Testimony of

Patricia Gilbert, Executive Vice President

National Air Traffic Controllers Association

Before the

House Transportation and Infrastructure

Subcommittee on Aviation

July 18, 2012

"A Review of the
FAA's Contract Tower Program"

INTRODUCTION

The National Air Traffic Controllers Association (NATCA) is the exclusive representative of over 15,200 air traffic controllers serving the Federal Aviation Administration (FAA), the Department of Defense (DOD) and the private sector. In addition, NATCA represents FAA's Alaska flight service specialists and approximately 1,200 FAA engineers, 600 traffic management coordinators, 500 aircraft certification professionals, agency operational support staff, regional personnel from FAA's logistics, budget, finance and computer specialist divisions, as well as agency occupational health specialists, nurses and medical program specialists. NATCA also represents air traffic controllers at 63 towers that are part of the Federal Contract Tower Program (FCT).

Air traffic controllers, whether they work at private or FAA facilities, are dedicated to ensuring that our National Airspace System (NAS) is the safest and most efficient in the world. In order to maintain that safety and efficiency, our controllers work to modernize the NAS, promote new technology, and improve safety procedures. We have professional controllers involved in nearly every modernization and NextGen related program on which the FAA is currently working. Controller skills are put to work every day as they handle an impressive volume of flights – air traffic controllers monitor takeoff and landing for more than 70,000 flights each day, safely moving nearly two million passengers through our skies daily. Air traffic controllers handle these flights in the busiest and most complex airspace in the world with roughly 5,000 planes in the sky at any given moment.

EXECUTIVE SUMMARY

As the representative of air traffic controllers at 63 contract towers, NATCA is in a unique position to offer an objective assessment of the Federal Contract Tower program (FCT) and to evaluate the similarities and differences between FAA and contract towers. NATCA's goal in this testimony is to show that comparing FAA towers and contract towers is problematic because the two programs are significantly different. Any discussion comparing the FCT program to FAA towers needs to be reviewed carefully. Additionally, NATCA is offering recommendations that we believe will make contract towers safer and provide a better working environment for the air traffic controllers who staff those towers.

To be clear, NATCA supports the cost share component of the FCT program because it enables local communities that couldn't otherwise support an air traffic control tower to reap the economic benefits aviation brings. NATCA also supports the fact that the contract tower program allows for the building of a new tower where one does not already exist and there is not an FAA presence in the airport. NATCA does not support the expansion of the FCT program to existing FAA towers. By expansion, we mean the transfer or conversion of FAA towers into the FCT program.

There is a fundamental difference between an FAA tower and a contract tower. The FAA model was built on the premise of redundancy to prioritize safety above all, whereas a contract tower has incentive to prioritize the bottom line. NATCA is not criticizing the fact that profit margins are a factor, but we must keep this reality in mind. In addition to the different motivations, there

exists a stark difference between a contract tower and a FAA tower's support systems, including equipment and facility maintenance and staffing.

An FAA tower prioritizes safety and relies on redundancy as key to maintaining a safe and efficient air traffic system. Where FAA towers rely on redundancy, contract towers lack redundancy, frequently relying on single controller operation for extended lengths of time, even during busy periods. The FAA requires two controllers on shift. Contract towers, are not bound by that regulation and are free to, and frequently do, staff shifts with only one controller.

It is NATCA's position that there is a fundamental flaw in comparing contract towers to FAA towers in terms of safety as defined by the number of safety incidents. The flaw in any comparison derives from the fact that safety incidents, which include operational errors, operational deviations, and runway incursions, are unevenly reported – the FAA has moved to a true safety culture, where all controllers and employees are encouraged to report all safety issues, including errors, while contract towers are driven by a punitive culture that discourages controllers and their supervisors from reporting errors. NATCA believes that contract towers are understaffed, have less support for their facilities and equipment, and provide insufficient training for their controllers. This testimony will outline each area and describe how FAA towers differ from contract towers.

FAA TOWER AND CONTRACT TOWERS: AN APPLES-TO-APPLES COMPARISON IS FLAWED DUE TO FUNDAMENTAL DIFFERENCES BETWEEN THE TWO.

