National Air Transportation Association
The Voice of Aviation Business

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Docket Operations, M-30
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Room W12-140, West Building Ground Floor
Washington, DC 20590-0001

*Delivered electronically via www.regulations.gov*

**RE: DOCKET NO. FAA-2011-1397, CLARIFICATION OF POLICY REGARDING APPROVED TRAINING PROGRAMS**

The National Air Transportation Association (NATA), the voice of aviation business, is the public policy group representing the interests of aviation businesses before Congress, federal agencies and state governments. NATA's 2,000 member companies own, operate, and service aircraft. These companies provide for the needs of the traveling public by offering services and products to aircraft operators and others such as fuel sales, aircraft maintenance, parts sales, storage, rental, airline servicing, flight training, Part 135 on-demand air charter, fractional aircraft program management and scheduled commuter operations in smaller aircraft. NATA members are a vital link in the aviation industry providing services to the general public, airlines, general aviation, and the military.

We commend the Federal Aviation Administration (FAA) for issuing this guidance in a draft format and accepting comments. Overall, while NATA believes that the proposed notice provides much needed clarity and is a good step toward ensuring consistency for training and evaluation of newly hired crewmembers at Part 135 on-demand operators, there are areas where further information and guidance is necessary.

**Recognition of Prior Approval**

The key issue the draft notice addresses is the appropriateness of training programs that include the ability for an air carrier hiring a new pilot to obtain "credit" for prior training and/or evaluations conducted by a different Part 135 certificate holder, thereby reducing the training and evaluations that must be conducted by the hiring carrier prior to placing a pilot into service. The agency establishes that provisions permitting such credit are contrary to the regulatory requirements. NATA appreciates that the FAA acknowledges that, despite the fact that programs providing for a transfer or credit for prior training and checking are now deemed inconsistent with current training program policy, numerous FAA Principal Operations Inspectors (POI) have authorized programs with these elements for hundreds of operators.

**Timeline**

The efforts and timeline described in the notice to rectify the situation appear to be reasonable. Specifically, following a POI's review of an operator's program if the POI determines revisions are necessary, the FAA intends to permit operators up to 12 months to revise and re-submit the

training programs for approval. NATA believes this is a fair amount of time for operators to respond.

**Retraining Not Required**

NATA appreciates the FAA affirmatively stating that retraining of affected crewmembers is not generally required. Given that the training programs now in question were specifically approved by inspectors nationwide and were used for the training of hundreds or perhaps thousands of pilots, many of who have subsequently received other training (e.g. recurrent) with the certificate holder, it would be inappropriate to call into question their legal status as crewmembers.

**Planned v. Programmed**

Another point of emphasis in the draft notice is the distinction between "planned" and "programmed" hours. NATA believes the reiteration that Part 135 training programs are based upon planned hours (not the Part 121 fixed "programmed" hours standard) is key to understanding the flexibility not only for the reduced hour training program outlined by the agency notice, but is also an important point for inspectors and Part 135 operators in general. Operators often have reported to NATA that their POI is demanding certain minimum hours of training be completed. As stated in the notice, the Part 135 training standard is that the proficiency and knowledge of a crewmember is certified (by the instructor/supervisor/check airman) upon completion of the required training or evaluation.

**Reduced Hour Training Curriculum**

The Reduced Training Hour Curriculum (RTHC) articulated in the notice is an important element for the industry and, while other guidance has alluded to the potential for such programs, having this ability specifically articulated is welcome. In developing a reduced training hour program, NATA believes it will benefit both industry and inspectors for there to be a clear understanding of what potential maximum reduction in training hours could be achieved, given the appropriate entry prerequisites.

NATA believes that the minimum baseline for a new hire crewmember should be defined within the guidance to ensure that approval of RTHCs is consistent nationwide. It would be a disservice to the industry for operators to devote the time and resources to creating a RTHC consistent with programs approved for similar carriers only to have their POI reject the program over a personal belief that the reduction is "too much." A lack of a clear maximum reduction policy could easily lead the agency and industry to the point we are at now – inconsistent application of training program requirements that necessitates yet another national level review and new guidance.

NATA suggests that for a well-qualified crewmember (e.g., current and qualified in the aircraft, in the duty position desired, with current comparable Part 135 experience) the RTHC would include training in all the certificate holder-specific modules (i.e., basic indoctrination, HAZMAT, etc.) all written tests and performance of the required evaluation/checks, but that additional hours of instruction (ground or flight) would not be a required element for the RTHC. In the event of a failure of a test/evaluation the operator's existing program requirements for requalification would be followed.

