

■ FAA's move to lower floor of positive control airspace over northeast and north central portions of the country is seen as part of continuing campaign to make flying increasingly restrictive for general aviation

by ROBERT L. PARRISH / AOPA 259647

The Threat Of Excessive Control

Occasionally, some AOPA member questions the necessity for his Association to maintain a constant vigil against attempts to enact new regulatory controls over general aviation activities. Make no mistake about it, for the continued growth and health of the general aviation industry, it is vitally necessary that an organization with the stature of AOPA carefully evaluate each attempt at aeronautical rule making attributed to "the public interest" or "safety."

According to Victor J. Kayne, AOPA vice president - policy and technical planning, the Association has learned from its years of experience that once the regulatory ball has been set rolling its momentum is hard to stop. And in the case of a minority interest, such as active general aviation pilots and plane owners, which accounts for only about 500,000 of the nation's 200,000,000 individuals, the battle is too often a defensive one. Take the matter of the current movement to create greater measures of positive controlled airspace as a case in point.

"AOPA supports religiously the charge laid down by Congress through enactment of the Federal Aviation Act of 1958 for FAA to promote air safety and foster the growth of aviation in the United States," Kayne declared. "We use these criteria as primary yardsticks to evaluate every effort made to set up new policies or rules that will affect general aviation. If a proposed regulation does not appear to be justified on the basis of either or both of these criteria, we try to bring the full pressure of AOPA's membership of 138,000 individuals to bear against it."

In considering proposed regulations, it is also necessary to look beyond the immediate issue at hand for apparent long-range effects, Kayne added. Such is the case with FAA Airspace Docket Number 67-WA-16, which would lower the floor of the positive control area from 24,000 feet to 18,000 feet MSL over the northeast and north central portions of the United States.

According to FAA, the proposal is in-

tended to provide additional safety by placing greater numbers of high-speed, high-altitude operations under the direction of ground-based air traffic control facilities. A primary mission of ATC is to provide safe separation of aircraft. The proposed lowering of positive control airspace would, FAA claims, replace the "see and be seen" concept of traffic separation with detection and control by radar of all aircraft in that airspace. But the proposal as presented has little safety justification, would unduly restrict general aviation, and contains several assorted hookers, in AOPA's opinion.

To better understand AOPA's position, a glance at recent history and an examination of some public attitudes will help.

In 1961, at the direction of the President, the FAA Administrator appointed a special committee to study the nation's air traffic control system and come up with recommendations for a long-range plan to insure safety and efficiency in air transportation. The committee report, identified as Project Beacon, called for basing air traffic control on aircraft position information, continuously and automatically made available to ground-based controllers, independent of pilot input. It also recommended extension of positive control areas below 24,000 feet and establishment of a new category of flight under controlled visual rules within positive control areas.

As AOPA perceived it, the last two recommendations would enable VFR pilots to operate within positive control airspace under ATC control but without undue restrictions or excessive requirements. The major difference would be a requirement for a special flight plan that would fall somewhere in between VFR and IFR flight plan requirements. FAA, however, apparently still takes the view that such a system would require fully IFR-equipped aircraft, with a transponder for good measure, and virtually an instrument qualified pilot.

In 1963 the administration announced plans to lower positive control to 18,000 feet, without any provision for con-

trolled VFR. That plan would have required all aircraft flying at or above 18,000 feet to be on an instrument flight plan. The geographic area affected would have extended from east coast to west coast of the continental United States, blanketing roughly the middle one-third of the nation.

AOPA and other general aviation-oriented groups strongly opposed that plan, which was published as a formal notice of proposed rule making in March 1964. The killing blow, however, can be laid primarily to the Department of Defense. DOD stated that FAA was unable to provide positive control service to many tactical and undergraduate pilot training operations within the positive control area and that this service should be provided first. The proposal therefore was withdrawn.

When it cropped up in revised form this May, it was issued with a companion notice proposing establishment of controlled visual flight rules (CVF). Presumably, this was meant to fulfill the Project Beacon recommendations regarding VFR flight in positive control airspace. But AOPA technical experts view it as a meager sop that misses its purpose. As stated in the preamble of Notice of Proposed Rule Making 67-21:

"An analysis of the concept described by the Project Beacon report indicated certain questions requiring resolution prior to an implementation of the concept. Among these is the ability of the noninstrument qualified pilot to accept and execute altitude assignments, airway routings, radar vectors, climbs, descents, position reporting and other requirements necessary to efficient and safe operation in the ATC system."

