

April 9, 2010
Docket Operations, M-30
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: Docket Number FAA-2010-0100, New Pilot Certification Requirements for Air Carrier Operations

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.

Background

The Federal Aviation Administration issued the Advanced Notice of Proposed Rulemaking (ANPRM), *New Pilot Certification Requirements for Air Carrier Operations*, to gather information regarding whether “the existing flightcrew eligibility, training, and qualification requirements should be increased for commercial pilots engaged in Part 121 operations.” The purpose of the rulemaking is to “improve pilot performance and professionalism” of Part 121 flightcrews. To gather this information, the FAA asks for public comment on five specific questions:

1. Should all pilots employed in Part 121 air carrier operations be required to hold an Airline Transport Pilot (ATP) certificate?
2. Should academic training be allowed as a substitute for a portion of flight hour experience requirements?
3. Should the FAA create a new commercial pilot endorsement for Part 121 operations?
4. Should the FAA create an authorization on a commercial pilot's certificate for Part 121 operations?
5. Should existing monitoring, evaluation, information collection requirements, and enforcement associated with current pilot performance be modified to achieve improved pilot performance?

General Comments

The National Air Transportation Association is concerned with the consequences of the piecemeal approach the FAA has taken with this rulemaking.

The FAA notes in the background section of the ANPRM that this rulemaking has been initiated to address concerns “highlighted in the ... DHC-8 accident that occurred on February 12, 2009, outside of Buffalo, New York ... specifically, does a copilot’s training include enough hours of training in various weather conditions to be able to recognize a potentially dangerous situation and respond in a safe and timely manner.” The FAA points out that the agency is currently reviewing public comment on a Notice of Proposed Rulemaking (NPRM), *Qualifications, Service, and Use of Crewmembers and Dispatchers*, which proposes to “enhance traditional training programs for air carrier crewmember and dispatcher training by requiring the use of flight simulation training devices for flight crewmembers and including additional training requirements in areas that are critical to safety.” The FAA elaborates further that this rulemaking is addressing “basic Part 61 pilot certification, not air carrier hiring or training requirements” and that the agency is not, with this ANPRM, “seeking comment on other existing Part 121 requirements such as Pilot Record Improvement Act (PRIA), drug and alcohol testing, mentoring, or crew pairing.”

The issues raised by the FAA relating to pilot performance and professionalism in a Part 121 operating environment are complex and not served well by an approach that views air carrier training requirements separate from Part 61 certification requirements. Currently Part 61 commercial pilot certification acts as a gateway to employment with a Part 121 air carrier. Part 121 regulations then serve to ensure that a pilot is prepared for the operating environment, aircraft and procedures unique to Part 121 operations. The training and testing received after hiring by a Part 121 air carrier serve as the final gateway to actually piloting an air carrier aircraft. This ANPRM looks to address setting new requirements under Part 61, effectively raising the gateway standard, but does so without the benefit of the context and full understanding of other changes (such as crew pairing, PRIA and mentoring) that the agency intends to explore.

NATA’s concern revolves around the fact that this lack of context and understanding may lead to a shifting of training from the air carrier to the individual pilot. Individuals, inside and outside the FAA are more likely to increase the gateway requirements of Part 61 dramatically when they are presented as the only options¹ to increase safety. Any increase in Part 61 training requirements will be borne by the individual pilot, not the air carrier. NATA cautions that this possible shift in burden from the air carrier, the entity with the most knowledge, experience and resources, to the individual pilot should only be done after all of the possible Part 121 air carrier rule changes have been considered and taken into account.

¹ NATA is not suggesting that these part 61 changes are the only options that the FAA is considering to address the concerns highlighted in this ANPRM, only that by presenting part 61 changes independently of other possible changes under consideration the agency creates the impression that part 61 changes are the sole proposed solution.

NATA asks the FAA to consider the issue of Part 121 aircrew proficiency and professionalism in a single rulemaking that comprehensively addresses needed changes to the various parts of the federal regulations, including Part 61. Doing so would provide the public and the agency the needed context to evaluate effectively the various proposed ideas for increasing Part 61 gateway requirements.

Specific Comments

Question 1: Should the FAA require all crewmembers engaged in a Part 121 air carrier operation to hold an ATP certificate?

NATA does not believe that requiring a pilot to hold an ATP certificate prior to acting as a pilot for a Part 121 air carrier would provide benefits that would outweigh the cost.

