

*The Federal Aviation Administration Call to Action  
on Airline Safety and Pilot Training*



**Statement of James C. May  
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before the  
Subcommittee on Aviation  
of the  
House Transportation and Infrastructure Committee**

**September 23, 2009**



AIR TRANSPORT ASSOCIATION

## *Introduction*

The crash of the Colgan Air aircraft near Buffalo on Feb. 12, 2009 was a tragedy that has produced heartache for the relatives and friends of the victims of that accident. Words are faint consolation for their grief.

Two basic considerations must guide us in the aftermath of that tragedy.

The first consideration is that in the aviation community, no accident is acceptable. We need to understand through rigorous and searching inquiry the cause of the Buffalo accident. Completion of the ongoing National Transportation Safety Board investigation will ultimately determine what so tragically unfolded that evening. After its investigation is concluded, the Board will prepare and issue a detailed narrative report that analyzes the investigative record, identifies the probable cause of the accident and makes specific recommendations for fixing the causes of the accident. Even without the benefit of the final report, airlines have embraced a wide ranging set of initiatives designed to further enhance safety.

The second consideration is that it is the certificate holder – the air carrier that has received the authority from the FAA to serve the public – that is ultimately responsible and accountable for the safety of its operations and for complying with the requirements that the FAA imposes on air carriers.

As I have said in the past and will continue to say: We do not compromise safety for economic reasons. ATA members and their employees have achieved an extraordinary safety record because of their single-minded focus on safety. This has occurred, I would emphasize, during the most turbulent era in our industry's history. It is in the spirit of the pursuit of safety that I appear before you today.

## *Safety Above All Else*

In the airline industry, safety is the highest priority. That is a shared commitment and we work closely with other members of the aviation community to achieve it. Together with the FAA, manufacturers, labor unions and other interested parties, we have achieved an extraordinary safety record. That impressive accomplishment, however, does not mean that we can rest on our laurels. We continuously pursue safety. Improving safety is work that is never done; we always seek to improve.

Commercial aviation has built this record through a disciplined and analytical approach to improving safety performance. That scrutiny includes benefiting from experience and from a forward-looking search to identify emerging issues. The Commercial Aviation Safety Team (CAST), for example, brings together stakeholders to improve safety performance by applying data-driven analyses to spot issues before accidents occur and to establish safety priorities. Increasing reliance on two industry-led safety programs, the Aviation Safety Action Program (ASAP), which encourages voluntary reporting of safety issues and events that come to the attention of employees of certain certificate holders, and the Flight Operational Quality Assurance (FOQA) program, which involves the collection and analysis of data recorded during flight to improve safety, have also added immeasurably to our knowledge. This empirical approach, coupled with the expertise and commitment of our frontline employees, provides the underpinning for industry-wide safety efforts.

Participation in these programs underscores that ATA members' efforts go well beyond compliance with governmental regulatory directives. This willingness to exceed minimum requirements is often overlooked. It is tightly woven into the safety culture of airlines, whether they are mainline or regional.

No accident or incident is acceptable. We seek to learn from each event. Consequently, ATA has formed a Senior Advisory Task Force to address the matters raised during the recent NTSB hearing about the Buffalo accident. The task force is comprised of airline presidents, chief operating officers and their peers. It will ensure that our support of the FAA, airlines, unions and others is responsive, targeted and thorough.

### *Safety is a Shared Responsibility*

ATA member airlines highly value their relationships with regional airlines and the customer benefits those arrangements provide. Customers, communities, and the marketing and operating carriers benefit immensely.

The bedrock principle in civil aviation is that the entity to which the FAA has issued a certificate is solely responsible for its activities. Whether that entity is an air carrier, an airman or a dispatcher, that responsibility cannot be delegated or assumed by others. That principle avoids any confusion about ultimate responsibility, an absolutely essential consideration in promoting safety. It is a principle that dates back to 1938, when Congress created the Civil Aviation Authority, the predecessor of the FAA.

As separate regulated entities, regionals are independent of mainline airlines. As I noted previously, they hold operating authority that the FAA has granted them. The FAA certifies regionals under Federal Aviation Regulation (FAR) Part 121. This means that the certificate holder – the regional airline – maintains the responsibility for, and direct control of, its operations and safety programs. The FAA has the mandate to assure compliance with Part 121 and other FAR requirements.