Contract towers are inherently different from FAA towers, and these differences make an apples-to-apples comparison impossible. The differences range from staffing standards and equipment minimums to training and safety. Contract towers operate with fewer resources and support, and different challenges. We will outline these significant differences below in order to provide the Committee with a more nuanced explanation of why a fair comparison between contract and FAA towers is not possible.

Measuring Safety

In 2003 the Government Accountability Office (GAO) stated that "the determination of real differences in the rate of operational errors (OEs) between different types of air traffic control facilities is difficult, and comparisons of operational error rates alone are not sufficient to draw conclusions about the relative safety records of air traffic facilities." The GAO noted that operational error data is never complete and it is impossible to determine if a facility has under-reported errors. In addition, they note that in order to make a valid comparison between facilities, a number of factors that affect the rate of operational errors should be accounted for, such as the traffic density, number of flights, age and experience of the controllers, and weather conditions when the error occurred. Without that data, no comparison is valid.

NATCA continues to agree with the GAO's assessment. A comparison of safety records between FAA and contract towers is fundamentally flawed because the two have very different safety environments, making it impossible to compare safety incidents between the two. The FAA has instituted a safety culture that encourages reporting of all safety incidents, creating an environment where controllers report without fear of punitive measures. This leads to increased

reporting, allowing the FAA to collect as many data points as possible in order to proactively work to prevent and reduce errors, which has led to concrete changes. For example, the FAA has been able to identify and address areas where pilots and controllers do not have the same understanding of the specific weather deviation phraseology or related procedures. Previously, the reporting of these types of events was routinely treated punitively even though the procedures were not clearly articulated. In the current environment, reports concerning these events are being utilized to help reduce confusion between controllers and pilots through training and clarification of the procedures and phraseology.

On the other hand, contract towers still have a punitive environment where reporting errors could result in termination. This incentive to avoid reporting errors persists at contract towers. Conversely, the FAA has moved forward to proactively collect, record, and analyze as many safety incidents as possible.

Contract towers have several disincentives to reporting errors. The first, mentioned above, is that individual controllers may face punitive action, including termination, for reporting errors. The second is that the contractor companies themselves are interested in reducing the number of reported safety incidents because errors hurt them for their next competitive bid. In that sense, the privatization of towers and competitive bidding system actually creates a disincentive for reporting errors and allows competition and cost to supersede safety.

Due to this important difference in the safety culture, it is impossible to compare incidents at FAA and contract towers. NATCA believes that understanding this fundamental operating difference will help Congress understand why it is a flawed method to assess safety by comparing the number of safety incidents within the FAA and within contract towers.

Staffing Discrepancies

It is NATCA's position that the margin of safety is stretched thin when redundancy is reduced to bare bones staffing levels at contract towers. Because staffing amounts to the bulk of the operating cost at any facility, contract companies have an obvious incentive to reduce staff in order to reduce costs when competing for a contract.

The FAA sets the minimum staffing for all FAA towers and publishes staffing numbers each year. Contract tower staffing numbers are set between the FAA and the contract company that manages the tower. While those staffing numbers are considered confidential and not made available to the public, we know that many contract towers operate with three controllers and one manager, frequently relying on one controller per shift. Earlier this year at Rogers Tower (ROG) in Benton County, Arkansas, we saw the danger of staffing with only one controller when the only controller on duty had a heart attack, while on duty. He was able to call 911 for assistance, but had he not made it to the phone, nobody would have known that he was having a medical emergency.

With reduced staffing, controllers at contract towers are required to divide their time between controlling traffic and performing administrative and supervisory duties. This could include filling out Unsatisfactory Condition Reports (UCR) to report faulty equipment, or administrative duties such as entering traffic counts or changing voice tapes. FAA controllers are also required

to perform administrative tasks, but the FAA properly staffs each shift to allow two controllers to handle position relief and administrative duties, thus safely and efficiently allowing the administrative tasks to be completed.

