

Let's Make a Deal

The meek won't inherit the earth, they'll be stuck on preferred routes or bore-sighted into thunderstorms. If you don't like your clearance learn how to ask for another.

I am an IFR junkie. Let me admit that right up front. I file and fly IFR on virtually every flight that extends beyond the local traffic pattern. Even if the weather is CAVU. (The standing joke among my pilot friends is that I file IFR every time I go to the toilet. That's a lie. I routinely piddle without a clearance, although I generally pre-file for longer visits.)

Because I enjoy IFR flying so much, it has always astonished me to discover how many pilots don't. Half of the 650,000 U.S. pilots with current medicals are instrument rated. But it seems as if many of those 325,000 instrument-rated pilots use IFR as a last resort. They work hard to earn the rating, only to let it moulder in their wallets.

I've talked to many IFR-averse pilots to learn why they don't enjoy IFR flying. They always seem to blame ATC. A few clearly have an anti-authority bias; they don't like ATC telling them what to do. Most complain about being inconvenienced and delayed by indirect routes or altitudes assigned by ATC.

This has always seemed odd to me, because I fly IFR all over the U.S. in my Cessna 310 and very seldom feel inconvenienced or delayed or bossed around by ATC. My experience is that controllers usually give me what I ask for, and on those rare occasions when they don't, there's usually an obvious (i.e., aluminum or granite) reason. Am I unusually fortunate? Or unusually tolerant? Neither, I'd say.

Bax 'n Me

I got an interesting insight several years ago when I was flying IFR from my home base of Santa Maria, Califor-

nia, into San Jose International to connect with an airline flight. My right-seat passenger was one of the instrument-rated-but-IFR-averse pilots I've been talking about. You might have heard of him: Gordon Baxter, venerable columnist for *Flying* magazine.

The weather was cloudy but not particularly low. The one-hour flight was unremarkable in every respect, and we arrived at SJC with plenty of time to spare. I noticed that Bax spent almost the entire flight scribbling copious notes in the little notebook that he carries everywhere. I figured he was working on his next column. As I was unloading his bags from the airplane, I asked him what he was writing about.

"Your flying," he grinned.

"Did I screw up that badly?" I asked.

"Not at all," Bax said. "I just found it amazing to watch how you fly IFR."

"Really?" Bax probably learned to fly before I was born. "How so?"

"You're constantly negotiating with ATC. The flight was an hour of non-stop negotiations. I've never seen anything like it."

When I protested that the flight had been entirely routine, Bax pulled out his notes and reminded me that I'd (1) parried an altitude restriction by requesting a VFR climb, (2) asked for a higher cruising altitude when my filed altitude turned out to be bumpy, (3) asked for an RNAV-direct shortcut to trim a few miles from a dogleg in the airway, which ATC turned down but countered by offering a different shortcut that was nearly as good, (4) declined a speed restriction by countering with an offer to maintain visual separation from a

slower aircraft, and finally (5) requesting a side-step to a parallel runway to shorten our taxi.

I agreed with Bax's recounting of the flight, but suggested that any experienced instrument pilot would have done more-or-less the same as I did. He disagreed.

"I've flown with hundreds of pilots of all experience levels. Most of them obediently do what ATC tells them to do, and gripe to me about what rotten service they're getting. You actually seem to believe that ATC is there for your convenience and safety. You're constantly telling ATC what you want or what you need. You're constantly negotiating for a better clearance. And you actually seem to enjoy the whole process. I can assure you, Mike, that your attitude is unusual. I find it fascinating."

Negotiation 101

I don't subscribe to *Flying*, so I don't know whether Bax ever wrote a column about that flight from SMX to SJC. But I think Bax hit the nail on the head about why I like flying IFR so much and many other pilots don't. I truly do believe that the system is there for my convenience and safety.

God bless America for making it so. Simply by filing an IFR flight plan, my puny flib and I magically become First Class Citizens of the system, and are entitled to all the rights and privileges accorded to a \$50 million jetliner and its 30,000-hour Captain.

I like the entire process of IFR. I love the give-and-take with the controllers, and negotiating to get what I need. One controller at Bay Tracon jokes that my radio callsign is "N2638X, request." But I figure you can't expect to get good service unless you ask ATC for what you want.

Controllers have many talents, but mind-reading isn't one of them. Besides, controllers are very well paid for what they do, and most of them love their work so most shouldn't object to an occasional special request. And in fact, most of them seem to go out of their way to grant any reasonable request. (Except for that time in Baltimore, but that's another article...)

