

Summary: Pilot's Bill of Rights

The Pilot's Bill of Rights (PBR) is a 2012 federal law (Public Law 112-153) that enhances due-process protections for airmen in FAA enforcement and certification actions, and was later expanded by "Pilot's Bill of Rights 2" to cover most FAA certificate holders.^{[1][2]}

Purpose and scope

- The PBR applies to FAA actions involving denial, amendment, modification, suspension, or revocation of airman and medical certificates, and to related NTSB review proceedings.^{[3][4]}
- Its core goal is to make the enforcement process more transparent and fair by strengthening procedural and evidentiary rights.^{[5][3]}

Key rights during investigations

- The FAA must provide timely written notice that an investigation has begun, describe the nature of the investigation, and advise that a response is not required and may be used against the airman.^{[6][3]}
- Pilots have the right to obtain "air traffic data" (e.g., ATC recordings, radar) relevant to the case so they can meaningfully participate in their defense.^{[7][5]}

Changes to hearings and appeals

- NTSB certificate hearings are to follow, as practicable, the Federal Rules of Civil Procedure and Evidence, rather than giving automatic deference to FAA interpretations.^{[6][3]}
- Pilots can seek judicial review in federal district court in addition to NTSB appeal routes, and NTSB is no longer bound to uphold FAA decisions under a highly deferential standard.^{[8][3]}

NOTAM and medical provisions

- The law directs the FAA to improve NOTAM organization, relevance, and accessibility through a central, searchable system so pilots can more easily identify information pertinent to their route.^{[9][3]}
- It orders review and reform of the airman medical certification process to reduce misinterpretation, increase consistency, and help pilots understand the basis for medical decisions.^{[10][3]}

Summary: Pilot's Bill of Rights

Pilot's Bill of Rights 2 extensions

- PBR2 extends these protections beyond pilots to other FAA certificate holders (such as mechanics and instructors) and reinforces the notice and evidence-access requirements in investigations.^{[5][8]}
- Overall, the PBR framework gives airmen better access to evidence, clearer notification, more neutral review, and additional avenues to challenge adverse FAA actions.^{[9][5]}

**

Sources:

1. <https://www.govinfo.gov/content/pkg/COMPS-11475/pdf/COMPS-11475.pdf>
2. <https://www.congress.gov/bill/114th-congress/senate-bill/571/text>
3. <https://condonlaw.com/2012/08/congress-passes-pilots-bill-rights-granting-greater-procedural-evidentiary-rights-administrative-hearings/>
4. https://www.nts.gov/legal/alj/Pages/pilot_rights.aspx
5. <https://thrustflight.com/pilots-bill-of-rights/>
6. <https://pilot-protection-services.aopa.org/news/2022/january/01/translating-the-pilots-bill-of-rights>
7. <https://www.faa.gov/pilots/rights>
8. <https://barnettlegal.com/the-pilots-bill-of-rights-a-big-step-forward-for-certificate-holders/>
9. <https://ifr-magazine.com/system/pilots-bill-of-rights/>
10. <https://www.michbar.org/file/barjournal/article/documents/pdf4article2766.pdf>

The following outlines the Pilot's Bill of Rights, amending Title 49 of the United States Code to enhance pilots' rights and procedural protections.

Federal Aviation Administration (FAA) Enforcement Proceedings

- Investigations regarding airman certificates must follow the Federal Rules of Civil Procedure and Evidence as much as possible.
- The FAA Administrator must provide timely written notifications to individuals under investigation, detailing the nature of the investigation and their rights, including:
 - No obligation to respond to a Letter of Investigation.
 - No adverse action for declining to respond.
 - Any response may be used against the individual.

Summary: Pilot's Bill of Rights

- Access to releasable portions of the investigative report and relevant air traffic data.
- Access to air traffic data includes communication tapes, radar information, and flight data, which must be provided to facilitate participation in proceedings.
- The Administrator cannot proceed with actions against an individual for 30 days after air traffic data is made available, except in emergencies.

Amendments to Title 49

- Key amendments include removing the requirement for the Administrator to adhere to interpretations of laws and regulations unless deemed arbitrary or capricious.
- Changes to sections regarding airman certificates and sanctions ensure that the Administrator's authority is clarified and limited.

Appeal Process for Certificate Actions

- Individuals affected by decisions of the National Transportation Safety Board (NTSB) can appeal in U.S. district courts or courts of appeals.
- Emergency orders remain effective pending judicial review unless stayed by the Board.
- Courts must conduct independent reviews of the Administrator's decisions, including evidence from prior proceedings.

Release of Investigative Reports

- The Administrator must provide releasable portions of investigative reports upon request during proceedings, with specific timelines for compliance.
- If the Administrator fails to provide the report on time, individuals may seek dismissal of the complaint unless good cause is shown for the delay.

Notices to Airmen (NOTAMs)

- The FAA must implement a NOTAM Improvement Program to enhance the delivery of critical information to pilots, including:

Summary: Pilot's Bill of Rights

- A centralized, accessible repository for NOTAMs.
- Filters to prioritize safety information.
- Clear specifications for temporary flight restrictions.
- The repository will serve as the sole source for NOTAMs, and enforcement actions cannot be taken for violations of NOTAMs not published in the repository.

Medical Certification Process

- The Comptroller General will assess the FAA's medical certification process, focusing on clarity, alignment with current medical practices, and public understanding.
- Goals include refining application questions to reduce misinterpretation and ensuring fair evaluations of medical qualifications.
- A panel of aviation experts will advise the FAA on these improvements.

Reexamination of Airman Certificates

- The FAA must notify individuals subject to reexamination of their airman certificates, detailing the nature of the reexamination and potential consequences for non-compliance.
- The Administrator retains the right to reexamine certificates based on reasonable grounds related to qualifications or fraudulent acquisition.

This summary captures the essential elements of the Pilot's Bill of Rights, emphasizing the rights and protections afforded to pilots in various procedural contexts while ensuring clarity and conciseness.