



AIR LINE PILOTS ASSOCIATION, INTERNATIONAL

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U.S. Department of Transportation
Docket Operations, M-30
West Building Ground Floor
Room W12-140
1200 New Jersey Avenue, SE
Washington, DC 20590

Submitted via <https://www.regulations.gov/>

Subject: Petition for Exemption; Republic Airways; Docket No.: FAA-2022-0535

In Strong Opposition

To whom it may concern:

The Air Line Pilots Association, International (ALPA) is the largest non-governmental aviation safety organization in the world and represents the safety interests of over 65,000 pilots who fly for 40 airlines in the U.S. and Canada. We have reviewed in great detail the Republic Airways Inc. ("Republic") petition for exemption from 14 C.F.R. § 61.160(a) and strongly oppose the request because it undermines the letter and spirit of the most effective U.S. aviation safety law in U.S. history, The Airline Safety and Federal Aviation Administration Extension Act of 2010.

Per the Republic petition, "If granted, the requested relief would enable Republic to implement the Republic Restricted Air Transport Pilot (R-ATP) Program. The Republic R-ATP Program aligns with existing R-ATP regulations, meets the corresponding requirements of those criteria, and is designed to resemble and provide the benefits and

rigorous curriculum and structure of the § 61.160(a) military-based pathways training, albeit for closed-loop civilian pilot training for Part 121 operations.”

This is a proposal to reduce Part 121 first officer (FO) qualifications using a Republic internal training program qualifying FOs with no aviation degree or military background requirement to 750 hours. Republic provides no substantiation or data to support the request for exemption from current regulations. Therefore, ALPA is adamantly opposed.

Current legislative and regulatory requirements require an FO to have an Airline Transport Pilot (ATP) certificate with an airplane category multiengine class or type rating, which can be acquired with 1500 hours of flight experience. Also, a pilot can qualify to serve as an FO if the pilot holds an ATP with restricted privileges (referred to as a Restricted ATP (a.k.a. R-ATP)). An R-ATP can be acquired in several ways, including:

- If they are military trained and have 750 hours (§ 61.160(a)), or
- at 1000 hours if they have a Bachelor’s aviation degree (§ 61.160(b)), or
- at 1250 hours if they have an Associate’s aviation degree (§ 61.160(c)).
- Include 61.160 (d) as well.

The Airline Safety and Federal Aviation Administration Extension Act of 2010 (PL 111-216)¹ was signed into law in August 2010. Section 216 requires “that each flight crewmember for a part 121 air carrier hold an airline transport pilot certificate.” Section 217 required the FAA “to modify requirements for the issuance of an airline transport pilot certificate.” Section 217 also grants the FAA discretion in allowing credit toward the 1500 hours based solely on academic training when it states “(d) CREDIT TOWARD FLIGHT HOURS.—The Administrator may allow specific academic training courses,

¹ <https://www.govinfo.gov/content/pkg/PLAW-111publ216/pdf/PLAW-111publ216.pdf>

beyond those required under subsection (b)(2) *[for the ATP at 1500 hours]*, to be credited toward the total flight hours required under subsection (c) *[1500 hours]*. The Administrator may allow such credit based on a determination by the Administrator that allowing a pilot to take specific academic training courses will enhance safety more than requiring the pilot to fully comply with the flight hours requirement.” *[clarifications added]*

PL 111-216 gave the FAA clear direction that credit could only be given for academic training that produced an equally safe pilot than one who met the full 1500 flight hour requirement. FAA concluded that it is academic training from an accredited college or university that offers a professional pilot program in conjunction with an aviation degree program that satisfies the equivalency requirement.

The FAA exercised discretion granted by this legislation when creating the flight hour credits contained in § 61.160. Republic’s request seeks exemption from how the FAA used its discretion rather than satisfying the requirement to acquire 1500 hours of experience to be issued an ATP.

The FAA has often publicly indicated that it has never granted an exemption from pilot certification requirements. ALPA believes this is a sound policy and should continue.