Bare bones staffing also means that controllers at contract towers may be forced into longer time on position without a break or a meal due to single-controller staffing. Controllers at contract towers have reported regularly going three or four hours without a break. This single staffing also results in controllers working while ill because they may be subject to disciplinary action if they call in sick and no backup is available to fill their shift.

The FAA requires breaks away from the operation to allow controllers to regroup before continuing what can at times be mentally exhausting work. There is a scientific reason why the FAA limits controllers' time on position: separating traffic requires complex multi-tasking and absolute concentration that is impossible to maintain for long periods of time. The FAA, along with safety experts, has determined that after two hours of continuous work, controllers are at greater risk of making mistakes.

Equipment and Facility Discrepancies

A contract tower receives equipment and support from the FAA if the FAA, an airport authority, or local municipality owns the tower. Towers that are owned by other entities divide the equipment and support responsibilities between the local entities. Regardless of who owns the tower, the FAA sets a minimum equipment list for all contract towers, but mandates that they be supplied only in new towers. The existing towers have "a reasonable time" period in which to update equipment to meet the FAA's standards. The result is a split set of standards for FAA and contract towers.

The FAA has a list of the FCT minimum equipment requirements for all FCT towers. For example, in contract towers, only two radio frequencies are required and the emergency frequency is not one of the two. The required backup radios are frequently handheld and have limited range and clarity, not extending past a runway, as compared to a FAA backup radio, which has its own antenna and can have up to a 50-mile range.

Contract towers also suffer from sub-par equipment that is old, in poor condition or of poor quality. For example, at San Marcos Tower (HYI) in Texas, the voice recorders repeatedly failed to load tapes in the morning, leading to periods of time when no position recordings were made while the controllers attempted to get the equipment back on line. This forced controllers to deal with the recorders instead of focusing on controlling traffic. They also suffered a loss of backup recordings. At that same tower, controllers noted that their chairs were of poor quality and quickly began deteriorating. The process of getting new chairs from the sponsor organization is lengthy and costly. At Springdale Tower (ASG) in Arkansas, the mandatory headsets specified in the FAA's minimum equipment list are not available because the radios are so old that they do not accommodate headsets. As a result, controllers are required to listen to a radio speaker and are subject to interruptions and background noise.

The Springdale Tower also had an issue with their window shades, which exist to reduce glare and haze. An FAA inspection discovered the shades were unsatisfactory (controllers could not

see through them), and recommended they be replaced. However, the contractor and city argued over which entity should fund the replacement window shades and finally the city stepped up. The result was new shades, but the trade-off was that the city stopped providing bottled water for the controllers that for whom they had previously provided bottled water, due to the poor quality of tap water in the area. An FAA tower would have both adequate window shades and potable water.

These differences in equipment put controllers in the difficult position of having to control traffic with sub-par tools that add additional and unnecessary challenges to the already difficult and complex job of separating traffic. NATCA believes that failing to provide controllers with adequate equipment necessary for their job may be detrimental to the safety of the National Airspace System (NAS).

Maintenance of Equipment Discrepancies

The FCT program involves a relationship between the FAA, the tower and the local city or airport authority, which is responsible for equipment maintenance and facility conditions at non-FAA owned facilities. Due to this arrangement between the tower, sponsor and FAA, all three entities often disagree on who is responsible for the cost to repair facilities or equipment, leading to periods of reduced service, or non-existent service.

Unlike FAA facilities, contract towers have no on-call maintenance or technicians when equipment, computers or structures need repair. The equipment is generally purchased from a company across the country, and controllers may spend long periods of time on the phone with an off-site technician trying to learn how to reset a communications panel, reboot the voice recorders or fix malfunctions in the Automatic Terminal Information Service (ATIS), Automated Weather Observation System (AWOS, the weather reporting system), etc. In towers that are not owned by the FAA, controllers have an informal process for reporting maintenance requests: they call the FAA or the vendor and wait for a response. The FAA may respond in a day or two, but the vendor may take weeks to schedule a trip.

