

Comments regarding Docket No. FAA-1999-6622

Notice of Proposed Rulemaking for 14 CFR Part 11, General Rulemaking Procedures

from

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I applaud the Federal Aviation Administration (FAA) for responding so well to President Clinton's mandate that Federal agencies make communications with the public more understandable. The proposed rule is an excellent example of what an agency can accomplish when it reconsiders and revises its rules to meet the new requirement for clear communication. I commend the agency for the clear explanation of the proposed changes in the preamble as well as for the work on revising and clarifying the rule itself.

Clear communications means more than just writing in a plain style

The proposed, new 14 CFR Part 11 shows two important benefits of plain language rulemaking. In addition to writing the rule so that more people can find what they need and understand what they find, FAA has used the opportunity to bring the rule up to date and to streamline it. Making the information current and removing redundancy are both essential aspects of any "plain language" project, and I am pleased to see that FAA has done both.

The style of the proposed rule is excellent

As a specialist in clear communications with many years of experience in helping rule makers write regulations that other people can understand, I am commenting on the organization and writing in the proposed rule rather than on the substance of the proposed rule-making process. This is an excellent example of an understandable style.

The features of this proposed rule that make it communicate so clearly include the

- headings in the form of questions
- use of personal pronouns, "we" and "you"
- use of "must" instead of "shall"
- short sections and paragraphs

The questions work very well as headings

In most cases, a user comes to a regulation with a particular question in mind. Questions as headings, therefore, are the best way to link information to what users come wanting to know. In this case, FAA has succeeded in writing short, direct questions that work well.

Question headings allow a user to skim through a table of contents and understand quickly what a rule is about and also allow a user to jump immediately to the place that holds the answer to the user's question. Thus, I was able to go right to "What information must I put in my written comments?" to start writing these comments in the appropriate format.

A minor point: The heading for 11.101 should start with "may" and not with "can." FAA uses "may" and not "can" in the response to the question and in other similar questions and answers. "May" is the right verb for permission; "can" should be reserved for the meaning "is [physically] able to."

Other heading styles, for example, verb phrases, such as "applying for an exemption" are more appropriate in documents that give instructions. The headings in a user's manual, for example, are usually verb phrases relating to the tasks that users come wanting to learn how to do. Although some of the information in the proposed rule is instructions for those who want to petition or to comment, much of the information is explanations of how FAA goes about making rules, handling petitions, and dealing with comments. FAA has done a good job of maintaining consistency in the style, which should help users find what they need quickly and easily.

The personal pronouns make the information easy to grasp

Research with actual users of regulations shows that when they try to read a typical rule in the old style (with no actors and with almost all passive verbs), users most often translate the information into "who does what to whom" sentences. The users interpret the rules by rewording them into the style that FAA has used in the proposed rule.

Writing the rules with "we" and "you" makes them clearer and avoids the misinterpretations that often happen with rules in the old style. FAA could, in fact, use "we" instead of "FAA" even more in the proposed rule.

"Must" is much better than "shall"

"Shall" has been litigated so often because it is ambiguous and because it is no longer part of ordinary American English. "Must" is unambiguous and, as a much more common word in American English, is faster and easier for people to read and understand. One of the reasons that the proposed rule is so easy to read is that FAA has been consistent in using "may" for permission and "must" for obligation.

The short sections and paragraphs make information easy to find

An advantage of using questions as headings is that, if done well, each question raises only one short, simple issue and the paragraphs under it answer just that one question. FAA has done an excellent job of keeping the questions simple and the answers directly related to the question.

Using short, direct questions and relevant answers has the added benefit of not allowing any one section to go deeper than a few levels. Users often get lost in trying to follow the logic of a section when it has more than two levels of information, especially because the Federal Register format does not allow for extensive indenting to show different levels.

FAA might reconsider breaking up 11.31 which is long and has more levels than many users will feel comfortable with.

FAA should be sure new rules are in this style and should revise other existing rules

I encourage FAA to do even more to respond to President Clinton's mandate to communicate clearly with the public. New rules that FAA makes following the process that FAA outlines in the proposed Part 11 should be organized and written in this same style. More old rules should be revised to comply. As other agencies have shown, even highly complex rules can be organized and written in a clear and logical style.