

November 30, 2009

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

RE: Docket No. FAA-2008-0938, *Pilot in Command Proficiency Check and Other Changes to the Pilot and Pilot School Certification Rules*

The National Air Transportation Association (NATA), the voice of aviation business, is the public policy group representing the interests of aviation businesses before the Congress, federal agencies and state governments. NATA's over 2,000 member companies own, operate and service aircraft and 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.

NATA appreciates the opportunity to provide these comments on the Notice of Proposed Rulemaking (NPRM) titled, *Pilot in Command Proficiency Check and Other Changes to the Pilot and Pilot School Certification Rules*. These comments were developed in conjunction with and represent the views of the industry experts composing NATA's Flight Training Committee.

Proposal #1 - § 61.1(b)(3)

Rule Change Summary: Proposal to revise the definition of "complex airplane" to include airplanes equipped with a full authority digital engine control.

NATA supports this proposal, with recommendations.

NATA expects that the number of Full Authority Digital Engine Control (FADEC) equipped aircraft will continue to increase in the future. The challenge that the FAA now faces is ensuring that pilots operating traditional "complex" aircraft and aircraft equipped with FADEC systems that would otherwise be considered "complex" have received sufficient training and experience to operate those aircraft safely. Proposal #1 assumes that there are no significant operational differences between aircraft equipped with traditional engine and propeller controls and FADEC-equipped aircraft. In reality, FADEC-equipped aircraft completely automate the task of coordinating engine power and propeller pitch control, thus significantly reducing pilot work load.

The purpose of the “complex” endorsement is to ensure that pilots have received the proper training and experience to operate more complex aircraft safely. NATA believes that while pilots receiving training and a complex endorsement in traditional complex aircraft would be able to operate FADEC-equipped complex aircraft safely the reverse may not be true. Pilots receiving training and an endorsement in FADEC-equipped complex aircraft would not necessarily possess the skills and knowledge to coordinate engine power and propeller pitch safely.

NATA recommends that the FAA establish a separate endorsement for FADEC-equipped “complex” aircraft that would limit a pilot to the operation of only FADEC-equipped complex aircraft. The traditional complex endorsement, due to its more demanding knowledge and skill level, should remain adequate for both traditional and FADEC-equipped complex aircraft.

Proposal #2 - § 61.58(a)(1) & (2) and (d)(1)–(4)

Rule Change Summary: Proposal to require a § 61.58 PIC proficiency check for PICs of single piloted, turbojet-powered airplanes.

NATA supports this proposal in part.

NATA supports requiring Pilot-In-Command (PIC) proficiency checks for pilots of type-certificated single-pilot, turbojet-powered aircraft, but believes that extending this requirement to experimental/exhibition turbojet-powered aircraft has been inadequately examined by the FAA and is ultimately unnecessary.

The NPRM preamble indicates that the focus of this proposal is ensuring that current regulations and FAA policy in operating type-certificated turbojet aircraft are extended to the Very-Light-Jet (VLJ) segment. This regulatory change is necessary because the current regulations requiring PIC proficiency checks are only applicable to dual-pilot, turbojet aircraft. However, the FAA has also adopted the policy of requiring PIC proficiency checks in exemptions issued allowing single-pilot operations of certain models of Cessna Citation aircraft. Because the new VLJ segment would not fit either of these regulatory structures, this rule change is necessary to continue to ensure that pilots of turbojet aircraft used for transportation purposes have the proficiency necessary to operate their aircraft safely in all areas of the National Airspace System (NAS).

The language of proposal #2 would also extend the requirement of annual PIC proficiency checks to the pilots of experimental/exhibition turbojet aircraft. This extension of regulatory requirements by the FAA to a segment of aircraft that currently operate safely is completely unfounded. The FAA provides no discussion or analysis of the reason for the extension of the rule to include experimental/exhibition turbojet aircraft except for a parenthetical note that the extension will occur. NATA concurs with the reasoning of the Classic Jet Aircraft Association comments (docket # FAA-2008-0938-0140.1) and, thus, believes that proposal #2 must be limited to type-certificated turbojet aircraft unless the FAA performs the required analysis for

extending the rule to experimental/exhibition jet aircraft and submits that reasoning and analysis for public comment.

This change could easily be affected by modifying the applicability of the rule change from:

“to serve as pilot in command of an aircraft that is type certificated for more than one required pilot crewmember, or is turbojet powered”

to:

“to serve as pilot-in-command of an aircraft that is type-certificated and turbojet powered”

The above change would limit the annual PIC proficiency check to pilots operating any type-certificated turbojet-powered aircraft.

Proposal #3 - § 61.65(a)(1) & Proposal # 16 - Part 141, Appx M

Rule Change Summary: Proposal to permit the application for and the issuance of an instrument rating concurrently with a private pilot certificate.

NATA supports this proposal, with recommendations.

NATA supports the principle of allowing student pilots to train and apply for both a Private Pilots License (PPL) and an Instrument Rating concurrently. However, NATA believes that as currently written this proposal will only provide benefits to students training at Part 141 flight schools. While students training under Part 61 would be allowed to apply for both a PPL and an instrument rating concurrently, the current structure of Part 61 requirements would offer no incentive for students to do so.

