

Ramp check

From my seminars at AOPA Aviation Summit in November it's clear that many owners and pilots continue to be concerned about their rights and

obligations in an FAA ramp check. The last time I addressed the subject in this column was more than three years ago, in July 2007. That's because I have not become aware of any significant legal developments since then, and also because ramp checks of FAR Part 91, noncommercial operations have not been a significant problem. Nevertheless, it is possible that a pilot can be ramp checked, and this continued interest warrants a current review.

A ramp check involves being approached on an airport by an FAA inspector, asking to see your pilot and aircraft paperwork, and sometimes your aircraft. Pilots dread the prospect, and with some justification. The regulations are so voluminous and complex (we try to cover them in this column from time to time), that even the most compliant and safety-conscious general aviation pilot can be caught in an inadvertent violation. The inspection could lead to FAA administrative or legal enforcement action against the pilot. Fortunately, many FAA inspectors recognize this and provide some friendly counseling rather than punitive enforcement.

Here is some general guidance. If an FAA inspector approaches you for a ramp inspection, it is perfectly proper for you to ask the inspector to see his or her FAA credentials—politely, I suggest. The FAA inspector is required to have identification available, and should not be offended by the request. If the inspector properly identifies him or herself, then you are obliged to show the inspector certain paperwork. If the inspector does not show you an FAA picture ID, which I guess could happen, then in my opinion you are not required to show anything.

Pilot documents. You are required by regulation to "present... for inspection" your pilot and medical certificates and a photo ID (usually a driver's license) upon request by an FAA inspector. I have heard debates about whether you should hold on to your certificates as the inspector looks at them. I have never heard a satisfactory answer. In my opinion, if you have asked to see the inspector's credentials, the inspector should be aware of your sensitivity, since the inspector will have the same sensitivity about the inspector's credentials. Let the inspector have the certificates for a reasonable look. The inspector should return them to you promptly. The inspector should not walk away with them.

"Present for inspection" does not mean that you must "sur-



John S. Yodice is the owner of a Cessna 310 based at Frederick, Maryland (FDK).

render" your certificates. "Surrender" is a term of art meaning voluntary surrender. Once you have surrendered your certificates, you have no right to get them back. To minimize confusion, FAR 61.27 requires an FAA inspector to get the pilot to sign a statement making it clear that he or she understands the consequences of the voluntary surrender of the pilot certificate (there is no comparable regulation for the medical certificate). You may be asked for your pilot logbook. You are not required to have your logbook with you when flying (except student, recreational, and sport pilots), but if you have it handy and it is requested, you are required to present it for inspection upon reasonable request.

Aircraft documents. The regulations require that an aircraft have within it a registration certificate, an airworthiness certificate, and a flight manual. Older aircraft do not have manuals or complete manuals.

Then the requirement is for approved manual materials, markings, and placards. An FAA inspector has the right to inspect these documents upon reasonable request. If the ownership of the aircraft has recently changed, and a registration certificate has not yet been issued, a pink copy of the application will temporarily substitute for the registration certificate. The airworthiness certificate must be "displayed at the cabin or cockpit entrance so that it is legible to passengers or crew." If the aircraft is not airworthy but capable of safe flight, and it is to be flown, it must have a Special Flight Permit ("ferry permit"). Among the manual materials required to be onboard the aircraft are weight and balance documents, including a list of equipment. Some multiengine operators use a Minimum Equipment List (MEL) with a letter of authorization issued by a Flight Standard District Office. These constitute a supplemental type certificate for the aircraft and must also be onboard. You may be asked for the aircraft logbooks, i.e., maintenance records. You are not required to have these records onboard the aircraft, but you are required to have them available for inspection by the FAA. If they are handy and they are requested, you should produce them. The inspector may ask to see a current logged VOR equipment check that is required for operation under IFR.

The aircraft. The inspector may inspect the exterior of the aircraft. The inspector may also ask to board the aircraft. Here is where I have been unable to find any useful law or precedents (other than at border crossings, not relevant here) except the Fourth Amendment to the United States Constitution that generally protects us and our property from warrantless searches. It would be very unusual for an inspector to show up with a warrant in the typical ramp inspection. If you refuse access to the aircraft, the inspector must first consult FAA legal counsel before proceeding with the inspection. An inspector does not have the authority, without your consent or a warrant, to enter your hangar or other private property.

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