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Department of Transportation
Federal Aviation Administration
14 CFR Parts 61 and 121
Docket No. FAA-2010-0100; Notice No. 12-01
RIN 2120-AJ67

RE: Docket No. FAA-2010-0100 New Pilot Certification Requirements for Air Carrier Operations

The Aircraft Owners and Pilots Association (AOPA) is a not-for-profit individual membership organization of 400,000 pilots. Representing two thirds of all pilots in the United States, AOPA is the largest civil aviation organization in the world. Our mission is to effectively serve the interests of members as pilots and aircraft owners to establish, maintain, and articulate positions of leadership to promote the economy, safety, utility and popularity of flight in general aviation aircraft.

On February 29, 2012, the Federal Aviation Administration (FAA) issued a notice of proposed rulemaking (NPRM) titled “Pilot Certification and Qualification Requirements for Air Carrier Operations”. This proposed rule change would create new certification requirements for pilots in air carrier operations requiring that all second in commands (first officers) in part 121 operations hold an airline transport pilot (ATP) certificate and a type rating for the aircraft to be flown.

Currently, the minimum regulatory requirements for being hired as a first officer in part 121 air carriers is a commercial certificate (which requires a minimum of 250 hours of flight time) however most pilots hired at air carriers have substantially more than the minimum flight experience. After passage of Public Law 111-216 last summer congress has mandated that the minimum hiring requirements at a part 121 air carrier be raised to an Airline Transport Pilot (ATP) certificate which, until passage of this law, was only required prior to serving as a pilot in command (captain) in part 121 operations. The law gave allowance for the FAA Administrator to “give credit” towards the 1,500 flight hour requirement of the ATP certificate for applicants who have completed applicable academic courses that would be most relevant for part 121 air carrier operations.

The FAA proposes in this NPRM to allow pilots with an aviation degree or military pilot experience to obtain an ATP certificate with restricted privileges with fewer than 1,500 hours total time as a pilot. The proposal also would require at least 1,000 flight hours in air carrier operations in order to serve as a pilot in command in part 121 air carrier operations. Finally, the FAA is proposing to modify an ATP certificate with an airplane category multiengine class

rating or type rating to require 50 hours of multiengine flight experience and completion of a new FAA-approved ATP Certification Training Program for a Multiengine Class Rating or Type Rating that would include academic training and training in a flight simulation training device.

AOPA is submitting comments on “Pilot Certification and Qualification Requirements for Air Carrier Operations” due to its potential negative impact on the number of new student pilot starts, the general aviation flight training industry, flight instructors, individuals who wish to hold or do hold an ATP certificate for uses other than air carrier operations, and the potential to reduce the overall number of pilots in aviation, thus reducing the number of pilots available to fulfill the diverse operational needs of General Aviation.

Issue Overview

Through this NPRM, the FAA is attempting to fulfill requirements from the Congressional mandate (Public Law 111-216) resulting from issues highlighted in the Colgan Air (dba Continental Airlines Express) DHC-8 accident that occurred on February 12, 2009, outside of Buffalo, New York. The accident focused attention on whether a commercially-rated copilot in part 121 operations receives adequate training to safely conduct commercial airline operations.

AOPA Concerns

AOPA has several concerns with the proposed rule changes as currently written, including:

- The proposed rule changes exceed the requirements of PL 111-216.
- The proposed rule changes do not consider individuals who use the ATP certificate for purposes other than air carrier operations.
- The FAA has not considered flight simulation training device capacity challenges.
- The FAA’s proposed credit system for academic courses is insufficient and inequitable.
- Advanced Jet Training must not be a prerequisite to ATP certification. Requiring this training before ATP certification encourages unsafe training practices.
- The FAA proposes unrealistic qualifications for flight simulation training device instructors.
- The FAA sets arbitrary age requirements for pilots unable to complete a four-year degree in aviation.
- Pilots serving as second-in-command for part 135 air carriers should not be required to hold a type rating.
- The FAA’s proposed rule changes exacerbate the pending pilot shortage.
- The FAA’s economic analysis is incomplete.

