

Analyzing the effects of “The Airline Safety and FAA Extension Act of 2010” on collegiate aviation programs

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ABSTRACT

The Airline Safety and Federal Aviation Administration Extension Act of 2010 required: “...that all pilots in 14 CFR part 121 operations hold an ATP Certificate by August 2, 2013” (Certification, 2014, p.4). This action compelled the FAA to “...revise the ATP Certificate requirements and included a provision that permitted the Administrator to allow specific academic training courses to be credited towards the minimum aeronautical experience requirements for an ATP Certificate” (Federal Aviation Administration, 2013). Consequently, the FAA created a new regulation which permitted institutions, of higher education, to certify graduates and allow for reduced flight time toward the ATP Certificate. This paper examines five institutions and the complications they faced because of this new regulation.

Keywords: Collegiate Aviation, Restricted ATP Certificate, Part 121, Colgan Air, Aviation Degree, First Officer, First Officer Qualification, Flight Hours, Part 61, Pilot Certification, Pilot Training, Regional Airline

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INTRODUCTION

On February 12, 2009, Colgan Air Flight 3407 a Bombardier DHC-8-400 crashed during approach into Buffalo, New York (National Transportation Safety Board, 2010). Causal factors into the crash resulted in a strong lobbying group that pushed for regulatory changes in the requirements to become a pilot under Title 14 of the Code of Federal Regulations (14 CFR) part 121 operations. Soon thereafter, Congress passed the Airline Safety and Federal Aviation Administration Extension Act of 2010 (PL 111-216) which stated: "... all pilots in 14 CFR part 121 operations hold an ATP Certificate by August 2, 2013" (Certification, 2014, p.4). The FAA also revised the ATP Certificate requirements and approved certain training courses to be credited towards the minimum aeronautical experience requirements (Airline Safety and Federal Aviation Administration Extension Act of 2010, 2010). As a result, the FAA created part 61.160 which states:

Aeronautical Experience – Airplane Category Restricted Privileges, which enables a pilot, in certain situations, to obtain an ATP Certificate with reduced total time as a pilot based on academic experience. Specific paragraphs in § 61.160 enable a graduate of a degree program with an aviation major to be eligible for a restricted privileges ATP Certificate, provided they receive a certifying statement from the institution of higher education. Section 61.169 provides the requirements for the institution of higher education to obtain the authority from the FAA to issue a certifying statement to its graduates. Without a certifying statement from the institution of higher education, a student may not apply for a restricted privileges ATP Certificate under the total time as a pilot requirements of § 61.160(b), (c), or (d) (Certification, 2014, p.4).

With the creation of this law, flight time for a pilot with an undergraduate degree from a certified institution is now reduced to 1,000 hours (Federal Aviation Administration, 2013). Many institutions with aviation majors applied and were immediately given certification authority. However, there were a few institutions with special circumstances that had difficulties receiving this authority. This paper examines five institutions and the complications they faced because of this new regulation.

METHODOLOGY

Qualitative research was used to compile the data for the article. Personal interviews through phone calls were conducted for each school. McNamara (1999) states: interviews are particularly useful to get the story behind the participant's situation. The authors of the text contacted institutional aviation program directors, chief flight instructors and chief ground instructors in order to get the facts of the potential repercussions of the new law. According to Kvale (1996), a qualitative research interview pursues to cover factual and consequential information.

The personal communication interviews by phone were conducted from the fall of 2015 into the spring of 2016. In several instances the authors conducted follow-up phone interviews to establish the progress or set-backs the institution was making when trying to abide the law of The Airline and Safety Extension Act of 2010.

JACKSONVILLE UNIVERSITY

Jacksonville University in Jacksonville, Florida, did not meet FAR 61.160 requirements for the restricted ATP, 1000 hour certification credit because student received credit for ground and flight training through an outside contractor. Even though ground schools are taught by university faculty, it is the outside contractor that held the Part 141 training certificate. On September 3, 2015, the Director of Jacksonville University's School of Aviation, Captain Matt Touhy stated: the university has applied for and is still pending in both an exemption and Part 141 training certificate application.

Jacksonville University originally applied for the restricted ATP certification in September 2013 and was denied by the FAA in December 2013. The university then applied for an exemption in January 2013 and is still pending. Jacksonville University also submitted an application for their own Part 141 training certificate through the Orlando FSDO in December 2014 and is still pending (Captain Matt Touhy, personal communication, September 29, 2015).