For example, the Mobile Downtown Tower (BFM) in Alabama did not have heat from December 2009 until March 2010.This was an issue of funding and it took time for the contract company to bid out the contract to fix the heat.

FAA-supported equipment, such as instrument approaches and some weather reporting systems, rely on technicians who must also schedule a trip to the contract facility to conduct routine maintenance or emergency assistance. Their travel time and scheduling difficulties create delays in getting systems back on line.

For example, BFM, a FAA-owned tower, has been without its wind reading indicators for at least eight years. The controllers there have filed Unsatisfactory Condition Reports (UCRs), but the FAA, who is responsible for this piece of equipment, has declined to spend the money to fix the equipment.

At Opa Locka Tower (OPF) in Florida the original 40-year-old tower was attached to an abandoned, condemned hanger owned by the county, and the process of replacing it with a new tower has taken over six years. Six years ago, the old tower failed county fire suppression

requirements and was deemed unsafe to occupy. When both the FAA and the county refused to correct the problem, the FAA provided a "temporary tower" located on a closed runway. The county that owns the airport has moved slowly to plan for, fund and contract-to-build a new tower. There have also been significant local politics at play in the bid for a new tower. In the meantime, for over six years controllers have been working in truly dangerous conditions in a temporary tower that amounts to a dilapidated RV on top of eight large shipping containers. Among many of its drawbacks, the low height and inadequate windows make it difficult to see some runways and taxiways. It is flimsy, it leaks, it is cramped inside and it is poorly located. Equipment failures occur frequently at the facility. While the FAA technically owns this temporary tower, the fact is that such a facility would not be tolerated if staffed with FAA personnel. It is only due to the exceptional dedication and skill of the controllers at this facility that the services are provided at all.

We know that FAA facilities suffer from equipment maintenance issues as well, so it may seem unfair to expect contract towers, with inferior maintenance support, to operate as smoothly as their FAA counterparts. The bottom line is the more they rely on outside entities to provide support and funding, the greater the risk of costly delays in service and the greater the risk of a safety event.

Training Discrepancies

One of the biggest differences between the FAA and contract tower training processes is the amount of time it takes to certify. Controllers at contract towers are required to train for a mere 30 days before becoming fully certified with the FAA. NATCA believes that the 30-day training period at contract towers is insufficient and results in controllers being given the minimum amount of preparation for working at their new tower. Thirty days is simply not sufficient to train a controller, regardless of experience.

NATCA has been informed that managers are instructed to terminate any controller who does not certify within the 30 days. Timing is important because when a contract tower hires a new controller, it means they are replacing someone. As noted earlier, most contract towers begin with bare bones staffing levels, so the loss of one controller is a great concern and training the replacement is of utmost urgency. This approach undermines safety.

The second issue with training at contract towers is that it is far less comprehensive. The FAA requires training teams and on-the-job training (OJT) by veteran controllers who devote a specific portion of their time to training new hires. The FAA also provides classroom instruction and simulation practice time. Contract towers simply do not have the staff or resources to offer this kind of comprehensive training.

NATCA supports a comprehensive training approach that fully prepares controllers for their position at a tower. Although the FAA's training process is not perfect either, it is far superior at preparing controller when compared to the process at contract towers.

CÓNCLUSION

NATCA understands that neither the FAA nor Congress is currently discussing expansion of the Federal Contract Tower program. Again, for the record, NATCA is opposed to expanding the

contract tower program. Contract towers have their place, but under the current system they push the responsible limit of the margin of safety with short staffing, unreliable equipment, and a lack of technical support for the equipment. As a result of understaffing, controllers are required to tend to administrative duties while on position, as well as the responsibility for on-the-spot maintenance of any equipment malfunctions. These distractions mean that contract towers are approaching the responsible limit of the margin of safety.

Recommendations

Based on our knowledge of conditions at contract towers, NATCA makes the following recommendations:

1. Staffing: Contract towers should be held to the same staffing standards as FAA towers.

2. Equipment: All contract towers should be required to meet the minimum equipment list standards comparable to FAA towers.

