

15400 Meherrin Court
Centreville, VA 20120-3907
December 17, 2002

Petition for Exemption
Rules Docket (AGC-10)
Federal Aviation Administration
800 Independence Avenue SW
Washington, DC 20591

PETITION FOR EXEMPTION

Pursuant to 14 CFR § 11.61(b), Michael S. Friedman, holder of Airline Transport Pilot and Flight Instructor certificate Number 2124048, hereby petitions the Federal Aviation Administration for an exemption from the requirements of 14 CFR § 91.109(a). Specifically:

Exemption is requested from Section 91.109(a) of the Federal Aviation Regulations to the extent necessary to permit the Petitioner to provide recurrent flight training in Beechcraft Bonanza type aircraft when those aircraft are equipped with a functioning throw over control wheel. This exemption is requested to the extent necessary to permit training for the purpose of meeting recency of experience requirements of Sections 61.56(a), 61.56(g), and 61.57(e)(2) of the Federal Aviation Regulations.

The above exemption is requested subject to the following:

1. The pilot receiving the training must be qualified in every respect to serve as pilot in command of the aircraft during the entire training period. During the training period, the pilot receiving the training shall at all times serve as, and remain as, pilot in command as defined in Section 1.1 of the federal Aviation Regulations. The pilot in command must agree to the provisions of this exemption.

2. The petitioner, when providing instruction under this exemption, must be otherwise qualified to serve as flight instructor in a Bonanza under Section 61.195(b) of the Federal Aviation Regulations as appropriate.
3. The Petitioner and Pilot in Command (pilot receiving training) must continually agree the proposed training, under conditions in evidence at the time, can be conducted in a safe manner.
4. This exemption (with provision for extension and/or renewal) is requested to be valid for 24 calendar Months from the date the exemption is granted or until the effective date of the amendment to section 91.109 of the Federal Aviation Regulations. See Docket Number 28202.

THE INTERESTS OF THE PETITIONER IN THE ACTION REQUESTED (FAR 11.25(b)(4))

The membership of the American Bonanza Society (ABS) is approximately 10,000 persons who own and operate, or have an interest in Beechcraft Bonanza, Baron, and Travel Air type aircraft. In response to what was perceived as an unacceptable accident rate among Bonanza pilots, the ABS developed the Bonanza Pilot Proficiency Program in 1983. In 1986, the program was expanded to include Barons and Travel Airs. The Petitioner has been an active flight instructor and participated as an instructor in these programs training many Bonanza pilots under the auspices of the ABS as well as on a private basis.

The Bonanza Pilot Proficiency Program is a recurrent training program that has served over 6,000 pilots. Research has shown that the accident rate experienced by regular participants in the BPPP is **less than 1%** of the rate of the general pilot population.

The overwhelming majority of Beechcraft Bonanzas, Barons, and Travel Airs built were equipped with a single throw over control wheel. Consequently, the majority of owners of these aircraft are confronted with either 1) a very expensive conversion of their flight control system or 2) obtaining recurrent training in a rental aircraft, or 3) forgoing recurrent training altogether. None of these three alternatives are in the best public interest.

The Petitioner believes it is in the best interest of the affected owners, as well as in the best interest of the public, that the availability of recurrent training be maximized. To this end, obstructions to training availability must be eliminated consistent with acceptable safety practices.

On April 10, 1993, the BPPP, on behalf of its staff instructors, petitioned the Federal Aviation Administration for an exemption from Sections 91.109(a) and 91.109(b)(3) of the Federal Aviation Regulations (Regulatory Docket No. 27251). The Federal Aviation

Administration granted the exemption request on August 30, 1993 (Exemption No. 5733). From June 14, 1997 through the present time, the Petitioner has conducted operations under Exemption No. 5733 without incident. Although the BPPP training program is available at approximately twelve locations across the United States each year, the BPPP program is still only capable of accommodating 600-700 pilots a year. The Petitioner believes that at best, the BPPP can serve no more than 5% of the affected pilot population.

In that the Petitioner is fit, willing, and able to provide additional training to Beechcraft Bonanza owners outside of the BPPP, the Petitioner believes it is in the best public interest that he be permitted to do so. Granting the Petitioner's request will increase the availability of recurrent training in aircraft equipped with throw over control wheels. Granting this exemption also provides a means of compliance with the regulatory requirements of Part 61 notwithstanding the regulatory obstruction to training posed by the throw over wheels.

ARGUMENTS IN SUPPORT OF THIS EXEMPTION REQUEST (FAR 11.25(B)(5))

The Petitioner believes the intent of FAR 91.109 was to prevent the training of unqualified pilots in an environment in which it is difficult for a minimally qualified flight instructor to properly discharge responsibility for the safe operation of the training session. Under the proposed exemption, the Petitioner proposes to conduct only recurrent training of otherwise qualified airmen in a controlled environment. The training will be accomplished by the Petitioner, a flight instructor with more than thirty (30) years and 3200 flight hours in experience, 2500 being specifically in Bonanzas.