Proposed Rule Changes Exceed the Requirements of PL 111-216

The requirements outlined in this NPRM exceed the criteria legislated by Public Law 111-216. PL 111-216 required the FAA to conduct rulemaking to amend CFR 14 part 61 requirements for the issuance of an ATP certificate. The legislation established minimum requirements for the ATP certificate including “sufficient” flight hours (“sufficient” to be determined by the

Administrator) and flight training, academic training, or operational experience that will prepare a pilot to function in a multi-pilot environment, function effectively in adverse weather conditions and icing, function effectively during high altitude operations, adhere to the highest professional standards, and function effectively in the air carrier operational environment.

However, the legislation is not prescriptive as to how the flight training, academic training, or operational experience is obtained. The FAA's proposal exceeds the likely intent of PL 111-216, providing little additional safety benefit while significantly increasing the economic impact of the proposed rule changes. For example, PL 111-216 has no flight training simulation device hourly requirement for ATP certification. Although this seems like a minor issue, it creates several challenges for the aviation community, as discussed below. PL 111-216 also does not legislate changes to flight instructor requirements, nor does it specifically require Advanced Jet Training for all ATP applicants. The NPRM includes all of these requirements and more.

Additionally, it seems little consideration was given to the potential impact to pilots seeking the ATP certificate for uses other than at air carriers.

AOPA also believes that a more equitable credit system could be developed, allowing training outside of the collegiate environment to count towards flight hour requirements, that would address the recommendations of the First Officer Qualification Aviation Rulemaking Committee (FOQ ARC) while meeting the requirements of the Public Law 111-216.

Uses of ATP Certificate Other than Air Carrier Operations

This proposed rule seems to indicate the FAA believes all ATP candidates intend to fly in part 121 air carrier multiengine airplane operations. This is simply not the case. part 61.157 allows the ATP with the following ratings:

- (i) An airplane category and single engine class rating.
- (ii) An airplane category and multiengine class rating.
- (iii) A rotorcraft category and helicopter class rating.
- (iv) A powered-lift category rating.
- (v) An aircraft type rating.

61.157 also includes provisions for aircraft not capable of instrument maneuvers and procedures; multiengine airplanes with a single-pilot station; and single engine airplanes with a single-pilot station

There are 142,198 ATP certificates held in the U.S. There are only an estimated 60,000 part 121 airline pilots, so even assuming all part 121 airline pilots have ATP certificates (and they don't) then over 82,000 ATP certificated pilots use their certificates for other purposes. Many requirements proposed by this NPRM are forced upon **all** ATP certificate candidates, not just those seeking to conduct part 121 air carrier operations. This creates a cumbersome burden on those ATP candidates with goals other than part 121 operations and unnecessarily increases the overall cost of implementing the FAA's proposals. The FAA should consider revising the proposed changes to impose new requirements only on pilots seeking employment or employed by part 121 air carriers.

Unconsidered Capacity Challenges

Proposed 61.154(b) requires an ATP multiengine class rating or aircraft type rating candidate to have at least 16 hours of training in flight simulation training devices, including 8 hours of training in a Level C or higher full flight simulator and 8 hours of training a Level 4 or higher flight training device or full flight simulator (collectively "flight simulation training devices" or "FSTDs"). The requirements to complete training in flight simulation training devices goes beyond the legislation in PL 111-216. Further, the proposed mandate is infeasible.

AOPA is concerned about the lack of availability of FSTDs. Although many part 121 air carriers lease or own simulators for the purposes of training their employees, part 135 certificate holders and pilots pursuing an ATP for reasons other than air carrier operations typically only have access to Level C or higher simulators through a part 142 training center. Part 142 training center simulators are frequently scheduled many months in advance and run 24 hours a day, seven days a week in order to meet demanding training schedules. In fact, many part 135 certificate holders report reserving simulator training time a year or more in advance. Even most part 121 air carriers' in-house training centers have very complex schedules. The FAA seemingly did not consider the availability of FSTDs when drafting this proposal. Lack of availability of FSTD time could make this a regulation for which compliance is impossible.