Further, NATA recommends that the FAA indicate that there is no maximum number of RTHCs that an operator could have approved. NATA anticipates that many operators may have three to four RTHC's. To ensure this is clear and to help POIs anticipate potential programs they may be asked to approve, NATA suggests that the FAA include a list of "possible" curriculums that an operator may submit. This list could include, among other examples:

1. New crewmember with previous Part 135/Part 91K experience in the same duty position, without previous aircraft experience
2. New crewmember without previous Part 135/Part 91K experience, with previous experience in the aircraft to which the crewmember will be assigned
3. New crewmember with previous Part 135/91K experience, without previous experience in the aircraft to which the crewmember will be assigned.

For the purposes of establishing eligibility prerequisites for entry to a particular RTHC, NATA believes that the similarities in operational regulations between Part 135 and Part 91K are sufficient to allow either to serve as suitable experience for entry to an RTHC and requests that the FAA so state in the final notice.

**Gap Analysis Based Option**

NATA also recommends that the FAA include provisions for a "gap analysis"-based program for operators. A letter to a Part 135 operator dated January 28, 2010, and signed by Director, Flight Standards Service John Allen, states that a side-by-side comparison between two programs, could allow for some prior training to be accepted by a new employer.

> *Under certain controlled conditions we do, however, believe that some training, specifically systems training … may be creditable.*
>
> *For one operator to accept the training conducted under another operator's approved curriculum, without first conducting a side-by-side comparison designed to identify the differences between curriculums, is not consistent with sound operating practices.*

The statements in that letter, attached herewith, establish that, in circumstances where a true side-by-side gap analysis can occur, indeed there could be additional leeway granted to the hiring carrier with regard to what specific training, testing and evaluations are required for a new hire pilot.

If a current or prior carrier provides its training program to the hiring carrier, a gap analysis could be performed that would permit the meaningful comparison described in Mr. Allen's letter to occur. In such a program, the necessary differences training could be determined and provided to the crewmember. The hiring air carrier would still need to complete the required training that is not eligible for reduction as well as flight evaluations/checks with the crewmember.

One of the biggest potential economic impacts posed by this action is on the so-called contract pilot who may work for multiple air carriers on an ad hoc basis. Utilization of a contract pilot by a Part 135 operator requires substantial coordination with other carriers for whom the pilot works to ensure compliance with numerous regulations, such as total commercial flight hour limits among others. In these work arrangements, the carriers are already engaged in communications, and it is not unreasonable to believe that they would be willing to share their training programs with each other to ensure that the contract pilot is properly training and able to continue working for each operator. The benefit of such a program was acknowledged by Mr. Allen in his 2010 letter and should be incorporated into the final notice. This approach to analyzing training between operators could, and should, also be extended to other training events (i.e., recurrent) to continue to permit what has been a successful and safe employment choice for some pilots.

**Negative Consequence Possible**

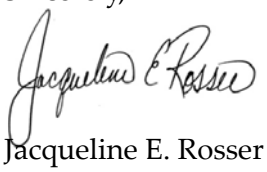
An area of concern for NATA is that the FAA may not have fully considered a significant, and likely unintended, consequence of the training program changes required by the notice. From a regulatory standpoint, simulator-based training for Part 135 is optional. It is highly likely that some number of operators will conduct training and/or evaluations in the aircraft rather than in a simulator as a result of this FAA notice. For economic reasons or because a training center may not elect to provide a particular service, there may well be some movement away from simulator-based training and checking. This would be unfortunate and certainly not the agency's goal.

The value of simulation-based training is well-known and the FAA must use caution as it proceeds in this area. Part 135 pilots will likely work for several air carriers, far more than their Part 121 counterparts, during their career. This movement within the industry means that a Part 135 pilot will be subject to many initial new hire training courses, theoretically all but the first

reduced in some way, but nonetheless multiple training events will occur where prior to this notice some credit for prior experience may have been awarded. The potential economic impact on operators is significant, and for some operators in certain hiring situations it may make more sense to provide all the training "in house" using the aircraft, forgoing simulation altogether until perhaps the pilot is due for recurrent. NATA urges caution and careful consideration when the FAA imposes new mandates on the industry that could have the consequence of driving operators away from simulation for training and checking events.

The relationship between operator, POI, training centers and their TCPMs is elaborate and at times unnecessarily burdensome for all involved. In 2011, NATA participated in an FAA-chartered Aviation Rulemaking Committee[1] that recommended the FAA review the relationship between Part 135 carriers and the Part 142 training centers. NATA reiterates its support of that recommendation and encourages the FAA to dedicate the resources necessary to pursue a meaningful review, with industry participation, that would allow for improvement of these complex relationships while enhancing the training ultimately provided to crewmembers.