Rule # 1: Don't be shy; ask ATC for what you want. More often than not, you'll get it. Here's an example related to me by a friend who is a controller at Bay tracon: Propeller-driven aircraft departing eastbound out of Oakland are always restricted to 9000 feet on V244 for about 40 miles until they depart Bay's airspace. This is to protect the corridor for opposite-direction arrival traffic between 10,000 feet and 12,000 feet, a fact not readily known to pilots. The 9000-foot restriction may be fine for a Skylane, but is quite inconvenient for a pressurized twin whose cruising altitude is FL250.

One day at a pilot briefing, a Cessna 414 pilot asked my controller-friend if there were any way to avoid this restriction. The controller asked if the pilot could climb to cross ALTAM intersection (20 miles east of Oakland) at 13,000 feet. The pilot said it would be tight, but he could.

"Tell that to the controller," suggested my friend.

He called my friend a week later to say that every time he departed Oakland, he was assigned 9000 feet, to which he replied "If it helps, I can cross ALTAM at 13,000 feet." From then on, he got 13,000 feet every time.

Opening Bids

Rule # 2: Treat every ATC clearance as the opening bid in a negotiation. Unless it's exactly what you were hoping for, don't hesitate to ask for a better deal. If you were buying a house or an airplane, you probably wouldn't meekly accept the seller's initial asking price; you'd make a counter-offer. Same goes for dealing with ATC:

ATC: "Twin Cessna Three Eight X-ray, cleared to Oakland via present position direct Paso Robles, V113 Panoche, V301 SUNOL, direct. Maintain 12,000 feet."

38X: "After Paso Robles, request RNAV-direct BORED."

ATC: "Twin Cessna Three Eight X-ray, restricted area 2504 is hot, surface to 15,000 feet. I need you on V113 until about 10 north of Paso Robles to remain clear of the restricted area. Expect RNAV-direct KARNN when

clear."

38X: "Sounds good, thanks!"

Here's another example:

ATC: "Twin Cessna Three Eight X-ray, descend and maintain 8000 feet."

38X: "Do you need me at 8000 feet right now, or can you make that pilot's discretion?"

ATC: "Twin Cessna Three Eight X-ray, cross 25 miles southeast of Woodside at and maintain 8000 feet."

Rule #3: If ATC turns down your request, be persistent. Don't hesitate to make the same request of the next controller. Keep in mind that your controller has limited sector boundaries and typically is relieved from his position every so often, while you're there for the duration of the flight. Use this to your advantage. Even if one controller tells you no, the next one may say yes

If your request can't wait and you believe the controller is being unreasonable, don't hesitate to flex your muscles a little:

38X: "Center, Twin Cessna Three Eight X-ray is experiencing pretty serious turbulence here at 8000 feet, request higher."

ATC: "Three Eight X-ray, expect higher in 30 miles."

38X: "Center, Three Eight X-ray can't wait that long. We're getting a really bad ride. How about a VFR climb to 12,000 feet?"

ATC: "Three Eight X-ray unable. Maintain 8000 feet."

38X: "We'll gladly accept a turn off-airway, a VFR-on-top assignment; anything to resolve your conflict...but we've got to get out of this turbulence! My passengers are panicking."

ATC: "Three Eight X-ray, unable."

38X: "Center, Three Eight X-ray requests your operating initials and the telephone number of your watch supervisor."

Pause.

ATC: (new voice) "Three Eight X-ray, turn right 30 degrees, vector around traffic, climb and maintain 12,000 feet." Naturally, you want to resort to the controller's initials trick

only when you desperately need another clearance. Don't abuse your PIC authority just for the fun of it.

You Can Say Unable, Too

Rule # 4: If you're unable, say so and make ATC a counter offer. Unlike the pre-strike days, very few controllers these days are pilots. What little they know about aircraft performance and capabilities is often limited to pressurized, turbine-powered aircraft.

So if ATC asks for an unreasonable maneuver, just say "unable" and offer something that works for both of you. It's quite legitimate to use "unable" to decline a request that you feel might be abusive to your engine(s) or uncomfortable for your passengers. Keep in mind that the controller is not going to help you empty the sick-bags or pay for the cracked cylinders.

The only clearances you should be reluctant to decline are those containing the phrases "immediate" or "immediately." In controllers-peak, "immediately" means "if you don't do what I'm telling you right now, you're gonna die." Best to do it first, and quibble later.

Explain Yourself

Rule # 5: It sometimes helps to give ATC the reason for your request. If it's something the controller can identify with, it'll often make him much more cooperative. Since most controllers are not pilots, don't give them lectures on shock cooling or the difference between Vle and Vlo. Since lots of controllers have spouses and kids, an airsick husband or a crying kid make excellent reasons. I recall once flying to the Reno National Air Races one August in my 310 with my A&P mechanic, his wife, and their newborn baby.

