

PROPOSAL TO MANDATE CALLS AT UNTOWERED AIRFIELDS - ASAC COMMENT

Sport Aviation would like to thank Grant for providing the details of the proposed new CAR 166 and Bruce for allowing more time for discussion and thought. This allows more definitive discussion of what is currently proposed and will, hopefully, lead to a more constructive way forward.

Unfortunately, Sport Aviation (and probably other General Aviation bodies) would have to oppose these rules, as currently proposed, at every level, for the following reasons:

The rules and procedures applying at untowered airfields are central to good safety outcomes in Class G airspace.

As previously detailed, Sport Aviation strongly believes that performance (outcome) based mandation of radio usage will deliver better safety outcomes than prescriptive regulations, and accordingly Sport Aviation will not support prescriptive regulations in this instance.

The Part 91 Control group has already recommended that necessary regulatory change be implemented, to put beyond legal doubt that: "If you have a VHF Comm. Radio, you must use it". ie; There is nothing optional about using a radio, even when there may be no prescriptive "mandated" call.

However, the regulations, as now detailed in the draft CAR 166, are not only prescriptive but the detail makes these calls unworkable. These regulations would clearly produce poorer safety outcomes for our members AND for the travelling public, because they would inevitably lead to reduced compliance and increased confusion for the following reasons:

1. The rules mandate four highly specific calls triggered by the act of landing or taking off at any landing ground, strip or airport. Taking the extreme, these requirements would apply to an Ag operation, mustering or similar operation, and sport or recreational operation at an un-named landing ground or farmer's paddock.

Under these circumstances, these requirements would be ignored by most and obeyed by some – but only in order to meet the legal requirement.

There is a gradation between such a landing grounds, through a recognised Ag strip and rarely used council strip, to an untowered airport used by RPT. Pilots will be forced to decide where these requirements make any sense and whether to comply.

Some pilots will take this matter seriously and act appropriately – but these pilots will do the right thing anyway – relying on an outcome based rule. This had been clearly illustrated in all the surveys to date.

Many pilots will either ignore these prescriptive requirements or to concentrate on complying by making the calls simply in order to avoid prosecution – reducing the calls to a 'mantra' thus reducing real compliance and increasing confusion as to where compliance is essential.

Overall, most pilots will regard these regulations as both impractical AND unenforceable, and pilots will be forced to decide for themselves where, or whether, to comply.

2. The overflying requirements are in the same category but more so. The somewhat limited coverage suggested is still much too wide and pilots – again – will chose whether to comply with the law.

3. The definition of 'in the vicinity' is unacceptable as it would create more radio traffic problems.

Despite what it says in CAR 166A in respect of CTAF(R) aerodromes, the NAS 2c requirement is **NOT** for a cylinder of airspace with a radius of 10 NM.

The actual requirement applies (only) if the aircraft enters airspace which might normally contain inbound or outbound aircraft within 10 NM. This allows aerodromes with less than 10 NM separation to operate on separate frequencies PROVIDED the circuit patterns and inbound and outbound patterns do not conflict thus reducing radio clutter.

A number of such circumstances exist, some implicitly, and some explicitly, agreed by CASA. (The Bathurst Soaring club operates 8 NM from the Bathurst airport – Ragland – with the concurrence of the regulator and this fact and the CTAF frequency used by the Bathurst Club at Pipers is notified in ERSA.) This proposal would require these operations to be on the same frequency.

This would further exacerbate a real problem – ie that of radio traffic clutter.

IF prescriptive regulation is to be used, CASA must re-introduce a classification of airfields which is equivalent to the old "CTAF" airfield and base this classification on a risk management justification – not some 'do for' criterion pulled out of existing documentation which just happens to already exist.

Also, the definition of 'vicinity' must be made more flexible or CASA will have to give written permission for circumstances such as applies to many Ag operations and/or the Bathurst Soaring Club operation. This will then trigger a need for a "difference" to ICAO, as "vicinity" has a specific meaning.

ALL these difficulties are eliminated if the regulations are made performance (outcome) based.