The Petitioner's exemption does NOT result in operations at a level of safety without precedence. Since 1973, Section 61.45(c) of the Federal Aviation regulations has permitted FAA personnel and Designated Pilot Examiners to conduct pilot certification flight tests in aircraft not equipped with dual controls. Under the proposed exemption, the Petitioner will operate at a level of safety greater than the minimal permitted by FAR 61.45(c) since the pilots being trained will have a greater level of experience than those seeking initial certification.

Further relating to the Petitioner:

In the nineteen years of the BPPP program, it is estimated that nearly one-half of all Bonanza participants have been trained in aircraft with throw over control wheels. Since the granting of Exemption 5733, approximately one half of the Baron participants in the BPPP were equipped with the throw over wheel. The training has been accomplished entirely successfully and without incident in any way attributable to the use of a throw over control wheel configured aircraft. The Petitioner is confident he will maintain this level of performance.

This specific level of control available to a flight instructor in a Bonanza equipped with a throw over control wheel is far beyond minimal. The control configuration is such that the instructor ALWAYS has full use of rudder control in flight. In addition, the spring interconnect between the rudder and ailerons means that the instructor also has limited control of the ailerons without the necessity of reaching over to the control wheel. The instructor's access to all engine controls of the aircraft is unaffected by the type of control wheel installed. Full elevator control is continuously available to the instructor in either configuration. The center control column of a Bonanza is easily accessible to the instructor in a throw over configuration. Manipulation of the center control column affords the flight instructor full elevator control. Additionally, the instructor is afforded a mechanical advantage in elevator manipulation over what is available through a normal single control wheel; the elevator control column is offset and unobstructed. Aileron control beyond that available through the interconnect is within reach of the instructor (although in front of the PIC) sufficient to alter any additional control inputs necessary during recurrent training or training in simulated IFR flight.

On August 31, 1993, the Federal Aviation Administration amended Section 61.56 of the Federal Aviation Regulations. Prior to that date, flight reviews did not specifically require flight instruction be administered as part of the flight review. The flight review was regarded as either a satisfactorily completed or not recorded. After August 31, 1993, Section 61.56(a) and (c) specifically REQUIRES that flight instruction be provided as a function of the flight review. Because of the limitations of Section 91.109, the August 31, 1993, amendment to the flight review requirements effectively precludes the operators of approximately 15,000 Bonanzas, Barons, and Travel Airs equipped with throw over control wheels from compliance with Section 61.56 in the aircraft they own/or operate. The Petitioner believes that this new restriction on the operators of these aircraft was an UNINTENDED CONSEQUENCE of the effort to improve the quality of the flight review. Granting this exemption will return the availability of the flight review to owners of throw over wheel Bonanzas.

SUMMARY FOR PUBLICATION IN THE FEDERAL REGISTER (FAR 11.25(d)(1&2))

Michael S. Friedman, holder of Airline Transport Pilot and Flight Instructor Certificate Number 2124048, petitions for exemption from Section 91.109(a) of the Federal Aviation Regulations to the extent necessary to permit him to provide recurrent flight training in Beechcraft Bonanza aircraft when those aircraft are equipped with a functioning throw over control wheel. This exemption is requested to the extent necessary to permit training for the purpose of meeting the requirements of Sections 61.56(a), 61.56(c), 61.56(g), and 61.57(e)(2) of the Federal Aviation Regulations.

CONTACT FOR FURTHER INFORMATION

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PETITIONER'S SUMMARY

For over twenty years, Michael S. Friedman, the Petitioner, has been a flight instructor who has concentrated on providing instruction in the Beechcraft Bonanza both privately and as an instructor at numerous American Bonanza Society Pilot Proficiency Program (BPPP) clinics. The granting of this exemption will permit the Petitioner to individually provide recurrent training to Bonanza owners and operators whose aircraft are equipped with a throw over control wheel.

An unintended consequence of the August 31, 1993 Amendment to Section 61.56 of the Federal Aviation Regulations made the restriction of Section 91.109(a) applicable to the flight review precluding compliance with Section 61.56 in aircraft equipped with a throw over control wheel. The Petitioner's requested exemption, if granted, will enable him to make recurrent training available to owners of Beechcraft Bonanza aircraft equipped with a throw over wheel in a manner similar to that in effect prior to August 31, 1993.

The Petitioner's proposal exceeds the minimal level of safety set forth in current regulatory standards. Having recurrent training available in Bonanzas will continue to have a positive effect on the accident rate among affected owners benefiting both pilots and the general population.

The granting of this exemption is in the public interest.

Sincerely,

Michael S. Friedman,
2124048CFI,
Petitioner