SVFR: An Explosive Issue

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FAA proposal to restrict special VFR operations to rotorcraft evokes a flood of angry protests from thousands who see it as a move to keep airline interests happy

FAA Air Traffic Service officials have just returned from a "boat ride" that left many of them shaking their heads in numb amazement. The more candid among them acknowledge that they were taken in by the Air Transport Association when they prepared a notice of proposed rule making that called for abolition of special visual flight rules procedures in control zones for fixed-wing aircraft.

The cause of the head-shaking malady was the literal inundation of the FAA docket section with letters from airspace users sounding off vehemently against the agency's attempt to do away with special VFR. As of the Dec. 18 cutoff date for commenting on Notice of Proposed Rule Making 67-45, an estimated 3,500 letters had been received by FAA on the matter and more continued to pour in at an unprecedented rate. They reflected a sentiment of more than 50 to 1 against the proposal.

Those letters, compiled in 10 volumes occupying nearly three feet of docket section shelf space, represented what must be rated as the most voluminous, one-sided reaction ever received to an FAA proposal. They contained the views and recommendations of individuals, flying clubs, associations, manufacturers, and virtually every other segment of U.S. aviation. They came from every state and territory in the Union and ranged from single-sentence exclamatory postcards to 17-page dissertations.

Surveying the mountain of mail the proposal had wrought, an Air Traffic Service employee observed, in what must qualify as the understatement of the year, "I guess the users aren't ready for such a regulatory change yet."

The proposal to make special VFR applicable only to helicopter operations was issued by FAA Oct. 10. It represented, in AOPA's opinion, a not too well thought out attempt at bureaucratic "fairplaymanship." A short time earlier, in response to an AOPA recommendation aimed at enhancing air safety, FAA had proposed a 250-knot speed limit for all aircraft operating at altitudes below 10,000 feet MSL. About the only opposition received to that was from ATA and the Air Line Pilots Association. The proposal therefore became a rule Dec. 15.

In an apparent attempt at *quid pro quo,* FAA adopted ATA's recommendation that special VFR weather minimums be abolished for fixed-wing aircraft, a move that virtually all general aviation interests viewed as contributing nothing to safety but as exceedingly harmful to private flying.

To put that attitude in its proper perspective, it is worthwhile to look at the purpose and nature of special VFR regulations. The procedures themselves were established as far back as 1938 to enable aircraft under visual flight rules to operate in a control zone, clear of clouds and with as little as one mile visibility, after receiving an appropriate ATC clearance. In 1958 they were written into the regulations in their present form. They were designed originally to expedite traffic and to enhance safety. The reasoning reportedly was that a VFR pilot might depart on a cross-country flight, encounter unexpected deteriorating weather, and find it easier and safer to land at a controlled airport with special VFR assistance than to land at an uncontrolled facility. And too, there are many areas of the country where localized airport conditions frequently may be below regular VFR visibility minimums due to smoke, ground fog, smog or haze, while beyond the airport boundary conditions may be CAVU. The original thinking reportedly was that both convenience and safety would be well-served by permitting SVFR operations, at the local controller's discretion, under such conditions.

In its proposal to bar SVFR for fixed-wing aircraft, FAA appeared to use the arguments offered by ATA. At the time those special weather minimums were adopted, FAA said, slower aircraft speeds and substantially less traffic in

terminal areas allowed the procedures to be followed with an adequate margin of safety.

"However, operational conditions are changing," the proposal stated. "General aviation and air carrier aircraft speeds have increased markedly and the number of operations at airports with FAA towers increased 69% from 1958 to 1966.

"The present high speed capability of many commercial as well as private aircraft, combined with the marginal weather conditions in which the special VFR concept is employed, tend to make it difficult for pilots to employ the 'see and avoid' concept. Concentrations of VFR aircraft at control zone boundaries awaiting a special VFR clearance at locations of high density traffic can result in a dangerous situation, especially in deteriorating weather conditions," the proposal continued.