Reno tracon is justly famous for their slam-dunk arrival procedures:

38X: "Reno Approach, Three Eight X-ray would like to start down."

ATC: "Twin Cessna Three Eight X-ray, maintain 13000 feet, expect lower in 25 miles."

38X: "Approach, Three Eight X-ray is unpressurized and we have a three-month-old infant on board. I'm

afraid that if we have to make a steep descent into Reno, the baby might develop an ear block. Can you help?"

ATC: "Three Eight X-ray, stand by. Break. Southwest Four Seven, turn left heading 150, climb and maintain FL230."

ATC: "Twin Cessna Three Eight X-ray descend and maintain 11000 feet, expect lower from the next controller in 7 miles."

In this particular case, the "baby on board" story was true, but I've been sorely tempted to use that one when I was all alone in the airplane.

Rule # 6: Don't hesitate to use your command authority. FAR 91.3 says you're the boss. Never abdicate your command authority to someone sitting in a comfy, dark room on the ground. No matter what the controller says, do what you have to do for safety of flight.

You need not formally declare an emergency to exercise your emergency authority. Don't hesitate to declare if you need priority handling. Other-

wise, just do what you have to do to stay safe, and keep ATC informed of your actions and intentions.

Don't be intimidated if a controller asks if you're declaring an emergency. Pretend he asked "Do you need priority handling?" and answer yes or no as seems appropriate.

38X: "Center, Three Eight X-ray needs to turn 30 degrees left for weather."

ATC: "Three Eight X-ray, unable to approve deviations north of course at this time."

38X: "Sorry, Center, we have no alternative. Be advised that we're flying heading 060 to steer clear of a cell."

ATC: "Three Eight X-ray, I can't approve that. Are you declaring an emergency?"

38X: "No sir, we're just flying heading 060 as required for severe weather avoidance. We'll keep you advised of subsequent heading changes."

ATC: "I say again, Three Eight X-

ray, deviation to the north *not approved.*"

38X: "Well, sir, then you have a problem. Maybe you should declare an emergency. Let's get one thing clear: I'm not flying into that thunderstorm."

ATC: [Urgent instructions to other aircraft to get them out of your way.]

The FAA Administrator is entitled to request a pilot to submit a written explanation of any deviation from ATC instructions. In a situation such as the one described, your chance of being asked to defend your actions is almost nil. But if the request comes, so be it. Answer as requested. Never be intimidated, and always do what you have to do.

Ol' Bax had it right: The system is there for your convenience and safety, not the other way around.

Mike Busch is a CFII-MEI and owns a Cessna 310 based at Santa Maria Airport in California.

Controllers Can Haggle, Too

Just because pilots hold the better hand when it comes to haggling, that doesn't mean controllers can't play the game at all.

Offering weather-avoidance advice is one area where controllers can take some initiative. The controller's manual has this to say: "When a deviation cannot be approved as requested, and the situation permits, suggest an alternative course of action." Such an alternative might include deviation in another direction or, if the controller knows how to use the weather capability of Center or ASR-9 radar, advice on where the weather appears less hostile. (The handbook specifically warns controllers not to use the word "turbulence" when describing radar-derived weather.)

When weather clogs up the airspace, controllers are expected to plan ahead and to advise pilots ahead of time about what routes and altitudes might work. They're

supposed to wait until the pilot requests advice, but a controller with self-preservation in mind will start dickering on his own.

According to the rules, ATC is supposed to offer alternative clearances when an navaid outage makes it impossible to fly a clearance. In our experience, this rarely happens. ATC's host computers are unaware of navaid status and they routinely issue canned routes based on notam'd nav aids. Clearances are reviewed before they're issued, but most controllers assume that if a pilot accepts a clearance, he or she is equipped to fly it.

Controllers aren't allowed to play the real trump cards of let's-make-a-deal-IFR: VFR on top, visual climbs and descents, IFR cancellation, contact approaches and special VFR. But there's nothing to prevent a sharp controller from offering clues. On a recent flight into a single-threaded uncontrolled

airport, an aircraft was awaiting release on the ground while another IFR aircraft was inbound, in good VMC. Here's how the controller handled it:

"Two One Juliet, I have an aircraft inbound. I can't release you until he lands or cancels." The inbound pilot picked up the clue, canceled IFR and everybody was happy.

Frankly, these artificial constraints against controllers offering deals are sometimes taken to absurd limits. We once heard a tower controller tell an approaching pilot five times that "the field is IFR, say intentions." The hapless pilot had forgotten or didn't know about the special VFR option. Finally, the frustrated controller blurted out, "Would you like a special VFR into the control zone?" If he had been able to say that from the outset, everyone would have saved time and aggravation.