Sincerely,



Jacqueline E. Rosser
Director, Regulatory Affairs

[1] The Flightcrew Member Training Hours Requirement Review ARC submitted its final recommendations to the FAA in May 2011.

U.S. Department
of Transportation
**Federal Aviation
Administration**

JAN 28 2010

This is in response to your letter dated September 29, 2009, regarding your appeal of the response from the Western-Pacific Flight Standards regional division manager denying your submission of a training program revision for Air Rutter International (ARI).

At my request, the Air Transportation Division, AFS-200, conducted a thorough evaluation of your request and associated information as well as the responses provided by both Inspector Lackey and Mr. R. Kemp. Our findings support their conclusions concerning the applicability (or, more accurately, the lack thereof) of flight crewmember training conducted by or on behalf of another air carrier and its creditability toward meeting the regulatory requirements of ARI. With the exception of the reference to canceled Air Transportation Handbook Bulletin (HBAT) 99-12, we believe the references cited in Mr. Kemp's July 9, 2009, letter to you are appropriate and correctly address the specific issues of one air carrier accepting the training conducted on behalf of another air carrier as meeting the regulatory requirements of Title 14 Code of Federal Regulations (14 CFR) part 135 Subpart H. With specific reference to expired HBAT 99-12, the information contained in this expired bulletin is no longer applicable. References to the expired HBAT, cited in the previous Federal Aviation Administration (FAA) responses, do not invalidate the basis of the technical decision regarding program requirements.

Although promoted by some training organizations, the practice of one air carrier accepting the crewmember training provided by another air carrier as meeting its specific crewmember training requirements is generally contrary to the intent as well as the technical provisions of 14 CFR parts 121 and 135. Under certain controlled conditions we do, however, believe that some training, specifically systems training, which is designed for a specific aircraft type, model, and configuration, may be creditable. This may occur provided the subject training mirrors the accepting operator's approved training program and does not include operator specific duties or responsibilities. For one operator to accept the training conducted under another operator's approved curriculum, without first conducting a detailed side-by-side comparison designed to identify the differences between the curriculums, is not consistent with sound operating practices. Parts 121 and 135 clearly outline the training program requirements, courseware, training devices, simulators, facilities, etc., that each operator must include in its approved training program. These requirements are dependent on an operator's equipage, operating environment, complexity of the specific aircraft,

complexity of the type of operation, the experience and knowledge level of the students, and efficiency and sophistication of the operator's entire training program (including items such as instructor proficiency, training aids, facilities, courseware, and the operator's experience with the aircraft). For one operator to assume that another operator's training program meets these operator specific requirements, without a detailed comparison, again is not consistent with applicable regulations, operational control requirements, or the provisions of the operator's operating certificate.

We agree with your contention that some training centers have been distributing 14 CFR part 135 training programs that are not consistent with current FAA regulations or policy. We have raised this issue with the appropriate training center management officials as well as associated FAA officials. Additionally, the Air Carrier Training and 142 Training Center Branch of the Air Transportation Division, AFS-210, is currently developing guidance for inclusion in the appropriate portions of FAA Order 8900.1, Flight Standards Information Management System, that will detail specific procedures and guidelines regarding the circumstances and conditions under which an operator may take credit for a portion of another operator's crewmember training. This guidance will provide instructions for the initial approval of training programs that include a provision to take credit for training previously conducted, as well as training being conducted by another operator/training center. We are also developing a notice that will require all principal operations inspectors (POI) to review currently approved training programs. This review will require POIs to evaluate existing programs to ensure compliance with current policy and provide guidelines for the initial approval of training programs granting credit for training previously conducted by another operator/training center. This notice will include guidelines that detail the specific training modules and/or elements or events which are acceptable for granting training credit, and those that are not. The notice should be published by early February 2010, and the accompanying guidance to Order 8900.1 by early April 2010.

I would like to thank you for the opportunity to respond to your concerns and trust that this letter fully explains current and future FAA actions concerning the transfer of training credit between operators.

If you accept this decision, please notify Fred Stein, AFS-40, either by telephone ((202) 385-4517) or by e-mail (fred.stein@faa.gov) and he will close this Consistency and Standardization Initiative (CSI) action. If you want a review at the next level with the Associate Administrator for Aviation Safety, AVS-1, you must notify Mr. Stein within 30 calendar days of receipt of the service director's decision. If we do not hear from you within 30 calendar days, we will consider this CSI closed.

Sincerely,

for John M. Allen
Director, Flight Standards Service