Its drafters claimed that experience has shown that SVFR can disrupt the orderly flow of traffic and that IFR traffic must be interrupted periodically to permit special VFR flights to approach, thereby complicating terminal operations and compounding delays. During low ceiling conditions of 1,000 feet or less, special VFR flights may find it impossible to comply with minimum safe altitude requirements, creating a situation that is hazardous for the aircraft, its occupants, and persons and property on the ground, FAA said.

In its formal comment to FAA, AOPA noted that member reaction ran about 1,500 to 1 in opposition to the proposal.

"The special VFR rule has been in operation for many years, with complete success," AOPA pointed out. "There is no history of any midair collisions resulting from application of this rule. In fact, the ATC system guarantees separation . . . within the control zone under less than basic VFR minimum weather conditions. Minimum IFR separation standards must be applied which precludes possibilities of collisions or near-collisions occurring."

Aircraft speeds are no more a factor now than they were when the SVFR concept was enunciated in 1958, AOPA said. All aircraft now are limited to speeds of 250 knots below 10,000 feet, which is an acceptable "see and avoid" speed under VFR conditions, and further speed reduction is required in the airport traffic area. FAA statements concerning high speed capabilities of modern aircraft therefore have little bearing on special VFR, AOPA claimed.

Rebutting the implication that stack-ups of SVFR traffic around a control zone create a hazard, AOPA pointed out that such a situation can occur only if tower controllers have specifically instructed more than one aircraft to hold at the same geographic fix in conditions of less than three miles visibility.

"It is impossible . . . to reconcile your statements concerning the disruption of the orderly and expeditious flow of traffic and the interruptions to the continuous sequenced flow of IFR traffic," AOPA told FAA. "Our experience shows that special VFR traffic can be and is handled independently of the regimentation, sequencing and flow of IFR traffic . . . SVFR can and does operate in areas of the control zone not used by IFR operations, at altitudes below those permitted for IFR operations, and onto and off of runways which have no IFR usage. . . . Special VFR has stood the test of time as a safe and useful procedure to expedite traffic. This is in consonance with the fundamental mission of air traffic control rules and procedures to provide for the safe and expeditious flow of traffic rather than stifling it through inhibitions and restrictions."

Regarding FAA's claim that SVFR flights may find it impossible to comply with minimum safe altitude requirements of FAR Part 91.79, AOPA pointed out that the regulation requires 1,000 feet obstruction clearance *"except when necessary for takeoff or landing."* Since a takeoff or landing is involved in every SVFR operation, the exception in Part 91.79 is applicable, AOPA said.

In the same vein, "We do not agree with your statement that 'This situation is hazardous for the aircraft, its occupants, and persons and property on the ground,'" AOPA commented. "If this were true, the persons and property . . . under the approaches to Runway 4 at LaGuardia, Runway 22 at Kennedy, Runways 15 and 18 at Washington National, and approaches to runways at many other airports throughout the country would long since have been dead and demolished."

Adoption of the proposal would impose an extremely serious economic burden on general aviation without accomplishing increased safety, AOPA said. As an example, "Meigs Field at Chicago has no IFR capability, but it does have a high percentage of days when the weather is below basic VFR minimums especially as regards visibility in smog. Thousands of special VFR flights have operated into and out of Meigs Field under control of the FAA tower in complete safety. Without this provision the usefulness of this airport would be greatly reduced . . . The same situation exists at hundreds of airports throughout the country, especially in Southern California where visibility restrictions exist because of smog, or in the Great Plains and southwestern areas where low ceilings may occur concurrently with very good visibility."

AOPA recommended that Notice of Proposed Rule Making 67-45 be immediately withdrawn on the grounds that it lacked significant justification, would not improve safety, would have a seriously adverse effect on use of general aviation aircraft, would unnecessarily restrict the flow of traffic at many airports, and would needlessly reduce the capacity of those airports. If not withdrawn, the proposal should be made the subject of a public hearing, AOPA said.