The agency also did not consider the inevitable price increase of FSTD time based on the increased demand this regulation will undoubtedly create. The FAA, through this proposed requirement, is forcing part 135 air carriers – the vast majority of which are small business entities – and individuals seeking an ATP certification outside of the air carrier environment to contract with part 142 training centers, a relatively small number of business entities, in order to achieve ATP certification. Current ATP training and experience requirements allow a pilot to use their own aircraft or seek aircraft rental and training from any number of fixed base operators and flight schools. It is highly unusual for the federal government to require an individual or small business to contract with such a small population of other businesses in order to comply with regulations. This is analogous to the Internal Revenue Service requiring all tax returns be prepared by a certified public accountant – from a particular city. CPAs in that city would undoubtedly increase their fees as demand skyrocketed. The costs of forcing part 135 air carriers and individual ATP candidates to train in FSTDs is almost impossible to calculate since prices at

training centers with appropriate resources are inevitably going to increase, but the FAA's estimates are certainly much lower than realistic.

It might seem part 142 training centers and other training providers could just purchase new training devices and begin training more pilots. However, advanced flight training devices such as Level C or higher full flight simulators are very costly to purchase and maintain. Manufacturing a new simulator is not like building a new computer; a new flight simulator has a long lead time and is an incredibly expensive product. It is unlikely a significant number of new simulators could be online and functioning prior to the July 31, 2013, implementation date of the new ATP Certification training program. If in fact new simulators could be manufactured in time to meet increasing demand necessarily caused by this proposed rule, the FAA has not considered these costs in its economic evaluation. Flight simulation training devices are like actual aircraft in that prices range significantly by aircraft type, equipment, and other features, but the purchase price of Level C or higher full flight simulators range from hundreds of thousands to millions of dollars. This does not include costs associated with installation and the FAA approval process. Clearly, this is an unintended cost the FAA must consider before requiring all ATP candidates to complete 16 hours in flight training simulation devices.

Finally, Level C or above full flight simulators are not available for some multiengine airplanes. There are many examples of airplanes caught in this conundrum but consider the Cessna 310, for one. The Cessna 310 is a multiengine airplane for which no Level C or above full flight simulator is available. How does the FAA suggest a pilot seeking an ATP to fly a Cessna 310 for part 91 or 135 operations complete the proposed simulator training hours? The individual might or might not have intentions of flying part 121 operations in the future, but is unnecessarily burdened by an impossible mandate. Training in a simulator of another aircraft type in order to comply with this proposed regulation is not only ridiculous and costly, but could potentially be unsafe, as the pilot would learn systems and operations in an aircraft other than that the pilot intends to fly. This is known as "negative transfer", whereby learning the systems of one aircraft hinders the learning of another aircraft.

The "law of primacy" could also have a negative impact on a pilot's training if the FAA requires simulator training for ATP multiengine class rating or aircraft type rating. The law of primacy essentially states that a concept learned first creates a strong impression that is almost unshakeable. Even if the pilot intends to fly for a part 121 air carrier, unless that pilot is already employed by an air carrier, the pilot is unlikely to receive training while pursuing ATP certification in the aircraft type the pilot will fly for an air carrier. Assuming the pilot does receive training in that aircraft type for ATP certification, the pilot will almost certainly not be trained in the specific operations and procedures for the appropriate air carrier. The FAA is unintentionally encouraging negative learning principles through the requirement of FSTD training for the ATP multiengine class rating or aircraft type rating.

Proposed Credit System is Inequitable and Insufficient

The FOQ ARC, in which AOPA actively participated, recommended the FAA provide credits towards hourly flight time for various types of academic and aeronautical experience. The FOQ ARC final report stated,

“While much public discussion has focused on raw flight hour numbers as the basis for a new regulatory qualification standard for the part 121 first officer position, aviation training programs have long proven that the knowledge and skills necessary for success as a part 121 pilot are best imparted through a structured combination of academic and practical training programs and flight experience.