The accident history before and since the 2010 clearly shows that the legislation and resulting FAA rules (e.g. FOQ Rule that established the R-ATP) are working to prevent fatal accidents. Since 2010 there has been only one passenger fatality in a Part 121 operation where pilot performance was found to be contributing; not the “probable cause.”² Astoundingly, there has been a 99.8% reduction in Part 121 passenger airline

² <https://www.nts.gov/investigations/AccidentReports/Reports/AAR2105.pdf>

accident fatalities as compared to the two decade prior to 2010 when PL 111-216 mandated all Part 121 pilots to hold an ATP (see Figure 1). Pilot certification rules were the major part of a package of safety improvements as well as rule changes that work together and none of them should be reduced or undone.



Figure 1

Changing the current pilot certification requirements that are working or allowing operators to bend the provisions to cut costs, would be a monumental mistake and have real-world, life-and-death consequences.

Changing pilot certification regulations by exemption rather than rulemaking is inappropriate and, in our view, does not conform with the PL 111-216 Congressional mandate written into Law. Section 217 indicates that the authority given to the FAA to allow credit towards the 1500 hours to obtain an ATP based on academic requirements above those to get an ATP with 1500 hours is only through rulemaking.

Section 217(a) states “RULEMAKING PROCEEDING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to amend part 61 of title 14, Code of Federal Regulations, to modify requirements for the issuance of an airline transport pilot certificate.” Later in section 217(b)(2)(d) it provides the authorization to allow credit off the 1500 hours for academic training course reasons.

In their petition Republic references the Air Carrier Training Aviation Rulemaking Committee (ACT ARC). The ACT ARC was formed by the FAA after publishing the Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers final rule (a.k.a. “N&O rewrite”). The final rule looked nothing like the proposed rule that industry commented on because of the subsequent regulatory mandates in PL 111-216 and the need for the FAA to devote its time to making those regulatory changes. The final rule almost exclusively made the regulatory changes required by PL 111-216 and none in the proposed rule. The FAA acknowledged that many comments to the proposed rule were not addressed and therefore was forming the ACT ARC to work with the industry to address any still needing action.

The ATP working group (WG) was one of the four initially formed working groups within the ACT ARC. The ATP WG tasking was to evaluate whether any additional pathways should be formed to qualify as a Part 121 FO.

The petition highlights the ACT ARC ATP WG recommendation 16-8 for an Enhanced Qualification Program (EQP) pathway to a R-ATP. Republic’s petition is misleading when it states “Specifically, 16-8 EQP outlines equivalency credit for each of the restricted ATP pathways, including the military pathway in §61.160(a).” Consensus was not reached within the ATP WG, as delineated in the recommendation 16-8, on how much flight hour credit toward a R-ATP a pilot who completed an EQP course should be given.

The “equivalency credit” is actually referred to as the “Variable Credit” in the ATP WG recommendation. Because there was not consensus within the ATP WG on the credit that should be granted to a pilot that went through an EQP course, the variable credit is only one of four options the recommendation provided to the FAA regarding EQP and any credit off of the 1500 hours it should come with to acquire a R-ATP.

Recommendation 16-8 has ten sub-recommendations. The credit system is sub-recommendation 16-8(e). 16-8 (e)(2) is the variable credit option and actually undermines sub-recommendation 16-8(b) that sets the prerequisites to enter an EQP course as the academic requirements contained in §61.160 of either having military pilot training, a Bachelor’s aviation degree, or an Associate’s aviation degree.

The EQP variable credit option proposes that anyone who goes through an EQP course should be qualified to serve as a Part 121 FO at the same number of flight hours regardless of whether they have a military pilot training background or an aviation degree. In other words, this EQP credit option proposed all pilots are “equivalent” after going through an EQP course regardless of academic background. This contradicts the letter and intent of the PL 111-216 allowance for credit off the 1500 hours based on academic study to qualify for an ATP.

Like the EQP variable credit option, the Republic R-ATP Program does not require a military or aviation degree background. The petition indicates a prerequisite to get into their program is a high school diploma or equivalent.

While both the EQP and the Republic R-ATP Program have a little more than 350 hours of “notional,” not minimum required, academic hours of training, they fall well short of the academic training hours in Bachelor and Associate aviation degrees. For instance, a

Bachelor's degree requires 60 aviation credit hours which comes to around 1,350 academic hours.³ They also fall well short of the 750 hours of academic instruction required by EASA for an ATP. In addition, the Republic R-ATP Program is computer-based training versus EQP which proposes all its academic instruction to be instructor led classroom instruction.