If, as stated in the NPRM, the FAA’s intention with this proposed rule change is to reduce accidents associated with continued visual flight into instrument meteorological conditions by incentivizing students to obtain instrument ratings, similar incentives to those offered through training under Part 141 should be offered for training under Part 61.

NATA recommends that the FAA convene an industry working group to study possible requirements for combined PPL and instrument training under Part 61.

Proposal #4 - § 61.71(c)

Rule Change Summary: Proposal to allow the conversion of a foreign pilot license to a U.S. pilot certificate based on an Implementation Procedure for Licensing (IPL) agreement.

NATA supports this proposal.

NATA understands that this regulatory change is being proposed to allow the conversion of Transport Canada Civil Aviation (TCAC) pilot certificates to FAA pilot certificates and vice versa. NATA also understands that these conversions will be done in accordance with an Implementation Procedure for Licensing (IPL) that ensures that each country's standards are met in the licensing processes. NATA cautions the FAA to ensure that in future negotiations with other international agencies' IPLs are established that recognize the comprehensive training and high standards provided by the U.S. flight training industry.

Proposal #5 - § 61.129(a)(3)(ii), Proposal #6 - § 61.129(b)(3)(ii) & Proposals #10-15 – Part 141

Rule Change Summary: Proposal to replace the 10 hours of complex airplane aeronautical experience with 10 hours of advanced instrument training at the commercial pilot certification level.

NATA supports these proposals in part.

NATA fully supports the portion of these proposals that removes the requirement for 10 hours of complex aircraft aeronautical experience for the issuance of a commercial single-engine land and commercial multi-engine land rating. The removal of 10 hours of complex time is long overdue. NATA's Flight Training Committee has been at the forefront of this issue for a number of years and is pleased to see that the FAA has acknowledged the changes to the flight training industry that have occurred. Today's fleet of single-engine complex aircraft that are suitable for flight training are quickly approaching 30 years in service. After decades in use as flight training aircraft, many of these complex aircraft are quickly becoming unsuitable for flight training due to increased maintenance costs and safety issues. Compounding the issue, general aviation aircraft manufacturers have moved away from the production of flight training-suitable, single-engine complex aircraft to the production of higher performance, more technologically advanced, non-complex single-engine aircraft. This shift in manufacturing, when coupled with the aging existing fleet of complex single-engine aircraft, leaves student pilots and flight schools with few options for commercial certification.

NATA believes that the removal of the 10 hours of complex experience will have little effect on overall safety at the commercial pilot certification level. This proposed rule change does not have any effect on the requirement for pilots to obtain an endorsement from a Certified Flight Instructor (CFI) prior to operating a complex aircraft. The time tested process of receiving an endorsement from a CFI has proved its merit in other areas of pilot training, including the tail wheel endorsement, high performance endorsement and high altitude endorsement. Some have

expressed concern that the removal of the 10 hours of complex aeronautical experience from the commercial pilot certification level amounts to a reduction in training standards. Pilots moving on from commercial certification into Part 135 and 121 operations will gain significant complex aircraft time as they complete multi-engine training and accrue multi-engine time. Prospective Part 121 and 135 pilots will also receive rigorous type specific training from their employer on the aircraft they will be operating. NATA feels that training for the operation of complex aircraft belongs at the endorsement level, not as a requirement for commercial certification.

NATA is, however, concerned with the addition of 10 hours of “advanced” instrument training in place of the 10 hours of complex aeronautical experience. NATA believes that, as written, the advanced instrument training will provide little value for prospective commercial pilots and may actually create a situation where an instrument rating is required for commercial certification. For instrument-rated prospective commercial pilots, the 10 hours of advanced training will consist of a review of topics already mastered and proven in the instrument practical exam. Non-instrument-rated prospective commercial pilots will have to undergo training that is beyond the scope of the operational parameters of non-instrument-rated pilots.

NATA recommends that the 10 hours of complex aircraft aeronautical experience be removed from the commercial pilot certification without replacement. If, however, the FAA believes that additional training is required for commercial certification, NATA recommends that an industry working group be convened to study and make recommendations to the FAA on the specific additional training needs of commercial-rated pilots.

Proposal #8 - § 141.45 & Proposal # 9 - § 141.55(c)(1)

Rule Change Summary: Proposal to allow pilot schools and provisional pilot schools an exception to the requirement to have a ground training facility when the training course is an online, computer-based training program.

NATA supports this proposal.

The value and effectiveness of varying learning modalities has been proven over and over across many different industries and fields. NATA’s own Safety 1st Professional Line Service Training Program has changed to an online delivery platform to take advantage of the increased interactivity and learning management features available with online delivery and management. NATA is pleased to see the FAA recognize that new online delivery platforms for knowledge-based learning are equally effective as traditional classroom formats.

Conclusion

The National Air Transportation Association and its Flight Training Committee are dedicated to ensuring that flight training in the United States continues to provide student pilots the highest training standards, state of the art instruction and value. NATA appreciates the opportunity to provide these comments and looks forward to working with the professionals at the FAA in the future to advance the art and science of flight training.

Respectfully,

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