3. Equipment Maintenance: There should be a streamlined process for determining responsibility for maintenance of equipment at contract towers in order to avoid dangerous delays and chronically faulty equipment.

4. Safety: Contract towers should model the FAA's safety culture that allows controllers to report incidents without fear of punitive retaliation.

5. Training: Contract towers should be required to provide more comprehensive training to all contract tower controllers, including adequate tools and resources.

We appreciate the opportunity to appear before the Committee to provide our input on the Contract Tower Program. We also welcome opportunities to work with the FAA and other members of the aviation community in a collaborative manner to provide the safest and most efficient air traffic control system in the world. Thank you.

Patricia Gilbert, Executive Vice President
National Air Traffic Controllers Association (NATCA)

Patricia "Trish" Gilbert was elected as the National Air Traffic Controllers Association's seventh Executive Vice President and began serving her three-year term in September 2009. In March 2012, Gilbert was re-elected by acclamation. She worked the previous 21 years as an air traffic controller at Houston Center. Upon being hired by the FAA in 1988, she found her true calling as an air traffic controller and also as a Union activist within NATCA. In both roles, she has been fiercely dedicated to aviation safety, working to ensure that the air traffic control profession and the National Airspace System are held in the highest regard and function with the greatest integrity. She believes communication and collaboration are the keys to improving aviation safety professionals' workplaces and being a part of the move to a true safety culture in the FAA.

Gilbert's activism with NATCA began with the Quality-Through-Partnership (QTP) program in 1992. Two years later, she began the first of her three terms serving as Houston Center's Facility Representative. In 2001, Gilbert became Southwest Region Chair of the National Legislative Committee (NLC) and then in 2005 earned the position of National Committee Chair, which she held until becoming NATCA's EVP.

In addition, Gilbert chaired the National Organizing Committee from 1996-1999. She also served as Vice President of the NATCA Charitable Foundation (NCF) from 1998-2000, and then led the Foundation as its President from 2001-2008.

Working as a team with NATCA President Paul Rinaldi, Gilbert has helped lead and oversee NATCA's comprehensive efforts to build a successful working relationship with the FAA and DOT, which has resulted in excellent progress on aviation safety. Her efforts include serving as the Labor Chair of the FAA Labor Management Forum, which was tasked with modeling collaborative behavior, providing leadership, sharing best practices and developing templates regarding pre-decisional involvement and cooperation.

Gilbert has worked with top administration and agency officials who have committed to restoring a productive working environment with its employees and recognize that a strong, respected and fully staffed workforce is essential to ensuring the safety of the system. Gilbert has led the union's effort to emphasize professional standards and impart the message to the union membership that in order to advance safety, NATCA must not only identify problems but must also help craft solutions. Thus, current efforts include the design, construction and deployment of new technology and equipment, the redesign of airspace and an expansion of safety reporting systems that have been very successful in bringing safety issues to the forefront.

Gilbert also serves as a member of the AFL-CIO's political committee, enabling her to continue her career-long commitment to the advancement and success of America's working men and women through solidarity and their collective voice. Additionally, Gilbert serves as the Vice Chair of the International Transport Workers' Federation (ITF) Air Traffic Services committee.

Trish Gilbert resides in Spring, Texas, and Washington, D.C., with her husband of 23 years, John, a retired air traffic controller who also served as NATCA representative at Houston Center, arbitration advocate and the National OWCP Committee Chair. They are the proud parents of daughter Jenna (age 27-residing in Austin, Texas) and son John Colby (age 19 - attending the University of Texas in San Antonio).

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Truth in Testimony Disclosure

Pursuant to clause 2(g)(5) of House Rule XI, in the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include: (1) a curriculum vitae; and (2) a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness. Such statements, with appropriate redaction to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

(1) Name: Patricia Gilbert

(2) Other than yourself, name of entity you are representing:
National Air Traffic Controllers Association (NATCA)

(3) Are you testifying on behalf of an entity other than a Government (federal, state, local) entity?

YES

(4) Please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by you or by the entity you are representing:

None

Patricia Gilbert
Signature

7/13/12
Date