This is the whole point of the modern approach of performance (outcome) based regulation, plus appropriate Training and Education – better compliance and reduced risk, a "safer" outcome.

Following Grant's approach I have devised a performance (outcome) based approach for consideration alongside this prescriptive proposal – which is **attached**.

Because of shortage of time, this proposal has only been the subject of informal discussions with limited industry sectors and I am sure refining of the approach would be necessary – but the overall outcome is clear.

Bob

Performance (Outcome) Based Approach to Mandate Calls at Untowered Airfields

The regulation would require – mandate – that:

“When operating in the vicinity of an untowered airfield, pilots of radio equipped aircraft must make radio calls necessary to ensure situational awareness for any other aircraft operating in the vicinity of the airfield.’

This unqualified regulation is a powerful requirement. Advice to pilots as to how this must be achieved would include the following:

Pilots, as a minimum, must make calls in order to notify pilots who may be in the vicinity of the same airfield to achieve the following:

1. When inbound –
 - a) Notify other pilots who might be in the vicinity of intention to enter the vicinity of the airfield, and
 - b) Notify other pilots when approaching or entering the circuit in order to land.
2. When taxiing – notify other pilots when entering or crossing an active runway. (Independent of intention to take off.)
3. When outbound – notify other pilots when launch is imminent, either when entering the runway or, if already on the runway, before commencing launch.
4. When over flying an airfield with significant traffic – monitor the CTAF and where appropriate notify of intention to over fly.

Calls should include the following:

- a) Start and end with the name of the airfield
- b) The aircraft type and call sign
- c) The position of the aircraft and pilot’s intentions

In the normal course pilots should not respond to calls made by other pilots.

Pilots must not respond and discuss self arranged separation.

Pilots should consider an additional call similar to that described above :

- a) When the timing or content of a call made by another pilot suggests that the pilot may have missed previous significant calls and
- b) When calls suggest that two aircraft are sufficiently close as to suggest a possible conflict. In which case the call should indicate whether the pilot has visually acquired the other aircraft with the words ‘and I have ABC visual’, or ‘ no contact ABC’ as the case may be.

In the Vicinity

Similarly 'in the vicinity' must be defined in an outcome based manner. The definition used in the NAS 2c T&E is ideal. This defined 'in the vicinity' as within 10 NM and when occupying or entering airspace which would normally contain inbound or outbound traffic. This needs to be combined with an explanation that, unless the pilot is aware of traffic patterns, then this means within 10 NM at a height etc. as now. But where pilots know that the circuit patterns do not conflict then the 10 NM requirement may be relaxed.

Alternatively the real issues raised by this matter can be dealt with by specific permission.

Protection of the travelling public.

Despite any priorities expressed CAR 166, VFR pilots should, as a matter of courtesy and protection of the travelling public, give priority to any passenger carrying aircraft where it is practical and safe to do so. In doing so the VFR pilot should notify of this intention to give this priority. However, pilots of passenger carrying aircraft, particularly RPT, must understand this is a suggested courtesy, not a priority by right.

Structure of the Regs and advisory material

This advice to pilots could be included in the AIP or parts of it in the regulations – provided this did not destroy the performance (outcome) based approach.

Which of these performance (outcome) based requirements detailed above need to be in the regulations and which should go into advisory material, such as the AIP, is a matter of judgement. 30 plus years operating a performance (outcome) based rule set in the GFA makes clear to me that the best safety outcomes are achieved by limiting regulation to the basic requirements.

Every time you are forced to be more prescriptive in the regulations you make the regulation less powerful and reduce real compliance.

However, each of the situations described above can be put into a performance (outcome) based rule which could be put into the CAR/CASR.

If the unacceptable outcomes of the currently proposed prescriptive rules (as detailed in the various studies) are to be avoided, the performance (outcome) based regulation must require pilots to provide situational awareness to pilots of an aircraft which might be in the vicinity.

This structure means that, where it is clear that there is no other traffic, pilots are not required by this law, to make these calls and the difficulties described above simply go away.

Bob Hall

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