearly this cookbook approach, because it begins the sanction selection process with a specified benchmark, will probably deliver a greater consistency of sanction selection, but will clearly narrow the range of discretion that the FAA personnel have in considering any mitigating factors, which is generally the most crucial part of a Certificate Holder's case in an enforcement proceeding.

In the event that you should be involved in a set of circumstances where there may be a violation of the FARs, your contact with the FAA personnel will generally take place in two different environments:

1. The investigative environment is one where an FAA inspector may contact you to discuss the circumstances concerning the possibility of an alleged violation.
2. In the event that a legal enforcement action or administrative enforcement

action is proposed, you will be given the opportunity to attend an informal conference with the FAA to discuss the circumstances.

In both of these settings the Certificate Holder's attitude will play a critical role in determining what final sanction, if any, will be imposed.

In fact, when the FAA inspector first consults the Sanction Guide Table to determine the level of sanction, they are directed to consider in addition to the "cookbook" sanction several other factors in making the final decision, one of which is the "attitude of the alleged violator." The Program's handbook specifically states... "a good compliance attitude is expected. More severe sanctions should be imposed on those who display poor attitudes." My personal experience in representing clients in both the investigative stage and the informal conference is that a constructive attitude toward complying with the FARs and a demonstration of a safety conscious attitude on the part of the Certificate Holder is an absolute prerequisite before an FAA inspector will give serious consideration to your important mitigating factors which may result in either the termination of an administrative action or the reduction of a legal enforcement action to an administrative action.

I do want to point out, however, I am in no way suggesting that if you feel the FAA has made a mistake in the investigative process or you feel that the sanction is inappropriate, that you can't say so, and say so forcefully. However, a "hardball" approach throughout the process in all likelihood will eliminate any possibility of your reducing or eliminating the sanction.

The bottom line is, since the FAA's scope of discretion seems to be narrowed by the new Compliance and Enforcement Program, it is essential that you understand that one of the best and most effective ways to present your side of the

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story is to do so with the kind of attitude that the FAA is looking for. I can assure you, throughout the investigative process and the informal conference the FAA, inspectors and attorneys will be looking for that attitude, not just the facts of the case or the legal precedent involved.

John Burke

Ed. Note: John Burke is a practicing attorney and a member of the National Transportation Safety Board Bar Association. (L:8993)

New York City TCA Handbook

We still have a few copies of this valuable guide to operating helicopters in and around the New York City area, including vital information on heliports, airports, procedures, frequencies, etc., If you fly to NYC and don't have one, ask John Anderson for a copy at the Nov. meeting, or call him, (508) 422-7876.

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