

Larry Bagnel
M.P. Yukon
House of Commons, Ottawa

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Dear sir;

I was especially pleased to see you are on the Standing Committee on Transport and Government Operations. I know you have lots of time to read my letters so I would like to give you some input based on over 30 years flying most as a commercial pilot (you didn't know that I'll bet?).

You recall some of my letters to the Minister of Transport that I felt I had to route through your office I'm sure. But for the moment I don't want to focus on problem employees of Transport Canada playing power games or holding the Yukon flyers and maintenance people to ransom.

All of us flyers and politicians have witnessed;

- World Trade Center attack
- Bombings of Air India
- SwissAir disaster in Peggy's Cove
- government need to be seen to act
- overpowering influence of United States and FAA

And, NO ONE, ANYWHERE, MYSELF INCLUDED, WANTS TO OPERATE AN UNSAFE AIRCRAFT OR IN AN UNSAFE MANNER! But a tendency towards the blind unquestioning creation and application of "rules", has in certain circumstances become more dangerous than no rules at all.

I'm sure everyone on your committee will admit that they could theoretically accept this in one or two exceptional situations, but I am here to suggest that it also happens far more commonly than we hope in Canada. Let me explain;

The very best example of this I can suggest is the move that required all aircraft mechanics to operate from a fixed base of operations where they are required to meet explicit government standards governing tools, reference texts, inventories, record keeping, just to name a few. This is commendable under certain assumptions but for the average airplane owner the required annual inspection is now commonly exceeds \$1000. Any defect is cause for grounding the aircraft. It has been my experience that any and every repair will be an additional \$1000. Rather than a partnership between the recreational flyer and the mechanic budgeting this cost over a long period the annual

inspection has become something to be feared, and I'm sorry to say, avoided in this context, by many.

In previous times some trained and certified mechanics were allowed to bring their tools to your airplane and work on it where it sat, routinely detect and resolve problems, thereby increase safety and bill in small affordable chunks. It was common to have inspections done several times in one year rather than as infrequently as legally required. Today under regulation, every bit of maintenance must be performed under conditions suitable for complete engine overhauls, and bills are presented accordingly.

Well, your committee members could counter, "but it is in their own best interest, if they are not willing to be safe then they shouldn't be allowed to fly". Once again I repeat, no one wants to risk their, or anyone else's life, but we have stepped onto a slippery slope that I can foresee eliminating private aviation within 50 years, not necessarily because of unsafe conditions, but because of unacceptable costs. This is happening already. A \$100 automotive alternator, made by Ford, is used in new aircraft today at a cost of \$1000. It is the same alternator. I have heard that the cost difference is for additional inspection, but in fact it is to build a fund for payment of the manufacturer's legal bills.

I found the other day that the door handle from my Cessna 170 is the same door handle from a 1955 Mercury car. Identical down to the part number. When that Cessna was originally built (in 1955) those door handles were readily available. The cost was probably about \$ 6. Today that part is well over \$1000 and that same aircraft is still flying because new airplanes are unaffordable. A recently published estimate was that more than half of the cost of a new Cessna 172 is applied to legal insurance. Liability concerns prevent the replacement of 70 year old ignition parts on brand new engines with far more dependable solid state ones. Any change would be construed as recognition of a problem. If aircraft construction and maintenance had been regulated in a practical manner, fifty year old Cessnas would be sitting beside fifty year old cars in the scrap heap and we would be shopping for new door handles, maybe from a Toyota. Which is safer?

An interesting observation I make is that all new and safer technology is showing up in amateur and home built aircraft because of these very factors.

And now, about the universal application of rules. The same rules are supposed to apply to my home-built airplane in Whitehorse as apply to Air Canada's Airbus A-340 enroute to Japan. The reason given is that "we share the air after all", but this one truism sometimes leads to absurdity I am sure you can imagine. I will fly 50 hours a year and carry 10 passengers at most. This one A-340 will fly 10's of thousands of hours and carry hundred thousand people. There has to be a better solution. The trend seems to be to portray my amateur built aircraft in the same way as any other Air Canada high flyer, and apply the rules equally. This is not attempted anywhere else that I am aware of, not in a

marine setting, not in the automotive setting, nowhere. And in fact the latter two cause far more fatalities annually.

Perhaps most importantly, public perception plays a role. Every air-crash makes the media, few auto crashes do. Please I urge the members of your committee not to fall into the trap of making decisions based only on perceptions. This only leads to more distorted public views, and becomes costly (I apologize for thinking of **gun-control** at this point.).

It seems that Regulations are often handed to career civil servants to create. The result is poorly focused (often at the complaint rather than the problem) and often it is written in pseudo-legal jargon. Granted some of this confusion is a result of the need to combine technical and legal theories, but it is my experience that political sensitivity usually overrides expertise in drafting. And frankly the recreational flyer is a very small political power individually.

Then we suffer the “tragedy of the bureaucracy” (with my apologies to Garrit Hardin). Once the rules are created they are given to other career civil servants to apply. They have been taught the universal credo; “avoid liability”. For most of these people the problem is standing in front of them not sitting in a tie-down spot on the pavement. When cornered, or threatened, and as you can imagine this happens with unfortunate frequency, they “...apply the rule as written”. How many times have we heard; “it is not up to me!” This effectively halts unpleasant debate, insulates the minister (employee) and relieves the need to locate and apply common sense. Almost none of these civil servants are legally trained.

While I am on this topic, a question that I have to ask is why does Transport Canada supercede the rights guaranteed to us all in Charter of Rights & Freedoms. I have never been “ramp-checked”, but I have seen it. (I can expect it now?) But, even the RCMP do not have the authority to arbitrarily detain a citizen and make demands of them to prove their compliance with a law. Everywhere else in Canada courts have said the police require reasonable and probable grounds to believe there is an offence before they are allowed to detain and begin making demands from any person intending to prove whether or not they were complying with the law. But on the tarmac I have seen a bureaucrat dressed in casual clothes with only a plastic tag pinned to the pocket under his jacket walk up to a pilot and his family unloading luggage and do exactly this. I won't even begin asking about the pseudo-legal Aviation Tribunal.

Larry, I appreciate the chance to write this, and force you to read it. All I really ask is that you keep these perspectives in the back of your mind as you and your colleges undertake your business. Good luck to you, it is not an easy job I know.

Sincerely

Jacob G Balmer

P.S. no response is necessary until we next meet at the Java Connection.

Cc RAA