The legislation wisely allows for a thoughtfully constructed credit system by which the various learning paths to the necessary knowledge and flight experience can be credited toward the ATP. Such a system is presented below and provides the basis for earning an ATP SIC. Section 217 of H.R. 5900 provides the authority necessary for the FAA to authorize the aeronautical experience credit system recommended by the FOQ ARC.”¹

The NPRM also references the FOQ ARC’s recommendations in regards to giving flight hour credit for academic learning.

“The FOQ ARC developed an academic credit system that assessed the quality of each potential component of typical pilots’ education and experience. The ARC’s system gives credit for both the pilot’s total flight-hour experience and specific academic training. The ARC reasoned that certain types of experience and training were more effective in preparing a pilot to transition to an air carrier environment.

The FAA believes that, in certain circumstances, the combination of focused academic training and structured flight training can substitute for actual flight experience.”²

PL 111-216 does not specifically require a full four-year aviation-related degree be obtained in order to credit academic training courses towards the flight hours required for the ATP certificate:

“The Administrator may allow specific academic training courses, beyond those required under subsection (b)(2), to be credited toward the total flight hours required under subsection (c). The Administrator may allow such credit based on a determination by the Administrator that allowing a pilot to take specific academic training courses will

¹ “The First Officer Qualifications Aviation Rulemaking Committee Final Report,” dated September 28, 2011.

² Federal Register Vol. 77, No. 40 page 12379, Pilot Certification and Qualification Requirements for Air Carrier Operations.

enhance safety more than requiring the pilot to fully comply with the flight hours requirement.”³

AOPA believes academic training courses should be credited towards flight hours required for the ATP certificate, but filed a dissenting opinion with the FOQ ARC as to the definition and application of academic training courses. AOPA recommends a more equitable split between credits earned from part 61 schools, part 141 schools, and other training paths. AOPA disagreed with the FOQ ARC on the amount of credit recommended for the “structured” training paths (i.e. university / collegiate flight training programs or military training programs) relative to the amount of credit given, or not given at all, to the general aviation training paths of part 141 schools or part 61 individual flight instructors. AOPA recommended more credit be available for training conducted under parts 141 or 61. AOPA believes the FAA has too narrowly interpreted the term “academic training courses” and feels Congress would have been more specific had it intended this statement to be limited to collegiate or university programs.

The effectiveness of a flight training course depends in great part to the competencies of the individual flight instructor, whether that flight instructor is training under a university program, a flight academy, a part 141 flight school or through individual flight instruction. Many flight instructors giving training under part 61 have part 121 or 135 air carrier experience and so may be more qualified to train pilots wishing to pursue a professional pilot career than any other flight instructors. We believe this point is overlooked in offering credits only to pilots completing a four-year degree or military training program.

Also, important to keep in mind is that, regardless of the training path taken, all pilots are required to pass the exact same FAA administered written knowledge exams and must meet the same Practical Test Standards for certificates earned. The core competencies that must be met are exactly the same.

Although there is definite benefit of additional academic courses taken in aviation, AOPA believes that a 500 hour advantage given to pilots who received training through a university four-year degree program puts the pilots who are not able to pursue a four-year degree program, the individual flight instructor and part 141 schools at a great financial disadvantage. With the credits currently offered through this recommendation, potential students are faced with the choice of enrolling at a university or face a 500 hour disadvantage. That 500 hour disadvantage (at an average of \$175 / hour of aircraft rental) equates to over \$87,500.