There you have essentially the requirements for an IFR rating. Couple with this the fact that all aircraft must have virtually the same equipment as the scheduled air carriers, including a radar transponder, to operate in positive control airspace and such an environment will be effectively closed off to a significant part of general aviation.

In its comments to the 1964 proposal

to lower the positive control area, AOPA said:

"In 1958, AOPA recommended . . . that procedures be developed for the control of VFR traffic in areas which might require positive control of aircraft for other than meteorological reasons. It was foreseen . . . that there may be a need to provide control of all high-speed aircraft at the very high altitudes where see and be seen is not an adequate safeguard against collision. . . . Now, almost six years later, FAA still has shown no evidence of developing CVR (CVF) procedures or of having any serious intent to do so. . . ."

"Originally, AOPA was prepared to go along with positive control down to 18,000 feet provided that CVR procedures were developed and that this type of flying could be accomplished without a radar transponder or the necessity of flying under IFR rules. Current developments in general aviation aircraft which enable them to operate at higher altitudes, coupled with the requirements of sailplane operations, indicate a significant demand for use of higher altitudes," AOPA went on. It therefore recommended that the floor of positive control airspace be raised to 30,000 feet rather than lowered to 18,000 feet.

In response to FAA's current attempt to lower positive control in the northeast and north central portions of the country, AOPA also has taken exception. "The proposal states that FAA now has the capability to provide positive control service in the proposed area with its present resources and without undue hardship to the users," AOPA observed. "It also states that, 'Because of the additional safety provided by positive control, it is proposed to lower the floor of the positive control area to 18,000 feet within the airspace described herein.' AOPA has strong doubts concerning the validity of both statements."

AOPA cited FAA's own statistics which make it appear that the workload on control personnel had increased by 35.81% from 1961 to 1966 and that it was now nearing the breaking point. FAA figures again were used to illustrate that positive control of aircraft in the 18,000- to 35,000-foot airspace segment would result by 1970 in a workload twice the size of that handled by the entire ATC system in 1966.

"There is no evidence of any FAA planning to handle air traffic loads of approximately three times the volume of present loads within less than three years," AOPA observed. "There is no evidence now that the FAA ATC system could cope with the traffic loads which would accrue with the proposed lowering of positive control areas to 18,000 feet MSL. If FAA takes on this task through arbitrary rule making, it must be prepared to assume the responsibilities and liabilities which are inherent to such an undertaking."

AOPA noted too that there is no evidence on the record anywhere that positive control provides additional safety. "On the other hand, there is abundant record that some of the most serious collisions in the history of aviation have

occurred when all of the significant elements of positive control have been present. Both TWA and UAL were on instruments and under air traffic control on Dec. 16, 1960, over Staten Island when they collided, with a resultant loss of 137 lives. Both TWA and EAL were under air traffic control north of New York recently when they collided. Both the *Dove* and *Cherokee* were under control of the LaGuardia tower recently when they collided. So-called "positive" control would have added nothing that would have prevented these accidents. Further, FAA is unable to provide any instances whatever where positive control has actually shown where a near midair collision could and would have been averted. In fact, FAA has not been able to show where actual near midair collisions in the airspace under discussion (18,000-24,000 feet) have occurred."

At this point, many readers probably are asking: "How does all this concern me? I never operate above 10,000 feet and could care less about the hot rods upstairs. People who can afford aircraft that function best at those altitudes should be able to afford the equipment FAA wants them to install."

That query can be answered simply. The proposal to lower positive control airspace to 18,000 feet over one portion of the country represents merely an encroaching feeler, in AOPA's opinion. If it is allowed to be adopted without challenge, it is almost certain to be pushed further to a premature conclusion of total control over everything that moves through the skies. The end result can only be detrimental to general aviation unless the full state of the art—airman training, aircraft manufacturing and, of course, the air traffic control system—is fully equipped and prepared for it, and we are prepared to pay the astronomical cost.

Adequate indications that FAA may be succumbing to strong pressures for

positive control even though the ATC system may not yet be capable of taking on any greater load are evident on every hand. Warnings have been sounded by Congressional, governmental and industrial figures that confirm this.

Sen. A. S. Mike Monroney of Oklahoma, in a recent speech delivered at the annual safety conference of the Air Line Pilots Association, said:

"I think we must also advance the date for positive control of the airspace for all aircraft. When you consider that 80% of all air traffic is in stage lengths of 250 miles or less, you know that the greatest need for more control is in the airways below 20,000 feet. All users of the airways will have to throw away their leather caps, their goggles and their bright scarfs and accept a greater amount of traffic control regulation—if we are to avoid in our airways the massacre which occurs on our highways each year."

