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EXTRA!

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UPDATE ON FAA'S ARC ON FIRST OFFICER QUALIFICATIONS

SAFETY BILL PASSES CONGRESS; IMPOSES SIGNIFICANT BURDEN ON ALL PILOT EMPLOYERS; MANDATES NEW FLIGHT, DUTY & REST RULES

The law permits the FAA to consider allowing certain academic training hours that may increase the level of safety above the minimum requirements to be counted towards the 1,500-hour ATP certificate requirement.

The FAA is required to publish regulations to implement this provision within three years after enactment of the bill. As a part of the year-long effort to deal with the whole issue of the aftermath of the Colgan Air accident at Buffalo, Tom Carney and Gary Kiteley (representing AABI), and Dave NewMyer and Carolyn Williamson (representing UAA), met with Administrator Babbitt and senior members of his leadership team in Washington, D.C., on April 6 of this year.

During that discussion with the Administrator, AABI asked to be included on any ARCs (Aviation Rulemaking Committees) formed to deal with rulemaking related to the Colgan crash and either FAA or Congressional mandates for minimum flight time for air carrier pilots. We were subsequently advised in July that there would be an ARC related to this issue, and that AABI would have a position (one of about 11 or so organizations invited to the table) on the ARC. With Tim Brady and Gary Kiteley representing us, we are still working the ARC, and we hope that effort will result in sufficient "credit" for AABI flight program grads that we all can live with the legislation.

Although there is still much work to be accomplished, and the Administrator will probably issue an NPRM after the ARC submits its report on September 10, our hope is that there will be a "sliding scale" of types of education and experience that can serve as various levels of proxy for the full ATP. This message is not the one that has appeared in all the news releases, but the language is in the bill that was enacted, and the final result is what matters, of course. It is likely that the substantial and focused efforts the collegiate aviation community expended over the last year will prove to be pivotal for collegiate flight programs, and the future of our graduates who seek a career with the airlines.

What's At Issue

The U.S. House of Representatives and the U.S. Senate passed H.R. 5900, the Airline Safety and Federal Aviation Administration (FAA) Extension Act of 2010.

Why It's Important

H.R. 5900 extends FAA's funding authority for an additional 60 days. The legislation also contains numerous safety provisions addressing pilot training and fatigue in response to a hearing held by the House Committee on Transportation and Infrastructure regarding the crash of Flight 3407 in Buffalo, New York.

Some of these safety provisions will significantly impact air charter operators as well as flight schools and others who employ pilots.

Major Provisions

The legislation contains the following provisions:

- A Pilot Records Database is created to provide air carriers with electronic access to a pilot's comprehensive record. This effectively replaces the Pilots Records Improvement Act (PRIA).
 - The law seems to require anyone (except for the armed forces) who employs a pilot to submit certain records to the FAA "promptly" for inclusion in the database. This includes employers such as airlines, charter operators, flight schools and corporate flight departments. This is required even if the pilot doesn't intend to work for a commercial airline in the future.
 - Under PRIA, non-air carrier employers only needed to respond to a request for records if one is made by a potential air carrier employer. Under the new requirement, ***all employers must continually update the database with records for as long as a pilot is employed.***
 - The types of records that need to be reported include records related to training qualification, proficiency, competence, disciplinary action and release from employment.
 - Air carriers must access the FAA database prior to allowing anyone to serve as a pilot.
 - The FAA is required to issue regulations to implement this new program. At the time the new program becomes effective, the PRIA requirements will no longer exist.
- The FAA is required to issue flight and duty time regulations. A notice of proposed rulemaking (NPRM) is required to be published no later than 180 days after enactment. A final rule is due no later than one year after enactment.
- Air carriers, ticket agents and others selling transportation are required under the law to disclose to passengers/customers the name of the air carrier providing the transportation. NATA is in communication with the Department of Transportation to determine to what extent this applies to the air charter operators and brokers.
- The FAA is required to establish several committees and task forces to examine numerous issues related to pilot training, voluntary safety programs, and other pilot safety matters.
- The FAA is required within 90 days to issue an NPRM to require Part 121 air carriers to implement safety management systems (SMS).
- Airline pilots are required to hold an FAA airline transport pilot (ATP) certificate (1,500 minimum flight hours required). The FAA is required to publish regulations to implement this provision within three years after enactment of the bill.

We will post news to the AABI Web site and send another update to the full membership on or about September 10th.

Source for some of the information provided in this e-blast: National Air Transportation Association.