AOPA also believes significant safety benefit can be realized through the completion of individual academic training courses and a full four-year degree program is not necessary to enhance safety. The FAA’s proposal only provides credit for completion of a four-year degree program. This forces a pilot to commit to a substantial financial burden in order to receive credit towards ATP certification flight hours. Instead, the FAA should allow pilots to attend individual

³ PL 111-216 Section 217 (d).

courses and receive flight hours credit commensurate with the coursework. AOPA is not advocating the FAA provide credit for courses unrelated to aviation like accounting or creative writing. Rather AOPA believes courses related to crew resource management, human factors, meteorology, advanced jet training, and similar topics related to the air carrier environment should be credited towards flight hours. This would provide students outside of the often prohibitively expensive four-year degree programs an avenue to receive credit towards flight hours. And for students enrolled in an aviation four-year degree program, it will encourage electives to be chosen that would have the most benefit in their future air carrier careers, instead of courses that simply offer credits towards graduation without any safety benefit.

The FAA should consider allowing credit towards required flight hours for pilots who complete part 61 and 141 training. Part 141 flight schools utilize very structured training programs, approved by the FAA and subject to considerable FAA oversight. Further, many of the university and collegiate programs the FAA proposes to give credit for actually use a part 141 flight school to complete the flight training portions of their academic programs. If the FAA finds that training sufficient to provide credit towards hours when a degree is earned, why is that same training from the same training providers insufficient to count towards flight hours when a full four-year degree is not pursued? Many part 61 schools also follow structured syllabi and employ highly qualified instructors. Why is no credit given for training at these facilities? Once again, regardless of the training path taken, airman certificates are issued based on competency and proficiency of the pilot.

Advanced Jet Training as Prerequisite to ATP Certification

AOPA is concerned the FAA either misunderstood or misconstrued the FOQ ARC's recommendations regarding "advanced jet training" for crewmembers entering part 121 service as Second-in-Command. The NPRM preamble states:

"The FOQ ARC unanimously proposed an 'advanced jet training' (AJT) course designed to give instruction in air carrier flightcrew operations in a multiengine aircraft, emphasizing the transition of the professionally qualified pilot to a highly skilled member of an air carrier flightcrew. The ARC proposed course topics including crew resource management (CRM), flightcrew training techniques, high speed and high altitude programming of automatic flight control systems, transport aircraft flight techniques, turbojet operations in all flight regimes and in difficult operational conditions, and use of advanced avionics. The FOQ ARC recommended AJT courses be approved by the FAA to ensure a structured quality training experience. The members of the FOQ ARC recommended that the flight training for the proposed course only be accomplished in simulators.

The FAA agrees that there may be value in a foundational course designed to prepare a pilot for the complexities of air carrier operations. The FAA also believes that if this training were required at the ATP certification level it could address the gap in

knowledge between the aeronautical knowledge of a commercial pilot and the knowledge a pilot should have prior to entering an air carrier environment.”⁴

The FOQ ARC **did not** recommend the AJT course be a prerequisite to the ATP certificate because the ARC recognized AJT would not be applicable to all operations in which an ATP certificate may be utilized. The FOQ ARC recommended the AJT course be required **prior to entering revenue service** – in other words, that an AJT course should be provided by the air carrier prior to flying passengers. However, the FOQ ARC did recognize the benefit of such a course in part 121 airline operations and therefore recommended that credit be given towards the restricted ATP certificate hour requirement for completion of an AJT course. The FAA should reword the AJT requirement so it is required only of individuals employed by part 121 air carriers, prior to flying in revenue service and not as a prerequisite to all ATP certificates. This would decrease the overall cost of the proposed regulation and avoid unnecessary economic burden on individuals seeking an ATP certificate without the intention to use it in part 121 air carrier operations. The FAA should also give credit towards the restricted ATP certificate hour requirement for completion of an AJT course. This would further decrease the overall cost of the proposed rule.

The law of primacy also applies to the AJT course and could have a negative impact on a pilot’s training. Unless the pilot is already employed by a part 121 air carrier, it is possible the pilot will have to complete simulator training in an aircraft the pilot never ends up flying. It is even more likely the pilot will not receive training specific to the policies and procedures of the air carrier the pilot is eventually employed by. The FAA’s attempts at enhancing safety are actually decreasing safety by encouraging negative learning principles.