Among the thousands of comments on SVFR housed in FAA's docket section, many were more critical of FAA's reasoning processes in initiating the proposal than were AOPA's. Some stated bluntly that the only apparent reason for the proposal was that ATA had demanded it.

The most frequently raised question was: What statistics are available to show that accidents are caused, or the potential for accidents raised, by use of special VFR procedures? Obviously, if such evidence exists, it should have been included in the notice of proposed rule making.

Probably a majority of the comments submitted came from instrument-rated pilots who based their opposition to the proposal on a comparison of their own experiences with IFR and SVFR operations. It was their general contention that the use of IFR procedures in areas that were below VFR minimums while the surrounding area was above such minimums not only proved cumbersome to the pilot and controller but created an unnecessary hazard or delay by overloading the IFR system. In addition, said several, elimination of SVFR procedures could cause noninstrument pilots to take unnecessary chances by continuing past a controlled airport into deteriorating weather, or by landing at an unfamiliar noncontrolled airport without the assistance and guidance of a controller.

Ironically, the failure of FAA to consult its field organizations before issuing its proposal reached back to slap it in the face. Among the comments received was one from the Air Traffic Control Association. That organization, made up of FAA controllers, indicated that the vast majority of its members favored the retention of special VFR, if in a somewhat modified form. Several other letters from individual controllers flatly opposed the FAA proposal. So did Wien Air Alaska Airlines and aviation commission officials of various states. In California, the state legislature reacted by overwhelmingly passing a joint resolution authored by Assemblymen William M. Ketchum (AOPA 282950) and Stewart Hinckly (AOPA 321665) that strongly opposed the attempt to eliminate special VFR procedures.

An unusual aspect of the docket was the large number of apparently spontaneous petitions it contained in opposition to the proposal. Scores of such responses arrived from fixed-base operators, flying clubs, local airmen's associations and amalgamations of individuals, drawn together merely because of a common opposition to the proposal. One, from Van Nuys, Calif., contained 1,175 names!

On the other hand, two common threads of thought appeared to link the handful of the measure's proponents. One was the thesis that "Big Brother" can do no wrong; therefore, if FAA believes special VFR is bad, it should be done away with. The other followed the theme that "I am instrument-rated and therefore can't be harmed by the proposal."

The most common cause of special VFR use, as reflected by the FAA docket, was related to the problem of local industrial air pollution. Hundreds of those commenting on FAA's notice of proposed rule making indicated that their most frequent use of special VFR

procedures occurred because of local smog conditions at the departure or terminal airport, while en route conditions were well above VFR minimums.

To what extent is this a problem? How badly would general aviation be hurt by the elimination of special VFR procedures for fixed-wing aircraft? While precise answers cannot be developed for either of these questions, a study performed by AOPA and opinions expressed by tower controllers at some busy general aviation facilities can provide approximate evaluations.

AOPA's study was extended from an FAA compilation of the average number of hours a year each of the nation's 22 major hub areas is below regular VFR minimums of 1,000-foot ceiling and three miles' visibility. Results of AOPA's interpolation are shown in the accompanying chart and show that of the total amount of time these locations are below VFR minimum weather conditions, special VFR procedures conceivably could be used from 57.7% to 84% of the time.

The AOPA compilation indicated too that those areas where special VFR conditions appear to be the highest generally are the same locations that are notorious for localized ground haze or industrial air pollution.

It is something of a parado that FAA's bid to eliminate specia VFR should be directly counter to a ecommendation contained in the ". roject Beacon" report of the Task Force on Air Traffic Control. That report, completed in 1961, supposedly is the blueprint FAA is following in its efforts to improve the ATC system. It states that one or two miles probably is sufficient for "CVR" (a term used in the report that corresponds closely to special VFR procedures) even in the most crowded areas since the pilot does not have to see other aircraft.

"In addition to enlarging the number of pilots who can receive air traffic control service, CVR would permit pilots to enter and depart from terminal areas when conditions outside the terminal area were above VFR minimums . . ." the report states.