The FAA never acted on the ACT ARC EQP recommendation. To the best of ALPA's knowledge this was in large part due to the lack of consensus on the recommendation. Not only the two different options for how much credit should come with EQP, but another option included with the overall EQP recommendation for no additional credit, and finally a fourth option that objected to EQP altogether.

The petition states the Republic R-ATP Program "is designed to resemble the § 61.160(a) military-based pathway training, as applied to civilian pilot training for part 121 operations. Through its rigorous curriculum and structure, this Program will exceed the safety standards of the military R-ATP." The petition goes on to the unfounded claim that "The Republic R-ATP Program will train pilots to a level that meets or exceeds the safety standards of the military R-ATP in § 61.160(a) and § 61.159." These claims of not only being comparable but exceeding the military training standards are wholly unsubstantiated and extremely misaligned with actual military standards. .

As covered in the EQP recommendation "In order to be accepted into a pilot training program in one of the branches of the military, an individual must undergo a rigorous screening process including an assessment of his or her aviation aptitude. Three of the

³ 3 credit hour course = 1 hour/day x 3 days/week x 15 weeks = 45 hours or 15 hours per credit hour (x 60) for a total of 1,350 academic hours.

four branches of the military require pilots to hold a Bachelor's degree.⁴ Once accepted into a pilot training program, a person is 100 percent dedicated to aviation training. As an example, pilot training administered by the United States Air Force (USAF) starts with Initial Flight Training (IFT), an aptitude screening test including 18 hours of flight time over 4.5 weeks. Following IFT, pilots undergo Specialized Undergraduate Pilot Training (SUPT) consisting of 55 weeks of training.⁵

SUPT includes 4 to 6 weeks of academic and preflight training on aerospace physiology, (including altitude chamber tests), aircraft systems, aviation weather, mission planning, and navigation. After academic and preflight training, the USAF student pilot undergoes 22 weeks of primary aircraft training before transitioning to a track of advanced aircraft training that continues for another 24 to 28 weeks.

A USAF student pilot is committed to a 12 hour duty day while at SUPT, and his or her flight proficiency is continuously assessed throughout training. Additionally, during the flight training phases, a USAF student pilot participates in flight training every day, normally either in a simulator or an aircraft.

Following SUPT, a USAF pilot begins training at a Formal Training Unit (FTU). As an example, FTU training for the C-17 is 15 weeks long and consists of 96 or 134 hours of training, depending on whether the 38 hours of non-level C simulator training in a flight training device is counted. Of the 96 or 134 hours of training, 18 hours is in the aircraft.⁶

⁴ This results in about 95 percent of military pilots being required to hold a Bachelor's degree. The United States Army does not require a degree. However, Army pilots represent a small percentage of U.S. Armed Forces fixed wing pilots.

⁵ As presented by Col. Juan Narvid, USAF (Retired) during the ATP WG meeting on June 9-10, 2015, and subsequently expanded upon by Michael "Norm" Maloy (Chief, Air Mobility Command Aircrew Training Plans and Programs, USAF) via email, facilitated by Mark Caslen (USAF and ACT ARC Steering Committee observer).

⁶ The data/information regarding C-17 FTU training is a combination of the information provided by Col. Narvid and Chief Maloy

The cost of this military training is in the millions of dollars for each pilot. More importantly the characteristics of the training far exceed those proposed in the petition. The Republic petition lacks all reasonableness to suggest their “Program will exceed the safety standards of the military.”

The pace of the recovery from the pandemic-induced reductions in air travel is testing the United States pilot training and recruitment systems.

The reductions in air travel at the beginning of the pandemic led to extended leaves, early retirements, as well as seat and aircraft transitions of existing pilots and instructors. In many cases air carriers are now struggling to keep up with the extensive requalification training of them fast enough to accommodate the precipitous increase in passenger air travel.

In addition, the need to hire new pilots and instructors is exacerbating the air carrier training department capacity challenges. In some cases, these heavy loads on air carrier training departments are leading to long delays during training, and even retraining due to the excessive delays, adding to the training capacity challenges.