FAA Eastern Region Director Oscar Bakke, speaking before a group from the Society of Automotive Engineers in New York City in March, indicated that the heavily traveled New York area inevitably must evolve into a 100% secondary radar environment in which transponders will be required in all aircraft.

An air carrier-directed publication recently urged that steps be taken toward more positive control of all aircraft in "high density" areas, rationalizing that "there is no longer such a thing as freedom on the ground for anyone" and implying, thereby, that neither should there be any freedom in the air.

At a recent meeting of the United Nations-affiliated International Civil Aviation Organization, a discussion of the growth and needs of worldwide general aviation reportedly brought this comment from a representative of the International Federation of Air Line Pilot Associations: "IFALPA must be extremely vigilant to insure the high standards and competency of these [general aviation] operators and to push for positive control of all their flights when they encroach into our area of operations. Let us formulate policies to control them now, not in five years time." (Italics added.)

Air traffic control spokesmen frequently have indicated the belief that they should exercise more direct and rigid control over general aviation traffic. At the ALPA safety meeting, one former controller who now serves as a private transportation consultant said the real answer to the threat of midair collisions (and remember, the role of ATC is to provide traffic separation for safe and efficient operation) is an air traffic control system that "does not allow aircraft to reach such dangerous proximity." Frank M. McDermott told ALPA members that the Curtiss Committee which investigated the ATC system in 1956, Project Beacon, and FAA's National Airspace System all have failed to provide promised improvements in air traffic control—improvements that many controllers appear to equate with more rigid control of all air traffic.

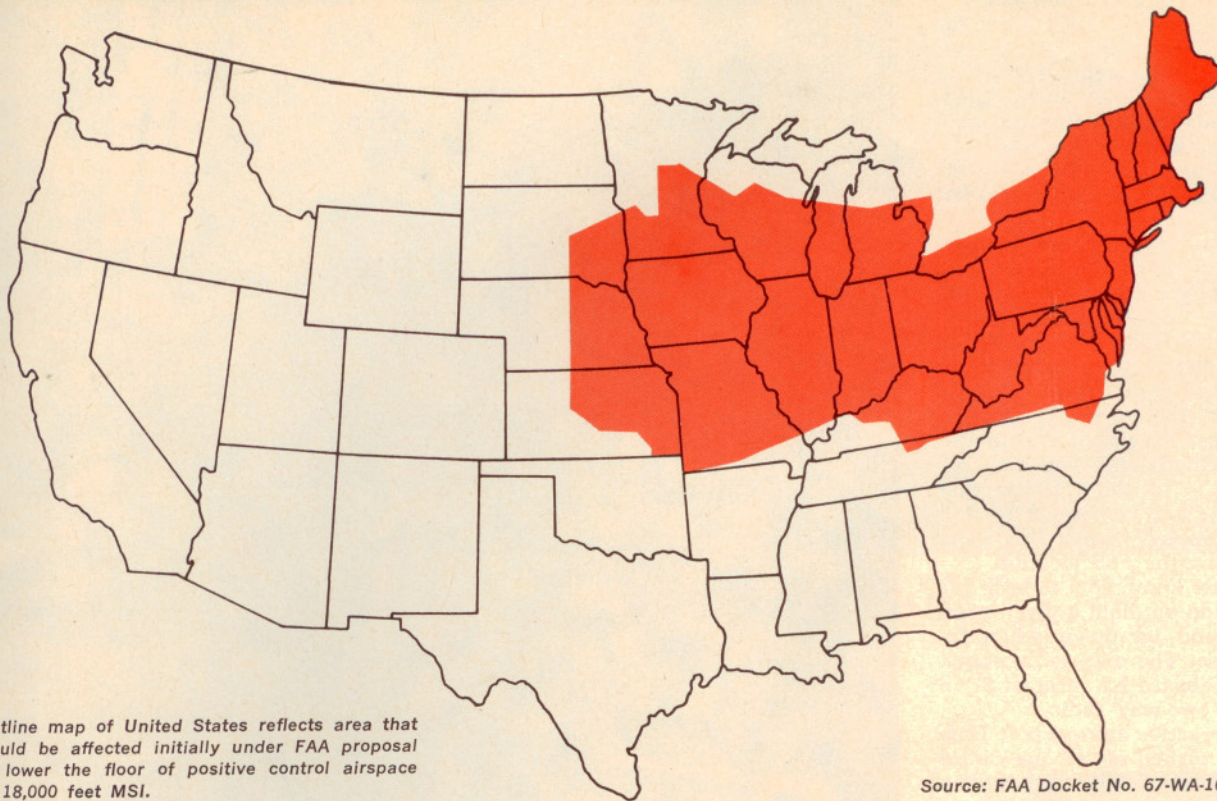
Breakdown of air traffic control load shows that more than half of traffic currently under ground control operates at altitudes of less than 10,000 feet MSL. AOPA fears that mandatory inclusion of all traffic operating in 18,000- to 24,000-foot range under positive control would be just the first step toward more rigid control at all altitudes.

