

CIVIL DISOBEDIENCE, PILOT STYLE

Busted. The writer's words were practically poking me on the chest as he took exception to my story of powering through 3000 feet of ice-likely clouds in a Cirrus SR22 ("Mission Mind," December 2008 *IFR*). "For you to put this into a publication oriented towards safety of IFR flight is outrageous and irresponsible. Jeff's final comment that, 'Flexibility is key in getting more missions accomplished,' represents the height of pilot arrogance and get-there-it-is." He added, "To write it up in *IFR* magazine with the imprimatur of 'This is what you should do,' is beyond the pale."

The stock answer here is that we don't tell you what to do. We try to give you the honest scoop on what we've experienced or discovered so you can make your own calls as a more-informed pilot. But that answer was nagging at me as insufficient. The real answer is that he's partially right. I was clearly describing something that was outside the rules. Except that, in this case, it was safer than the legal alternative. So I'll stand guilty here with pride.

People somehow seem to think that staying within the rules equates to maintaining a margin of safety. It's simply not true. We don't seem to have any problem with this where the rules are lenient—a six-month-old IPC lets you fly to minimums today—but we somehow forget this in the few places where the rules hinder safety.

My crime was that I considered weaving my way up through a broken layer—confirmed by PIREP to both have light to moderate rime and end at 5500 feet—with an airplane equipped with a proven but non-certified anti-ice system was a safer option than crossing Long Island Sound at 2000 feet in turbulence. The latter would have been entirely legal, and, frankly, an acceptable risk if there was no better option. But there was a better option with an excellent plan B and that's the one I flew.

I make my decisions based first on safety and second on legality, understanding that safety is really a pretty facade we put on that complex equation called "acceptable risk." The tipping point on that equation is personal and yours isn't the same as mine (nor should it be). This also means I'm willing to take a flight that's safe but not entirely legal. That decision requires accepting the consequences, which in this case would include reporting any ice I did find and asking for what I needed to get out if necessary.

The dangerous flip side here is when people think legality equates to immunity from risk. I'm betting that Cirrus will come out with a flight-into-known-ice (FIKI) system whose dirty little secret will be that the only changes vs. the non-certified system are an ice light, heated stall-warning system, (superfluous) windshield squirters and a million-dollar FAA blessing.

If so, we'll see *more* icing accidents in Cirrus aircraft. There will be FIKI accidents because the pilots will confuse words on paper with super powers, and non-FIKI accidents because pilots know their system is basically the same ... and because they confuse words on paper with super powers.

None of us has super powers in any aircraft. But I'd rather get busted by the FAA than Mama Nature any day.

— Jeff Van West