The petition hints at a pilot supply problem that Republic claims would be helped by the reduced FO flight experience and academic requirements in its proposal. We believe that this is a matter of pay and benefits, and therefore an industrial issue, at Republic. They are proposing that safety requirements be reduced in order to attract “cheap” pilots. Why put passengers at risk so that Republic can hire cheaper pilots? This is suggested when in paragraph “4.1.3, Meeting the industry’s needs” it states “Pilots who complete the Republic R-ATP Program will provide a service to the public by satisfying continuing

commercial aviation demand. Small communities who rely on commercial aviation services will benefit from additional well-trained pilots entering the aviation workforce.”

The reference to “small communities” benefiting appears to suggest pilot supply issues are leading to small communities relying on air carriers that service them will no longer service them. Many of these small communities have air carrier service due to a government program called Essential Air Service (EAS). EAS provides billions of dollars in taxpayer subsidies to air carriers to service these small communities.

However, some of these air carriers are unethically trying to cut services to small communities in order to drum up public support for their effort to have Congress and/or the Federal Aviation Administration (FAA) rollback pilot standards that were enacted in 2010. These pilot standards were enacted to prevent accidents following the 2009 Colgan Airlines, operating as Continental Airlines, accident in Buffalo, NY and others like it. See Figure 1 illustrating the fatal accidents prior to and following 2010.

Some airlines are struggling with staffing of pilots. However, this is not due to a lack of pilots. There is no pilot shortage. (see Figure 2) In terms of North American pilot demand, recent forecasts show a range from a need of 4,680 to 6,500 pilots per year. In the last 12 months, the United States has produced nearly 8,000 certificated pilots, [exceeding pre-pandemic production](#). (see Figure 3) Since the second half of 2013 through 2021, the United States produced nearly 52,000 ATP and R-ATP certificated pilots. During that time, the industry hired ~30,000 pilots (15,730 to backfill for retirements and 14,150 for growth).



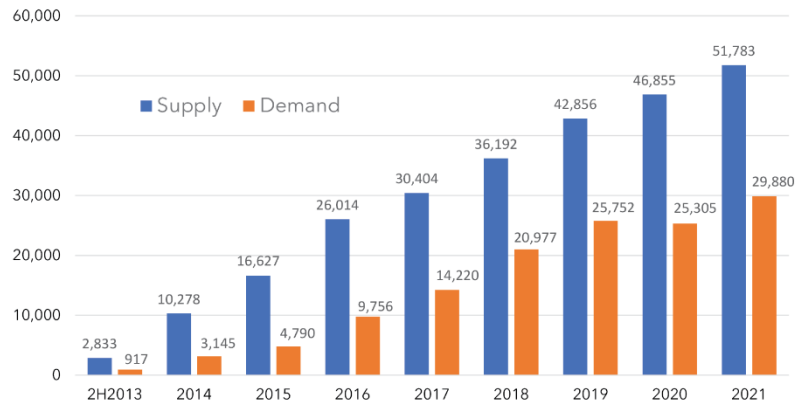
Pilot Supply vs. Demand

Q: Does the U.S. have enough pilots to meet the U.S. airline hiring demand?

A: Yes.

Supply = Since 2013, the U.S. has produced nearly 52,000 certificated pilots

Demand = Since 2013, about 30,000 pilots were hired to account for fleet growth and retirements



Numbers don't lie. The "pilot shortage" narrative is a trigger to lower pilot qualifications standards and hire inexperienced workers for less pay.

Notes: ATP and R-ATP for 2013 is for 6-month period starting in July, when the FOQ rule took effect; growth in pilot positions based on full calendar year; pilot retirements for 11 largest US airlines; data is cumulative
Source: Federal Aviation Administration; Bureau of Transportation Statistics (Form 41 Schedule P-10)

