

Copied below is an inquiry from a member on an Airspace issue and Cindy Brickner's excellent response.

On 1/17/2018 7:58 PM, E B Stott wrote:

Ken:

As a tow pilot here in eastern PA for Brandywine Soaring Association, plus basing my own Tost-equipped red Cessna 185 and Stemme S10 VT out in Montrose, CO, I appreciated the effort you expended on the recent issue of "Basic Med" legality and compensation for Private License tow pilots, even though I personally still have both an ATP License and a 1st Class Physical.

However, I'd like to raise another legal question to you and the SSA Board:

Have we ever as an Association explored with the FAA the possibility of exempting sailplanes from the 18,000 foot Class A (IFR) Ceiling Rule?

Last year, out at the June ASA motorglider fly-in at Parowan, we routinely saw cloud bases at between 21,000' and 23,000' and in those long lonely stretches of desert between Parowan, Nephi, and Ely, many of us (especially those flying without transponders) were sorely tempted just to stay clear of the MOA's, monitor the nearest Center frequency, and climb to cloud base wherever it was.

(My Stemme was grounded at the time for a prop overhaul, so I was hitching rides with Karl Striedieck, John Good, and others during that event.)

However, when I fly out of Montrose in western Colorado, the summertime CU's also routinely have bases of at least 20,000 feet, and while soaring in the craggy San Juan's or Maroon Bells with safe out-landing spots virtually non-existent, it would really be beneficial to legally have another two or three thousand feet of terrain clearance "in the bank!"

I can readily understand why the FAA and also common sense require us not to be soaring around inside the clouds without an IFR Clearance at any altitude, but on a bright sunny day well clear of clouds (and presumably also squawking a transponder code and accepting traffic advisories), there really is no logical reason why 18,000 feet should be an ironclad FAR ceiling for us. In fact, the FAA already acknowledges this whenever they grant a soaring Wave Window!

As a matter of fact, a soaring friend of mine named Shmuel Dimentstein who lives in Glenwood Springs and flies a DG800 has a personal Letter of Authorization from the Denver FSDO that allows him to soar up to 27,000 feet almost anywhere on the Western Slope.

It occurs to me that we might be able to negotiate a loosening of the 18,000 foot collar more widely for gliders throughout the USA, although the FAA might demand (...quite reasonably) that any glider or motorglider requesting such a "Cruise" clearance maintain communications with Center and also have a working ADS-B transponder aboard.

Has this subject been fully explored by SSA? Perhaps in this new friendlier FAA era, we should give it another whack??

Best regards,

Barry Stott

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Jan 21 at 11:38 PM

Barry:

I don't blame you for asking about Class A and gliders in the western US.

Having now experienced what we regularly fly in the west, you know that there is often potential for soaring, even in thermals, above FL 180. What you seem to be suggesting is mixing VFR and IFR traffic.

If you are personally equipped, and certified, and file for an IFR operation for a sailplane, you have no basis for being refused. There is no reason for SSA to petition for a change, as it is currently allowed.

No, SSA has not pursued making a nationwide change for Class A access for VFR sailplane use.

There are a multitude of reasons for this.

#1 - Most sailplane pilots have an abysmally poor grasp of how the IFR users operate in the NAS. With no way to systematically educate, nor manage operations by individuals, SSA hasn't the staffing to operate a program like this with any integrity. SSA can't be in the position of failing in our relations with the FAA. We have made many improvements to FAA regs that DO benefit soaring nationally. To risk this favorable/respectful standing with the FAA would be irresponsible.

#2 - Most FAA staff have an abysmally poor grasp of how sailplanes operate. SSA works on educating those FAA personnel who can have a positive impact on our airspace access. Often that is not on a national level.

#3 - There is no precedent for a rulemaking program for a Class of Airspace that is less-than national in scope. The FAA's process for dealing with usage-variances from national rules is to issue Letters of Agreement. LOAs can address equipment, procedural, geographical differences for a defined group of users. This is how wave windows operate. This is how using a machine in difference from FARs gets to fly in the US (imported jets from Eastern block countries, experimental gliders for a while).

#4 - I personally see the trend of sailplane pilots "looking out" to be diminishing. The adherence to See and Avoid is trending in favor of electronics providing separation information. FLARM, ADS-B, etc. With the aging of the glider pilot population (myself included), I observe the lack of motion of head and neck, and the lack of effective scanning skills as an active CFIG. Placing this group of pilots into the IFR environment and expecting that they will have effective skills for visual ID of high speed targets is ludicrous.

#5 - I personally find that there are many instances of glider pilot failure to comply with basic FARs - VFR cloud clearances, or outside of airspace/equipment restrictions. The "wink-wink - I'm at 17,999 radio calls", the "sure, I'm at 1000-ft. below cloud base at 15,500msl and the cloud belly is hanging lower than me at the cloud circumference". The contest rules that dock scores for overflight of Class C or intrusion on Restricted airspace. The wave pilots that snuggle up to the leading edges of lennies for the best lift ... and then get startled by the cloud change making them IFR and suffering in-flight breakups. (Did everyone stay legal at Ely and Parowan?)

#6 - There is access to LOAs for individual pilots or groups. They must educate themselves to apply, and demonstrate understanding of regs in the conversations to be approved. The requirement for them to interact with ATC and Comply, and the potential for individual enforcement action is what keeps those airmen "clean". (I helped Shmuel with his application process, and have helped many others.)

#7 - The mandate in Class A is for controllers to separate ALL aircraft, by IFR rules. Wave windows segregate Airspace from IFR traffic, and have interior window-users operate VFR. This doesn't change controller training or protocols. Mixing VFR and IFR traffic willy-nilly in Class A makes it the same as Class E above 10,000msl. But now you are putting gliders in the space where airplane pilots truly have expected a positive control environment. We have had enough bad experience with airplane drivers NOT looking in VMC on an IFR plan in Class E. Why would we want to expand the volume of that exposure? Why would the FAA want to expand that exposure to accommodate recreational flying by a few gliders?

#8 - Your view is that the FAA is friendlier. My view is that we have had good negotiating results due to picking SSA's strategy very carefully. My view is that the government wants to see (**electronically see – Ed**) all air machines in flight, all the time. Preferably with knowing who owns them and maybe who is on board. The exemptions we currently have in place are HUGE. I don't think we want to wake any sleeping dogs.

#9 - Where are the resources of SSA volunteers best spent? I am a volunteer (who is only partially employed). SSA or any SSA member has never contributed a cent to my time spent helping pilots gain airspace or airport access. I haven't asked for anything, but there is no budget for this support on the SSA side. This is different from the AOPA funding strategy as a legal lobbying organization.

I don't think this is a proposed airspace use change that would be a sufficiently rewarding effort for SSA. If the Board directed me differently, I would advise them against it.

If you have other airspace questions, feel free to lob them to me. Or perhaps we will say hello to one another at the Reno SSA Convention. Best wishes for a safe, fun and rewarding 2018 of soaring.

Sincerely,

Cindy Brickner

former SSA Director and current Airspace Committee member

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