Controllers queried by AOPA at three busy general aviation airports displayed mixed feelings over use of SVFR procedures. Although none advocated elimination of the concept, nearly all voiced the opinion that some modifications would make the system more workable from their standpoint.

Although he could recall no accidents that could be attributed to SVFR flight, a controller at Van Nuys, Calif., Municipal Airport cited two reasons why he considered it a potentially dangerous practice as it is presently allowed. "Many people who use it just are not qualified to operate in IFR conditions, and that is essentially what they are doing," he claimed. "Any pilot, from a student on up, can request a special VFR clearance and we can't refuse it as long as they are operating clear of clouds."

He said he has known of instances when non-IFR pilots have come into Van Nuys under SVFR clearance, missed the entire airport by as much as two miles and then groped around at an altitude of no more than 200 feet above the surface looking for it. In other cases, comparatively new pilots have risked their necks by demanding SVFR clearance to climb through a smoke and haze layer when the ceiling was little more than 100 feet, barring even IFR operations.

At Meigs Field in Chicago, controllers appear to be more inclined to accept SVFR as a necessary means to keep traffic moving. An estimated 75% of SVFR clearances there are attributed to smoke caused by nearby industrial mills. A controller there denied that the accident in which a single-engine aircraft flew into a Chicago building was attributable to the fact that the pilot had departed on an SVFR clearance; rather, it was felt that a more direct cause was that the pilot flew into deteriorating weather after changing his intended course.

In that controller's opinion SVFR does not create a problem for either tower personnel or aeronautical traffic. The occasional delay that arises because only one plane can be worked into or out of the control zone at a time has caused little midair collision hazard or complaint, he believes.

At Opa-locka Airport in Florida, a different situation exists. SVFR procedures there are associated with rain and fog rather than industrial sources and, as one controller expressed it, "We have to work extra hard on SVFR clearances and in my opinion it is bad. It allows even a student pilot to land or take off in weather below IFR minimums." He said that, as one individual, he doesn't believe that it should be allowed in high density areas such as Opa-locka, but acknowledged its usefulness in less congested areas.

Again, he could cite no specific instances in which SVFR could be blamed as the cause of an accident in his area. But he attributed that to the fact that controllers in the world's busiest tower there provided "kid glove" treatment to SVFR flights, "sweating them to the deck," or through a fog to VFR on top conditions. He lauded local flight school operators too for requiring instrument instructors to accompany students when it appears that weather will be below VFR minimums.

The potential danger that he sees in SVFR could be alleviated in part, he believes, by raising the minimums or requiring the user to have at least a commercial certificate.

It appears fairly certain that FAA Notice of Proposed Rule Making 67-45, in its present form, will bow to the weight of opposing comment. That action, if it does come about, will be due in no small part to the response AOPA members gave after being alerted to the situation by AOPA. But it is a certainty that the issue will not end here. The only question is, on what front will general aviation next be subjected to ATA attack? □

U.S. MAJOR HUB AIRPORTS

Average Annual Hours of Operation Below Normal VFR Minimums

Airport	Hrs. below 3 mi. vis.	Hrs. above 1 mi. vis.	% of total IFR hrs.
Atlanta Municipal	957	552	57.7
Buffalo International	Not available		
Chicago O'Hare	1,189	938	78.9
Denver Stapleton	422	324	76.8
Detroit Metropolitan	1,013	771	76.1
Houston International	931	639	68.6
Los Angeles International	1,931	1,542	79.9
Louisville Standiford	625	525	84.0
Milwaukee Gen. Mitchell	Not available		
New Orleans International	647	412	63.7
New York J. F. Kennedy	1,103	789	71.5
New York LaGuardia	1,159	937	80.8
Newark	1,217	973	80.0
Oakland International	Not available		
Philadelphia International	1,163	929	79.9
Greater Pittsburgh	1,594	1,244	78.0
Rochester Monroe County	Not available		
San Francisco International	889	745	83.8
Seattle-Tacoma	1,018	639	62.8
Dulles International	Not available		
Washington National	802	666	83.0
Windsor Locks Bradley Field	Not available		