Peak Day IFR Flights From Centers and Towers by Altitudes

Fiscal Year 1965

| Altitude (Ft.) | No. Flights | Percent of Total |
|-----------------|-------------|------------------|
| 0-4,999 | 4,507 | 17.86 |
| 5,000-9,999 | 9,582 | 37.97 |
| 10,000-17,999 | 3,708 | 14.69 |
| 18,000-23,999 | 1,739 | 6.89 |
| 24,000 and over | 5,701 | 22.59 |
| Total Flights | 25,237 | 100.00 |

Data Source: FAA En Route IFR Air Traffic Survey, Fiscal Year 1965.



Outline map of United States reflects area that would be affected initially under FAA proposal to lower the floor of positive control airspace to 18,000 feet MSI.

Source: FAA Docket No. 67-WA-16

A. C. Kotchian, president of Lockheed Aircraft Corporation, is just one of many who advocate such stratification of positive control that general aviation would be virtually barred from "air carrier" airports. Speaking of the airport congestion problem before a meeting of the San Francisco Convention and Visitors Bureau recently, Kotchian said, "The only practical long-term solution is the development of a regional system of airports in and around the nation's major cities—a system that would segregate and disperse the traffic. . . . Such a system . . . might have its one large airport for intercontinental commercial flights. It might have satellite airports for short-haul flights and separate airports for cargo. *It would certainly have separate airports for private flying [italics added]. Vertiports or helicopter pads would dot the entire complex.*"

A similar scheme for total control environment is advanced this month in *Esquire* magazine in an article describing a system called "Sattel-Air." In a telegram to *Esquire* publisher Arnold Gingrich, Secretary of Transportation Alan S. Boyd said, "*Esquire* magazine deserves high praise for devoting the time and attention it has to this most important problem. . . . The article recognizes that these solutions to the air congestion problem must involve better air control, better passenger terminals and swifter transportation from terminal to office or home. We at the Department of Transportation recognize that this approach is the only one that

can provide real solutions."

Shortly after establishment of DOT last April, in commenting on general aviation's use of busier air terminals, Boyd was quoted by an aviation magazine as saying, "The first come, first served philosophy will at least be challenged, if not changed," and, "There is going to be a confrontation between general aviation and government on its (general aviation's) unrestricted use of major airports at any time during the day."

According to Kayne, emphasis should be placed on efforts to move large volumes of general aviation traffic under basic "rules of the road," resorting to individual control only as may be necessary in a few areas to cope with safety problems that may be posed by general aviation's explosive growth. Rather than to impede that growth, energies should be directed first to development of low-cost, reliable airborne equipment, development of an ATC system capable of more efficient operation, and other action embodied in recommendations of the Radio Technical Commission for Aeronautics report on "Long Range Planning for the Air Traffic System" (see page 43, this issue).

"We believe it is unrealistic to view an expanded positive control program as the cure-all for today's aviation problems, most of which are not related to safety, but to congestion and delays caused by airline scheduling and flying under IFR procedures in good weather," Kayne declared. "The ATC system is

scarcely able to cope with traffic existing now. To expect it to handle additional workloads at its present levels of manning and technological development is unreasonable and can only serve to delay all traffic and retard the growth of general aviation," he added.

And too, the greater pilot proficiencies that would be demanded to operate in a totally controlled environment in today's aircraft could discourage people from learning to fly at all, AOPA believes. "In recent years there has been a disquieting emphasis on absolute professionalism in flying," Kayne said. "AOPA believes in and will fight to protect reasonable access and use of the airspace by the businessman-pilot, the weekend pleasure pilot, the student pilot and others who do their own flying."

Contrary to accusations from some quarters, AOPA firmly believes in improved safety. The Association has a long record of cooperative programs with FAA and others in aviation development and safety. Its flight training clinics and other activities to encourage pilots to upgrade their flying proficiency attest to AOPA's own safety-consciousness. Neither is it interested in obstructing aeronautical changes that represent the course of progress, Kayne said. But AOPA has fought unwise regulation since its beginning and will continue to work to make flying less costly, more useful, safer and more fun, he declared.

In achievement of those aims, the guard against the threat of overregulation cannot be relaxed. □