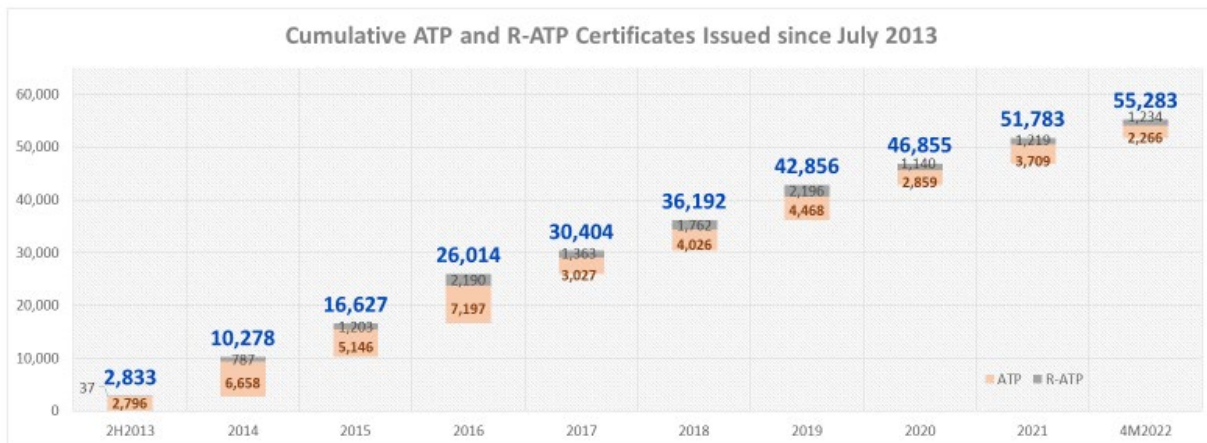
#MoreThanReady

Figure 2

U.S. HAS ENOUGH PILOTS TO MEET DEMAND

Production of ATP and R-ATP Certificates

#MoreThanReady



Since the second half of 2013, the United States has produced 55,283 ATP and R-ATP certificated pilots

In the last 12 months, the United States has produced 7,509 ATP and R-ATP certificated pilots

Notes: 2013 data is for 6-month period starting July; 2022 data is through April 2022; last 12 months is May 2021 through April 2022
Source: Federal Aviation Administration

Figure 3

The cause of any pilot staffing problems some are experiencing is the result of mismanagement of the COVID stimulus money airlines received. (see Attachment) This money was intended to keep pilots current and qualified for when the public began traveling again. Instead, some airlines furloughed pilots and allowed many other pilots to take extended leave. Now these airlines are unable to keep up with all the training necessary to bring these pilots back to being current and qualified while at the same time needing to hire and train new pilots. Reducing pilot standards will not help this air carrier training capacity problem and would have a dramatic negative impact on aviation safety.

There is no pilot shortage, but even if there were, this industrial issue would be an inappropriate basis for lowering safety standards established in 2010 regarding Part 121 FO certification, training and qualification requirements. It would be reprehensible to reduce safety in order to solve industrial issues, especially baseless manufactured issues or problems caused by airline mismanagement.

While also an industrial issue, it is important to highlight that changes to the current qualification requirements could have a devastating impact on the available certified flight instructors (CFI) to train the next generation of pilots. CFIs are often currently leaving their CFI job to take a much better paying FO job with an air carrier shortly after meeting the regulatory requirements.

The regulations that qualify a CFI to train first-time flight instructor applicants are contained in § 61.195(h). Typically, a CFI reaches these qualifications when they are approaching 1000 hours of total flight time experience. If they have a Bachelor's aviation degree this allows them to qualify for a R-ATP to serve as a Part 121 FO, and often they are finding FO jobs with an air carrier at that time.

Based on all the above reasons ALPA is strongly opposed to Republic's petition for exemption. The current FO requirements have proven to help make aviation much safer than before they existed. There is no data or other substantiation for changing these regulations and reducing requirements, much less through an exemption. Air carrier training departments will catch up in the near future with the backlog caused largely by bringing existing pilots back, opening up more training capacity to train all the pilots qualified and eager to be hired as a Part 121 FO.

Therefore, we request the FAA deny Republic's petition for exemption.

Thank you for the opportunity to comment.

Respectfully,

A handwritten signature in blue ink that reads "Joseph G. DePete". The signature is written in a cursive, flowing style.

Captain Joseph G. DePete
President
Air Line Pilots Association, International

Attachment:

- May 2022 ALPA magazine pilot supply information.

ATTACHMENT