It can't be *MY* fault!

John Morris

For quite some time it has been the national pastime to not take direct personal or professional responsibility for a mistake, an incident, error in judgment, etc. Someone or something else *always* caused, or helped cause it to happen because we would never make that mistake, error, etc ourselves!

Flying related mistakes, incidents, accidents, errors, etc., work almost exactly the opposite. In most cases the pilot in command is directly accountable for the majority, if not all, of the fault until proven otherwise. And in most General Aviation related cases there will be little or no additional information available to alter the investigative mindset so therefore it MUST be the pilot's fault. It has been labeled " Pilot error", "Human Factor" and the more current "Controlled Flight Into Terrain" aka CFIT. Early on, it was very direct-fault wording but has been modified and softened over time. Whatever the phrase, the investigative end result usually comes out looking like the pilot's fault. Until otherwise proven it should be the pilot's responsibility, period. No finger pointing at some other place.

Why? Because from the decision to head out to the airport, until after the landing and engine shut down, the responsibility ultimately rests with the pilot (or crew). The way I look at it, and teach it, is the life I save is my own, as well as anyone else who happens to be with me. Making smart, safe, correct decisions does this. MY responsibility. It always seems to end up with "Decision Making".

For each flight we are required to receive and review weather briefings, review all relevant airport information for the planned flight, and re-familiarize ourselves with the aircraft being used for any changes or discrepancies since last flight. Annually (or Bi-annually) we are "refreshed" regarding regulations, systems and emergencies of the aircraft that we operate. All of these pre-flight actions should make our decision making for a safe flight easier. And they do to an extent.

As pilots we make informed go/no go decisions based on the current, timely information available. But do we not also include making the decision to go/not go based on confidence in our equipment? Things such as aircraft systems, on-board weather radar and Nexrad displays, autopilot, performance, plus personal piloting skills and the Air Traffic Control System? Absolutely!

Can that confidence get us in trouble?

What is not mentioned often enough but is #1 to flying is what I tell everyone that I work with; when all else fails or seems to be going in the

wrong direction – FTFA [Fly The Flipping Airplane]. In other words, at the end of the day you/we are responsible for THIS flight, so do whatever is necessary to be safe and stay out of trouble. This can be as simple as an aircraft system or avionic not doing what you believe it should be doing. Or it can be outside influences, such as an ATC instruction that does not appear to be a good idea, a deviation request (traffic/weather) that ATC is delayed in responding to, or not getting a request received due to other radio traffic. Do what MUST be done, for safety [FTFA]. It is far easier to fill out paperwork, if requested, later than the alternative.

There are two FAR's that are actually quite clear.

Numero Uno FAR (actually .3 but .1 and .2 have been retired) THE granddaddy of FAR's [both excerpted from FAR's]

FAR 91.3: Responsibility and authority of the pilot in command.

(a) The pilot in command of an aircraft is directly responsible for, and is the final authority as to, the operation of that aircraft.
(b) In an in-flight emergency requiring immediate action, the pilot in command may deviate from any rule of this part to the extent required to meet that emergency.

FAR 91.123: Compliance with ATC clearances and instructions.

(a) When an ATC clearance has been obtained, no pilot in command may deviate from that clearance unless an amended clearance is obtained, an emergency exists, or the deviation is in response to a traffic alert and collision avoidance system resolution advisory. However, except in Class airspace, a pilot may cancel an IFR flight plan if the operation is being conducted in VFR weather conditions. When a pilot is uncertain of an ATC clearance, that pilot shall immediately request clarification from ATC.
(b) Except in an emergency, no person may operate an aircraft contrary to an ATC instruction in an area in which air traffic control is exercised.
(c) Each pilot in command who, in an emergency, or in response to a traffic alert and collision avoidance system resolution advisory, deviates from an ATC clearance or instruction shall notify ATC of that deviation as soon as possible.

91.3 is self-explanatory. An Air traffic controller's first responsibility is safe, air traffic management for the National Airspace System. When able

they will gladly assist pilot requests. But their priorities are not the same. That is what FAR 91.123 is about.

An unfortunate example that is directly related to this article and the investigative mindset towards final pilot responsibility is the recent NTSB final report relating to a fatal TBM accident in Morristown, New Jersey December 2011. The report concluded that along with the unforecast severe icing, the accident was caused by the pilot's "failure to use his command authority to depart the icing conditions in an expeditious manner, which resulted in a loss of airplane control".

The condensed version is that the pilot was communicating with ATC regarding a requested altitude change (higher) due to icing but ATC was delayed in responding to the pilot's request. [Interestingly this is the first instance in a long time that I can recall that the NTSB used the command authority (FAR 91.3) rule as part of the outcome]. It's always easy to "Monday morning quarterback" any incident/accident and make own judgments so here I go: was the pilot possibly overconfident in his aircraft's performance ability to fly in the icing conditions by asking for a climb instead of descent? Was he aware of this possible weather before launching into/flying towards the (not forecasted severe icing but was icing in the original forecast?) weather area?

The PC12 definitely resides in the high confidence arena. Much has been said regarding its design and capabilities. However, this can also create overconfidence, which can be dangerous. I will use as an example the only (airframe) system that I believe may qualify for overconfidence, the Stick Shaker/Pusher System. Why? The system was not intended to protect from sudden upsets, as can be the case as a wake vortice, wind sheer or other unexpected sudden stall-type events. Eventually it may become active well into the event but initially it will not. And if that is the case then other flying skills may be needed as well to recover from the upset. Skills that, in hindsight, should include avoiding these possible thrills by better decision-making.

I have written about in previous articles, and I talk about during every training session, the Pusher system activating on short final, usually due to a combination of actions including wind shifting, causing unexpected, sudden results. So confidence in this particular system to alleviate the pilot of primary responsibility is false. The system was designed to keep the aircraft from entering a possible spin-type event as a result of a stall and the subsequent recovery. The pilot had to first STALL the aircraft to get to the system to activate. Usually pilot induced, period.

There are other examples relating to equipment and performance but the idea is that knowledge is very helpful, but we have to remember the primary message: Safety of all on board.

It does come down to the pilot as the "fault" unless proven otherwise. Outside circumstances, such as ATC, can contribute to a possible event but the pilot should not allow that or anything else to interfere with a safe, successful flight. Smart decision-making includes factors that cannot be touched or taught. Have you ever had ATC routing that was going to cause close-in IMC weather deviations towards your destination but you could see VFR weather in the general area? Ever given thought to asking for lower than Flight level altitude and canceling IFR, in VMC with flight following of course? ATC would appreciate one less bird to deal with in their airspace under IFR rules but will usually keep you on code with VFR flight following.

Do not be afraid to do what is necessary for your own safety. I am admittedly guilty of trying to accommodate ATC due to my former short-lived employment as an ATC trainee. I have absolute respect for the ATC system BUT I must always consider my well being first! FTFA

Speaking of ATC, at the time of this writing the FAA was announcing possible flight delays due to controller "extra day off". As pilots we know why! Are you going to fly less or not fly? File VFR? Who remembers the controller's strike in 1981? I was taking a check-ride the day it started and the system worked fine. One major reason for that is the pilot training we have all received on how to operate "outside", you know, non-controlled airspace. So how are your VFR skills? We can help out during this "period" by not filing if our flights are short enough and you are familiar with the area of flight. Never hurts to refresh skills that might have been lost.

A safe pilot is always learning

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