Unrealistic Instructor Requirements

While the FAA’s proposed rule changes are forcing more pilots in to a very limited number of qualified FSTDs in order to meet minimum requirements, the agency is also changing the requirements of FSTD instructors. Buried in the Proposed Amendment text but not specifically discussed in the preamble is a change to 142.47, which describes part 142 instructor qualifications:

“If instructing in an FSTD for a curriculum approved under § 61.154 [ATP certification training program] of this chapter, holds an airline transport pilot certificate with an airplane category multiengine class rating, meets the aeronautical experience requirements of § 61.159 of this chapter, and has at least 2 years of experience as a pilot in operations under § 91.1053(a)(2)(i) or § 135.243(a)(1) of this chapter, or in any operation conducted under part 121 of this chapter. Additionally, instructors must have an

⁴ Federal Register Vol. 77, No. 40 page 12379, Pilot Certification and Qualification Requirements for Air Carrier Operations.

appropriate aircraft type rating for the aircraft that the FSTD represents or have received instruction from the certificate holder on any maneuvers or concepts they will demonstrate in the FSTD.”⁵

Did the FAA evaluate the qualifications of current instructors at training centers likely to offer the ATP certification training program described in 61.154? AOPA believes some instructors currently employed by part 142 training centers and other facilities likely to offer this training do not meet all of the qualifications the FAA proposes to add to 142.47. Although many instructors would have the type rating this proposed addition requires, some instructors might not have the two years of experience as a pilot in § 91.1053(a)(2)(i) or § 135.243(a)(1) operations. The FAA did not evaluate any costs associated with identifying current instructors who do not meet the operational experience requirements and will not be able to provide this training, or hiring and training new instructors who do meet these requirements. Certainly many instructors will meet these requirements but not all and the FAA needs to include the related costs in the economic evaluation of this proposed rule change. It will only become more difficult to recruit instructors who meet these qualifications as the other proposed requirements decrease the available pilot pool. Further, these new requirements for FSTD instructors are not legislated by PL 111-216. How did the FAA quantify the perceived benefit of this restriction? It appears that since the cost has already been determined to far exceed the benefit in this rulemaking, there is little sense of obligation to justify further costs. Again, this is a clear example of the FAA going beyond the requirements of the legislation.

Arbitrary Age Requirement

The FAA proposes to amend 61.153(a) to allow an individual to obtain an ATP certificate at the age of 21 if the individual seeks certification through 61.160, the new regulations allowing credit towards flight hours for completing a Bachelor’s degree with an aviation major at an accredited institution. The individual would receive a restricted privileges certificate. Why did the FAA lower the minimum age for individuals who choose (and can afford) the academic route to certification but not to all ATP applicants? This inconsistency creates a disadvantage for many pilots who would be unable to obtain an ATP certificate prior to age 23 and therefore would have limited career opportunities until that age, while other collegiately trained pilots would have more options. Seniority at air carriers equates to increased pay, better scheduling, and improved overall quality of life. The FAA is promoting inequality among pilots simply because some are able to attend an aviation university and obtain a four-year degree and others cannot and achieve certification through other paths. The cost of this inequality is difficult to quantify because of the unknown number of pilots who will benefit from the age 21 allowance, but it is certainly substantial and has not been accounted for in this rulemaking. The FAA should allow any ATP applicant to obtain the certification at age 21 and receive a restricted privileges certificate.

⁵ Federal Register Vol. 77, No. 40 page 12405, Pilot Certification and Qualification Requirements for Air Carrier Operations.

Type Rating for Aircraft Being Flown in Part 121 Air Carrier Operations

AOPA agreed with the unanimous decision of the FOQ ARC that all SICs in part 121 air carrier operations have an appropriate type rating. The FAA asks in the NPRM if a type rating should be required for SICs in part 91 subpart K and part 135 operations⁶. AOPA does not believe a type rating should be required for SICs in those environments. Many pilots fly in part 91 subpart K and part 135 operations in order to gain flight experience. Part 91 subpart K and part 135 operators are required to have training programs approved by the FAA and new pilot hires must complete the applicable portions of those approved training programs. This training includes company-specific policies and procedures as well as aircraft systems and operations training. Adding a requirement for type ratings for SICs in these operations would significantly increase the cost of this rule with no certain benefit.