We should also remember that in the mid-1990s, in evaluating the need for improvements in the regulatory structure under which commuter airlines – the former term for regional airlines – operated, the FAA responded, with the support of ATA and its members, by requiring them to adhere to FAR Part 121, the same regulation under which mainline airlines operate. As a result, the rule that became effective on Dec. 20, 1995 imposed a “one-level-of-safety” standard that continues to this day. It required aircraft with 10 or more passenger seats and all turbojets operated in scheduled passenger service to operate under and comply with FAR Part 121 operational requirements.

Moreover, the Department of Transportation, for more than a decade, has required in 14 CFR Part 257 that code-share arrangements be disclosed to customers before they purchase a ticket. This “operated by” language underscores the importance that the government has recognized in maintaining the distinction between the mainline airline and the regional airline.

### *Updates on Selected Safety Enhancements*

Our relentless pursuit of safety hinges upon our ability to adapt and refine programs based on lessons learned. As noted previously, airlines are engaged in a number of safety initiatives – dubbed *FAA’s Airline Safety and Pilot Training Action Plan* – stemming from the Colgan Air accident. Updates on selected initiatives are outlined below.

**Fatigue Rulemaking:** The FAA chartered an Aviation Rulemaking Committee (ARC) to develop recommendations on revising flight- and duty-time regulations for flight crew members. The ARC met weekly from its kickoff on July 15 until its conclusion on Sep. 1. While the extremely compressed schedule prevented resolution of all issues, the ARC submitted recommendations to the FAA that were science-based, accommodate various operating models, align with international guidelines and reflect the vast operating experience of U.S. air carriers.

An issue that arose from the Buffalo accident and was debated within the ARC is that of flight crew member commuting. The ARC concluded that commuting is within the exclusive control of the pilot or copilot. It is expected, and the law assumes, that they will report fit to work. The law provides for adequate rest opportunities and the air carrier responsibility is to schedule flight crew members within those limits. It is the responsibility of the crew member to inform the carrier if he/she is unable to fly because of fatigue, whether because of *commuting or for any other reason*. That is why Part 121 airlines staff reserve crew members.

**Focused Inspection Initiative:** Airlines supported the FAA review of flight crew member training programs. The review ensured that air carriers have the ability to identify, track and manage low-time

crew members and those who have failed evaluation events or demonstrate a repetitive need for additional training. The review also confirmed that air carrier training programs met regulatory standards.

**Commitment to Most Effective Practices:** The FAA June 15 call to action brought together key airline and labor leaders to identify the most effective practices for improving airline safety. The session surfaced many of the complexities that exist in the relationship between mainline air carriers and their regional partners. More importantly, the participants identified and committed to adopting the most effective practices from across the industry, many of which have been in place at ATA-member airlines for years. Those commitments were reflected in letters to the FAA Administrator and included:

- Implementing a policy of asking pilot applicants to voluntarily disclose FAA records, including notices of disapproval for evaluation events
- Continuing to leverage flight operations quality assurance (FOQA) and aviation safety action programs (ASAP), including the capability to analyze the data and effectively use the information obtained
- Establishing periodic meetings between mainline airlines and their regional partners to review safety programs, share safety information and share most effective practices

**Regional Safety Forums:** ATA members also partnered with regional airlines, labor associations and the FAA to lead a series of 12 regional safety forums around the country to share the results of the June 15 call to action. In addition to enabling a valuable exchange of safety information, these gatherings of key representatives from all Part 121 airlines generated a number of additional ideas for further safety enhancements.

**Labor Organizations:** Industry acknowledged the critical role of labor organizations in ensuring professional behavior. ATA-member airlines continue to support the establishment of professional standards and a code of ethics. Labor organizations will continue to play a pivotal role in all aspects of airline safety and have committed to several initiatives focused on ensuring professional behavior and to support further strengthening of voluntary safety programs like ASAP and FOQA.