Obtaining an ATP certificate would require pilots to obtain the following additional experience (above and beyond the experience requirements for a commercial certificate and instrument rating):

- 100 hours of night flying
- 35 hours of additional instrument time (actual or simulated)
- 1250 hours of total time (500 of which must be cross country)

While NATA believes that additional night and instrument flight experience is always valuable, what must be examined is the cost and applicability of that training and experience to Part 121 aircraft and the Part 121 operating environment. Assuming an aircraft rental rate of \$90 dollars an hour, a pilot would be required to spend \$112,500 to acquire sufficient total time to qualify for an ATP certificate² and that experience would be gained in the most simple of aircraft. NATA believes that setting the gateway to Part 121 operations at a level that requires a personal investment of greater than \$100,000 without providing any exposure to Part 121 aircraft or operating procedures will do little but discourage pilots from pursuing a Part 121 career. To offset the cost of gaining this experience, many aspiring pilots will choose to work as commercial pilots in areas such as flight instruction and banner towing. While these types of flight experiences are valuable, NATA again asks, Is 1250 hours of providing flight instruction or banner towing the best way to prepare future airline pilots? Shifting the task and cost of preparing pilots for the rigors of Part 121 operations from the air carrier to the individual pilot and general aviation is not a solution to the problems the FAA has identified.

Question 1b: If a Part 121 air carrier pilot does not hold an ATP certificate, should he or she nevertheless be required to meet the ATP certificate aeronautical knowledge and experience requirements of § 61.159, even if he or she is serving as SIC?

² That estimate does not include the cost of achieving the commercial certificate or instrument rating.

This question is only different from question one in that a pilot younger than 23 would then be allowed to act as pilot in Part 121 operations if he or she gained the requisite knowledge and experience. For the reasons outlined above, NATA does not believe this would present an adequate solution to the issues identified by the FAA.

Question 2: Should the FAA permit academic credit in lieu of a portion of flight hour or experience requirements?

If the FAA chooses to set a minimum flight hour or experience requirement for Part 121 operations, NATA assumes the agency will set that limit based upon an in-depth evaluation of the experience needs of Part 121 operations. Therefore, if the FAA has determined that certain flight experiences and total time are necessary for effective performance in a Part 121 operation, NATA then cannot understand why the agency would consider anything, including academic experience, as an alternative. The only situation where academic experience could be effectively substituted for flight time and experience requirements is if the agency sets the flight experience bar higher than it deems necessary for effective operation in a Part 121 environment and then exempts those gaining academic experience from the difference, a course that would serve no valuable purpose.

NATA believes the value of academic performance and experience will be borne out in the air career hiring process. As a regulator, the FAA role is not to set the value of additional training in the marketplace but rather to establish the minimum standards that ensure the safety of the flying public.

Question 3: Should the FAA establish an endorsement for Air Carrier Operations?

In this option, the FAA proposes establishing an endorsement for air carrier operations to the commercial pilot certificate that would require specific training relevant to the Part 121 operations, such as ground, flight, crew environment, icing and high altitude training. NATA again asks why the FAA is considering placing the training requirements for a specialized and unique operation, such as Part 121 operations, outside of the entity with the most experience, knowledge and resources to provide that training. Part 121 air carriers are the entity best suited to train and evaluate aspiring airline pilots on the unique conditions and procedures involved in air carrier operations. Creating an endorsement for air carrier operations shifts the training and evaluation burden from the air carriers to the individual pilot.

Question 4: Should the FAA create an air carrier-specific commercial pilot certificate authorization for Part 121 operations?

In this option, the FAA places the burden of training and evaluation of prospective Part 121 pilots where it belongs, on the air carrier. This proposal would require air carriers to issue an authorization on a pilot's commercial certificate after the pilot has completed the air carrier's approved training program. NATA believes this is the general direction the agency should take regarding Part 121 pilot training, but questions why a requirement for air carriers to

ensure their pilots have received adequate training and experience in Part 121 operations should be placed in Part 61.

Closing

The ANPRM states that the purpose of this rulemaking is to address the concerns highlighted by the “DHC-8 accident that occurred on February 12, 2009, outside of Buffalo, New York.” The NTSB has listed the probable and contributing causes for that accident as:

- An inappropriate response to a “stick shaker”
- Failure to respond properly to “the rising position of the low-speed cue”
- Failure to adhere to sterile cockpit procedures
- The captain’s failure to manage the flight effectively
- The air carrier’s “inadequate procedures for airspeed selection and management during approaches in icing conditions”

All of the issues highlighted in the 2009 accident relate directly to specific procedures and operations found in Part 121 operations. NATA is, therefore, at a loss as to why the FAA has begun the process of rectifying those issues with possible regulatory changes to Part 61. This approach will lead to the shifting of the training and evaluation burden from the air carrier to the individual pilot and likely will only exacerbate any existing issues with Part 121 pilot proficiency and professionalism. NATA is **not** stating that some changes to Part 61 will not be an effective complement to other Part 121-specific regulatory changes, but rather that the process of evaluating Part 61 changes first and independent of other Part 121-specific changes is mistaken. NATA believes the FAA needs to abandon this rulemaking and adopt a comprehensive view that looks at all phases of the training of Part 121 pilots as a whole. Only then will the agency be able to identify effectively the areas of that training process that led to the failures highlighted in the 2009 DHC-9 crash and develop regulatory changes that address them.



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