Proposed Rule Changes Exacerbate Pending Pilot Shortages

A recent report from the National Association of Flight Instructors (NAFI) says the North American aviation industry will need 82,800 pilots over the next 20 years⁷. In the meantime the average age of professional pilots continues to increase. The FAA's stop-gap measure, the "Age 65 Rule," has been successful in helping to prevent a pilot shortage in recent years, especially when coupled with an overall economic downturn. However the benefits of the Age 65 Rule essentially "expire" in 2012 and 2013 as the first wave of pilots who took advantage of this career extension will turn 65 and retire in large numbers. NAFI indicates 20% of current ATP and commercial pilot certificates are held by pilots over the age of 60. NAFI also points to the number of ATPs issued in recent years as a clear sign of the upcoming pilot shortage: Just over 3,000 ATP certificates were issued in 2009, compared with almost 8,500 in 1990. The issuance of private pilot certificates is also an indicator of the future health of the pilot population. In 1990, approximately 40,000 private pilot certificates were issued. Only 20,000 private pilot certificates were issued in 2009. This proposed rule adds cumbersome requirements to pilots seeking a career in the airline industry at just the time when additional pilots will be needed to meet demand.

A recent Senate Committee on Commerce, Science and Transportation hearing on Commercial Airline Safety Oversight highlighted this concern. The statement of the Honorable Calvin L. Scovel III, Inspector General of the Department of Transportation explained that at two regional

⁶ Federal Register Vol. 77, No. 40 page 12385, Pilot Certification and Qualification Requirements for Air Carrier Operations.

⁷ "Flight Training Capacity in the Context of Recent Legislation: An Examination of the Impacts of Reduced Training Capacity, and the Declining Rates of Airmen Certification," by Jason Blair & Jonathon Freye, National Association of Flight Instructors, dated March 1, 2012.

air carriers the IG visited, more than 75% of their current first officers did not meet the hour requirements to obtain an ATP certificate⁸. These air carriers also do not have a plan in place to ensure that their pilots meet the new requirements. The IG believed this showed a lack of oversight from the agency in ensuring air carriers have a good transition plan to abide by the changes legislated by PL 111-216 by July 1, 2013. The number of first officers not yet holding an ATP might not be an indication of the FAA's failure to ensure a transition plan is in place; rather it might be an indication that the proposed rule change might not be feasible at some air carriers.

Additional Unconsidered Costs

Single-Pilot Simulator Sessions

The FAA's economic evaluation is simplistic and unrealistic. Aside from the issues already identified, the FAA inappropriately assumes all ATP candidates would complete simulator training in a two-crew environment, thereby cutting the cost of simulator training for each pilot in half. This is unrealistic. Many ATP applicants – especially those outside the air carrier environment, but even some part 135 pilots - will not have a partner for simulator training. AOPA believes the cost of simulator training will be significantly higher than that which the agency has calculated.

Administrative Scheduling Costs

The FAA has not calculated the time required of part 135 air carriers, part 121 air carriers, and individual ATP applicants to navigate the cumbersome schedules of part 142 training centers or airline in-house training centers and schedule simulator training. The FAA should calculate this cost based on an hourly rate of a training department administrator. AOPA expects this cost to be a minimum of 2 hours per ATP applicant. This does not include the additional time required of air carriers and individuals that would be required to identify an appropriate training center, complete the contract process and manage other administrative functions related to outsourced training.

Miscellaneous Costs Related to Training

The FAA accounted for a per diem and hotel expenses related to training but did not account for other costs. The vast majority of pilots will need to travel to a training center to meet the training requirements of this rule but the FAA did not include airfare, rental car, or other travel costs. The agency assumed ATC Certification Training would take place immediately prior to initial training for the air carrier, but there is no data to confirm that assumption and in any case, the FAA does not address pilots seeking ATP certification outside of the air carrier environment.