EASTERN MICHIGAN UNIVERSITY

Eastern Michigan University is another program that does not own their own Part 141 certificate. The university contracts their flight training with Eagle Flight Centre located at Willow Run Airport. On September 17, 2015, the Chief Flight Instructor Edward St. Antoine stated: the paperwork has been completed and filed to receive the university's Part 141 certificate. He went on to say that the university felt confident that all approval would be finalized within a few weeks.

A follow up phone call was made by the researchers in December of 2015. The Chief Ground Instructor, Chris Sorenson, was interviewed. Mr. Sorenson reported that the university still had not received approval for their Part 141 certificate and the process has been drawn out for over a year and a half. Mr. Sorenson believes approval will come soon (Chris Sorenson, personal communication, December 7, 2015).

BAYLOR UNIVERSITY

Baylor University in Waco, Texas, originally did not meet FAR 61.160 requirements for the restricted ATP. Students received credit for ground and flight training through a separate two-year technical college in which Baylor had an articulation agreement with. On September 8, 2015, the Assistant Director for Baylor's Institute for Air Science, Timothy Compton said: Baylor has worked diligently to meet FAR 61.160 requirements. The university originally applied for the restricted ATP certification in October 2013 and received the denial letter from the FAA in April 2014. The flight program also applied for an exemption in April 2014 and was denied December 2015. Baylor then worked through the Texas FSDO to receive its own 141 certificate. They applied for the certificate in September 2014 and were awarded in July 2015. Baylor then re-applied for certification authority for the restricted ATP in August 2015.

A follow up phone call was made by researchers in January 2016 and Mr. Compton was re-interviewed. He reported that Baylor was awarded certification authority for the 1000 hour credit of the restricted ATP in November 2015 (Timothy Compton, personal communication, September 8, 2015 and January 6, 2016).

METROPOLITAN STATE UNIVERSITY

Metropolitan State University originally applied for the restricted ATP certification and was denied. The university then applied for an exemption. After lobbying their case to the FAA their exemption was also denied. Metro State then began pursuing their own 141 training certificate. The FAA informed the flight program it would take years to be approved for the certificate. At that time the university withdrew their application. On September 9, 2015, the Department Chair for the Department of Aviation and Aerospace Science, Dr. Jeffrey Forrest stated: Metropolitan State University has gone through the process for receiving certification authority for the for the restricted ATP and has used multiple resources to help our case, but after denial for the certification authority and the exemption Metro State has elected not to pursue any other actions at this time.

PURDUE UNIVERSITY

The case of Purdue University provides an interesting picture of how the Federal Aviation Administration has viewed collegiate flight training. According to John Mott, Associate Department Head and Clinical Professor, Purdue University had originally was licensed a Part 141 flight school. However, for the past several years the university has been operating under Part 61. This change was encouraged by the local FISDO (John Mott, personal communication, August 19, 2015). After the Buffalo crash and proposed ruling, Purdue University understood the ramifications of the new law on their collegiate flight program. The university reapplied for the Part 141 certificate and received it (John Mott, personal communication, August 19, 2015). The current certificate covers the university's commercial and instrument rating courses.

According to Dr. John Wensveen, Head of the Department of Aviation Technology and tenured Professor, the new Part 141 status was granted on a provisional two-year basis while the university applied for the restricted ATP exemption. To date, the flight program is certified under Part 141 and has been authorized for the Restricted ATP (John Wensveen, personal communication, August 19, 2015). Dr. Wensveen went on to state: that the F.A.A. granted exemption status to all graduates from December 31, 2009 to present.

CONCLUSION

It is evident the institutions that do not hold their own 141 certificate have experienced delays when trying to meet PL111-216 requirements. Some of the postponement may be due to the institution's dealings with multiple and varying levels of federal offices and the bureaucracy that ensues. The authors have determined it has put an unnecessary interruption on the qualified airline candidates entering the airline industry. The researchers conclude there is no doubt that an accredited institution that provides a undergraduate degree with an aviation major and also provides institutional course credit for flight certificates and ratings through contract flight training or an articulation agreement with another institution that holds an FAA part 141 training certificate can still provide the same oversight required under PL111-216 as does an institution that holds its own training certificate.

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