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September 10, 2008

Mr. Joseph Tintera
Aviation Records Bldg. (ARB) 22
FAA Mike Monroney Aeronautical Center
6424 S. Denning Ave.
Oklahoma City, OK 73169

Dear Mr. Tintera:

The Aircraft Owners and Pilots Association (AOPA), on behalf of its more than 415,000 members nationwide is troubled by the Federal Aviation Administration's (FAA) recent policy changes on the administration of testing center privileges. Testing centers administer the FAA required written exams for certificates and ratings. Easy access to these facilities is essential for individuals seeking an FAA certificate or rating.

Topping AOPA's concern is the new FAA policy requiring a minimum testing volume and a requirement that all testing centers be at least a specified minimum distance from each other. We are also concerned that the FAA is considering broader changes that would require each testing center administrator to become an FAA designee.

AOPA requests that the FAA:

- Immediately reinstate all testing centers that have appealed the cancellation of their testing privileges under the new 100-mile distance requirement.
- Meet with industry to discuss the existing and proposed requirements for FAA testing facilities.
- Delay the implementation of FAA policies formalizing the requirement that testing centers must be a specified distance from each other.
- Provide industry with the opportunity to review and comment on all policies that include a minimum distance requirement and FAA designee requirement for testing centers.

AOPA Initiative to Grow the Pilot Population

As explained in our previous letter, AOPA is currently leading an industry initiative to grow the pilot population. As we have discussed, AOPA is concerned that the FAA's recent and pending policy changes will establish an additional barrier to entry for those considering learning to fly. Additionally, these policy changes act against industry efforts to increase the pilot population at a time when easy access to flight training is becoming critical for our industry to reverse a downward trend in the size of the pilot population.

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Recent and Pending Policy Changes Harm Flight Training Environment

In June 2007 the FAA issued a memo containing two significant policy changes, which are harming the flight training industry. These changes are:

- Testing privileges for established testing centers that administer less than 25 exams in a 12-month period will be terminated.
- Outside a major metropolitan area, new testing centers must be more than a 50-mile radius from another testing center, or more than a 25-mile radius inside a major metropolitan area.

Also discussed during recent conversations were pending changes to require a FAA designee at each testing center.

Immediately Reinstate all Testing Centers that Have Asked for Reconsideration

Through conversations with your office, AOPA is aware that the FAA decision to revoke 169 testing center privileges was an FAA "business decision." AOPA is hearing from a growing number of the testing centers about how the loss of testing privileges is having a negative financial impact.

AOPA continues to hear from testing centers whose privileges have been terminated and have formally requested reconsideration. To date, AOPA is aware of only a handful of reinstatements. AOPA is formally asking that the FAA immediately reinstate all testing centers that have requested reinstatement.

Delay the Implementation of FAA Draft Policy Changes

We understand from our conversations with your office that the FAA is in the final stages of reviewing draft policy that will formalize the 50 and 25-mile radius requirement and the requirement that testing centers undergo FAA designee training.

AOPA is concerned that the distance requirements put an inappropriate limitation on the establishment and continued operation of financially viable testing centers. AOPA would prefer that the FAA allow the market to determine the location of testing centers. Additionally, the process to achieve and maintain a designee status for an individual is costly and burdensome. It is unclear at this time what benefit there is to the FAA or industry by implementing a designee requirement for testing centers.

In phone conversations with your office, we learned that these requirements are part of the current draft policy being reviewed internally at the FAA, which is projected to become effective on October 1, 2008. AOPA is asking the FAA to delay the formal implementation of these policies.

Meet with Industry and Provide Opportunity to Review and Comment on Policies

While AOPA is sensitive to the FAA's concern over the resources required to properly inspect testing facilities, AOPA is very concerned that the FAA did not appropriately

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involve all affected stakeholders before making these policies decisions. AOPA believes that these policies provide a barrier to entry for legitimate testing center ventures and a barrier for new pilots entering aviation and for existing pilots desiring to attain new certificates and ratings.

In order to ensure that the FAA and its policies best serve the pilot community, AOPA requests that the FAA provide copies of these draft policies for industry review before they are finalized. AOPA also requests that the FAA meet with industry to discuss the impact of these potential changes and examine other options that might address FAA concerns while minimizing the negative impacts on the aviation industry.

Sincerely,

A handwritten signature in black ink, appearing to read 'REH', with a long horizontal flourish extending to the right.

Robert E. Hackman
Senior Director
Regulatory Affairs

cc: James Ballough, Director, FAA Flight Standards