⁸ Testimony Before the Committee on Commerce, Science, and Transportation Subcommittee on Aviation United States Senate; "Progress and Challenges in Responding to Key Provisions of the Airline Safety Act," Statement of The Honorable Calvin L. Scovel III, Inspector General, U.S. Department of Transportation, dated March 20, 2012.

Further, the FAA did not account for the costs of the pilot's time away from their usual duties. AOPA also questions the training pay and benefits rate found in Table 3 "Cost per Pilot of 7-Day ATP Certification Training Program."⁹ It seems highly unlikely a pilot earns only \$43 a day - \$2 per day less than their daily per diem - while training, especially since the FAA claims that includes benefits. This equates to an annual salary of just over \$11,200. Although first officers are some part 121 air carriers are not particularly well compensated, AOPA is unaware of any part 121 air carrier that pays first officers only \$11,000 a year - and certainly very few other jobs that pay that little. Because the ATP Certification Training Program is required of all ATP applicants - not just those seeking part 121 air carrier employment - the FAA needs to account for the unearned wages of all ATP applicants while attending the ATP Certification Training Program. These earnings will range widely as ATP applicants hold many different occupations, including doctors, teachers, lawyers, and so on. The FAA should analyze a cross-section of ATP certificate holders to more accurately identify the opportunity costs associated with this training requirement.

Negative Impact on Some Training Providers

The FAA's economic analysis ignored a few sectors of the aviation training community. ATP certification training in airplanes makes up a huge portion of some training providers' revenue. One such company is Airline Transport Professionals / ATP. These training providers will undoubtedly lose revenue to training providers with simulator capabilities. The negative impact to these companies was not evaluated. The FAA also did not consider the negative impact on independent part 61 flight schools, other training providers who conduct ATP certification training or DPEs who currently conduct ATP testing.

The FAA's economic analysis does not address institutions with two-year associate programs in aviation. These colleges will undoubtedly be negatively impacted by these proposed rule changes, mostly due to the FAA's decision to provide credit only for completion of four-year degree programs. The FAA must consider the negative consequences these proposed rule changes will have for **all** sectors of the aviation training industry.

Questionable Benefits for Part 135 Air Carriers

The FAA calculates a significant benefit for Part 135 air carriers. However the details of how that benefit was arrived at are not outlined in the Initial Regulatory Evaluation. In fact, the part 135 benefits are described in only three sentences in the entire Initial Regulatory Evaluation, yet the FAA touts throughout the NPRM the obvious positive cost-benefit relationship for part 135 operators. If the cost benefit does not balance for all other segments, how could the FAA conclude that there would be a cost benefit for part 135 operators? Without having access to the agency's supporting data, AOPA believes any "benefits" to part 135 operators are grossly overestimated by the FAA.

⁹ Federal Register Vol. 77, No. 40 page 12390, Pilot Certification and Qualification Requirements for Air Carrier Operations.

AOPA Recommended Revisions to the Proposed Rule Change

AOPA concerns, outlined above, lead the association to recommend the FAA making the following revisions to the proposed rule change prior to publishing and implementing a final rule:

1. Remove simulator requirements from ATP requirements. Simulator requirements are most applicable to certain type ratings, not ATP certificate qualifications.
2. Require AJT prior to placing a pilot in to part 121 revenue service; NOT as a prerequisite to the ATP certificate.
3. Allow credit for individual academic courses.
4. Allow flight training completed at a part 61 and part 141 flight school to count towards total flight hours.
5. Remove restrictive proposed FSTD instructor requirements for instructors teaching the ATP certification training program.
6. Allow any ATP applicant to obtain the certification at age 21 and receive a restricted privileges certificate.

Sincerely,

A handwritten signature in black ink, appearing to read 'REH', is written over a light gray grid background.

Robert E. Hackman
Vice President, Regulatory Affairs
Aircraft Owners and Pilots Association