**Mentoring:** Industry clearly recognizes the value of transferring expertise from seasoned flight crew members to those with less experience. Mentoring programs are widely used across the industry and are tailored to reflect the various cultures and needs of those particular airlines. Certain aspects of those programs identified as most effective practices were captured during the June 15 call to action and subsequent regional safety forums and are being integrated as appropriate into flight crew member training programs.

**Crew Training Requirements:** Flight crew-member training programs in use at ATA-member airlines are among the best in the world. The effectiveness of these programs stems from their ability to adapt to the specific operational challenges that exist within a specific airline's operation. This approach, called Advanced Qualification Program (AQP) is grounded in existing regulations yet allows training curricula to evolve to meet current operational needs. The capability of AQP to be tailored to the specific needs of individual flight crew members is unique to AQP and is not envisioned in current regulations. ATA-member airlines are concerned that the FAA-proposed changes to the training regulations, while well-intended, may undermine the effectiveness of AQP. ATA filed extensive comments in response to the proposed rule and continues to work closely with FAA to ensure the ongoing viability of proven training programs enabled by AQP.

#### *Other Safety Efforts Underway*

Airlines are also engaged in safety-enhancing efforts that extend beyond the scope of *FAA's Airline Safety and Pilot Training Action Plan*. Among these efforts are:

**Safety Management System Aviation Rulemaking Committee:** FAA convened the SMS ARC in February to develop a comprehensive regulation that will ensure U.S. compliance with international standards. The SMS ARC is co-chaired by an ATA-member airline and includes other members and

ATA staff as participants. ATA members believe that an effective SMS will provide the foundation for the next leap forward in aviation safety and are committed to aggressive implementation as the guidelines are established.

**Airworthiness Directive Aviation Rulemaking Committee:** Following the cancellation of several thousand flights in the spring of 2008 due to questions regarding compliance with a particular Airworthiness Directive (AD), the FAA convened a group of industry experts to review the AD development and compliance process. The group analyzed the specific breakdowns that resulted in the mass cancellations but, more importantly, developed a set of recommendations designed to improve the AD process in a way that will ensure consistent compliance. Those recommendations will be implemented over the next several months by the AD ARC. ATA and its members, along with representatives from aircraft manufacturers and the FAA, look forward to assuming a lead role in that process.

**ASAP/FOQA InfoShare:** Airlines continue to meet every six months to review the latest safety issues identified by ASAP and FOQA programs. The meeting, hosted by FAA and referred to as InfoShare, includes all ATA-member airlines and a number of regional airlines. The results of InfoShare are fed into CAST for analysis and further industry-wide action as appropriate.

**Aviation Safety Information Analysis and Sharing (ASIAS):** As active participants in the ASIAS effort and its governance body, the ASIAS Executive Board, ATA members recognize the value of aggregating information to create a national view of airline safety. The ASIAS system enables users to perform integrated inquiries across multiple databases, search an extensive warehouse of safety data, and display pertinent elements in an array of useful formats. Additional data sources and capabilities will be available as the system evolves in response both to expanded access to shared data and to technological innovation. ASIAS is critical to establishing the next generation of safety enhancements for CAST, and ATA members continue to invest significant time and resources in its development.

**DOT Inspector Review of Airline Safety:** Prompted by requests from both the House and the Senate, the Inspector General (IG) of the Department of Transportation (DOT) initiated a review of FAA safety oversight of regional air carriers. The investigation is focused on pilot certification, training and qualification, as well as commuting and compensation issues. ATA has met with DOT IG staff to provide relevant information and looks forward to further interaction.

**Centralized pilot record database:** A centralized database of pilot records would make it easier to evaluate the backgrounds of applicants for flight crew member positions. ATA continues to support an FAA review to determine if such a database can be efficiently implemented. To be successful, however, it must be complete. Results of all pertinent actions relating to pilot competency must be recorded and accessible to an airline evaluating an applicant.

### *Looking Forward*

We will continue to work diligently with other stakeholders to follow through on the various commitments made during the FAA call to action. We also look forward to evaluating and responding to the results of the NTSB investigation of the Colgan Air accident and to the Inspector General assessment of the FAA regulatory oversight program. The actions already taken, those underway and those yet defined are and *must continue to be* driven by expert analysis of facts and data. It is in this informed context that any further action to improve safety should be examined.