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December 19, 2011

Docket Operations, M-30
U.S. Department of Transportation (DOT)
1200 New Jersey Avenue, SE.
Room W12-140, West Building Ground Floor
Washington, DC 20590-0001

Re: Docket No. FAA-2011-0763; Notice of Proposed Rulemaking (NPRM): Pilot Loading of Navigation and Terrain Awareness Database Updates

The Aircraft Owners and Pilots Association (AOPA) is a not-for-profit individual membership organization of approximately 400,000 pilots. AOPA's mission is to effectively serve the interests and needs of its members as aircraft owners and pilots and establish, maintain, and articulate positions of leadership to promote the economy, safety, utility, and popularity of flight in general aviation aircraft. Representing two thirds of all pilots in the United States, AOPA is the largest civil aviation organization in the world.

AOPA's Position - Support for Concept, Proposal Should go Further but as Drafted May Have Unintended Consequences: AOPA submits the following comments to the Federal Aviation Administration's (FAA) Notice of Proposed Rulemaking (NPRM) entitled *Pilot Loading of Navigation and Terrain Awareness Database Updates* (FAA-2011-0763). AOPA supports the efforts of the FAA in this notice to allow pilots to update self-contained, front-panel or pedestal mounted navigation equipment. However, we feel that the FAA should go further than what is being proposed in this notice and eliminate the requirement for a maintenance entry recording database updates for all operators. Additionally, we feel the FAA should also expand this policy to ensure that it also applies too electronic charts, terrain databases, and obstacle databases of similar configurations. Lastly, the FAA must also ensure that the proposed change is completed in a manner that does not cause unintended adverse consequences – particularly for aircraft operated under Part 91.

Overview of FAA Proposal: With this notice, the FAA is proposing to amend 14 CFR Part 43 to allow pilots to update databases used in self-contained, front-panel or pedestal mounted navigation equipment installed on aircraft operated under Parts 121 and 135 of the regulations. The regulations currently allow pilots of aircraft operated under Part 91 to perform these updates but for aircraft used for operation under Parts 121 and 135, the update must be made by a certificated mechanic or repair station. The effect of this revision would be to ensure that pilots using specified navigation equipment can update the databases, allowing use of the most current and accurate navigational data and thereby increasing aviation safety.

AOPA Supports Allowing Pilots to Update Databases: We support the FAA's efforts in this notice to allow pilots flying under Parts 121 and 135 to perform these updates and agree with the intent to ensure that pilots will have the most current and accurate navigational data. Pilots operating aircraft under Part 91 are currently able to update databases and having done so for some time have shown it to be a safe practice. We also agree with the FAA's reasoning that this change would enhance safety by ensuring pilots are flying with up-to-date database information.

Eliminate the Requirement for a Maintenance Record Entry: AOPA is recommending that the FAA also go further with this notice and eliminate the existing requirement for a maintenance record entry recording the update (Part 43.9 (a)) and NOT include the proposed new Part 43.3 (k)(4). As proposed by the FAA, Part 43.3 (k)(3) would read:

(4) Records of when such database uploads have occurred, the revision number of the software, and who performed the upload must be maintained.

The new proposed language appears to be redundant to the existing requirement to log maintenance and preventative maintenance in 43.9 (a).

The requirement for the maintenance entry recording the updates either under 43.9 (a) or the proposed 43.3 (k)(4) provides no benefit to safety; it does however impose a direct cost on operators for compliance. Information regarding the revision number and applicable dates for currency are stored within the software itself, retrievable from the hardware and often displays during the power-up cycle. This information must be checked by the flight crew prior to flight. Pilots who operate this equipment rely on the notification they receive each time they activate the equipment, not on a maintenance entry to determine if the database is up to date. The vast majority of operators do not carry, nor are they required to carry, the maintenance records with the aircraft. Requiring a maintenance logbook entry is redundant, serves no practical purpose, has no positive effect on safety and thus should be eliminated.

Include Electronic Charts, Terrain Databases, and Obstacle Databases of Similar Configurations: AOPA is recommending that the proposed language be very clear to include databases that support electronic charts, terrain databases and obstacle databases of similar configuration as noted in the title of the NPRM. While the title of the NPRM is "Pilot Loading of Navigation and Terrain Awareness Database Updates" we are concerned, that the proposed Part 43 text, only refers to "air traffic control (ATC) navigational system databases". We

recommend that the FAA ensure that the language used is inclusive of the updating of databases for electronic charts, terrain databases, and obstacle databases of similar configuration as implied by the title. Doing so, would ensure that no confusion and complication remains for operators in determining what types of databases can be updated by pilots.

Ensure that the proposed change is completed in a manner that does not cause unintended adverse consequences – particularly for aircraft operated under Part 91: We are concerned that the NPRM does not achieve its purpose and that it may cause some adverse, unintended consequences for aircraft operated under Part 91. The new language seems to: (a) require the pilot to make an entry in the aircraft maintenance records (per existing Sect. 43.9(a)), (b) require the pilot to make an additional record somewhere else of the database upload (per new Sect. 43.3(k)(4)), and (c) require the pilot to find “qualified personnel” to return the aircraft to service (per existing Sect. 43.7).

Under current preventive maintenance provisions, the “holder of at least a private pilot certificate” is authorized to update databases, make an appropriate entry in the aircraft maintenance records, and return the aircraft to service. The new language makes it clear that updating databases is no longer considered “preventive maintenance.” However, since the new language will be included in Section 43.3, it appears that the updating of the databases is still considered “maintenance.” Thus, existing section 43.9 already requires the individual updating the database to make “an entry in the maintenance record....” The new language requiring a record of the update seems to create a second, additional record-keeping requirement. As noted earlier, AOPA does not believe any record is necessary. We see no reason for two records. In addition, Part 43 also requires an aircraft to be returned to service after maintenance. With this proposed change and the removal of the language from Appendix A, Part C, the pilot will no longer be authorized to return the aircraft to service under Section 43.7(f) as preventive maintenance. It does not appear there is any provision authorizing a pilot to return an aircraft to service after maintenance.

In summary, AOPA is concerned that the proposed language creates a second record-keeping requirement and that the return to service maintenance entry required by 43.7 may no longer be made by the pilot; instead the return to service will need to be completed by “qualified personnel”. The requirement for database updates and subsequent return to service to be performed by a mechanic or repair station is exactly what the FAA was attempting to change through this rulemaking. These maintenance record issues appear to be unintended consequences and contrary to the proposed change. It also appears that the FAA must make a correction to 43.7 and 43.9.

Conclusion: AOPA supports the efforts of the FAA in this notice to allow pilots to update self-contained, front-panel or pedestal mounted navigation equipment. However, we feel that the FAA should go further with this notice and eliminate the requirement for a maintenance record entry recording the update. Additionally, we feel the FAA should expand this policy to ensure that it also applies to electronic charts, terrain databases, and obstacle databases of similar configurations. Lastly, the FAA must ensure that the proposed change is completed in a manner

AOPA Comments to FAA–2011–0763; Notice of Proposed Rulemaking (NPRM): Pilot Loading of
Navigation and Terrain Awareness Database Updates

December 19, 2011

Page: 4

that does not inadvertently require someone other than the pilot to return the aircraft to service after the update is completed.

Sincerely,

A handwritten signature in black ink, appearing to read 'RHackman', is positioned above the typed name.

Robert E. Hackman
Vice President, Regulatory Affairs
Aircraft Owners and Pilots Association