

Air Carrier Training Aviation Rulemaking Committee (ACT ARC)

Recommendation 15-1: Addressing Administrative Inefficiencies for 135 Operator Training Programs delivered by 142 Training Centers (Guidance)

I. Submission

The recommendations below were submitted by the Air Carrier & Contract Training Workgroup (AC&CT WG)¹ for consideration by the Air Carrier Training Aviation Rulemaking Committee (ACT ARC) Steering Committee at F2F-4. The ACT ARC Steering Committee adopted the recommendations, which are submitted to the Associate Administrator for Aviation Safety (AVS-1) as ACT ARC Recommendation 15-1.

II. Statement of the Problem

Pursuant to Title 14 of the Code of Regulations (14 CFR) 135.324(b), a certificate holder may contract with, or otherwise arrange to use the services of, a training center certificated under part 142 to conduct training, testing, and checking required by part 135 if the training center—

- (1) Holds applicable training specifications issued under part 142;
- (2) Has facilities, training equipment, and courseware meeting the applicable requirements of part 142;
- (3) Has approved curriculums, curriculum segments, and portions of curriculum segments applicable for use in training courses required by part 135; and
- (4) Has sufficient instructor and check airmen qualified under the applicable requirements of §§135.337 through 135.340 to provide training, testing, and checking to persons subject to the requirements of part 135.

Under 142.45, the applicability of Subpart C (Personnel and Flight Training Equipment Requirements) of part 142 is limited to: “the personnel and flight training equipment requirements for a certificate holder that is training to meet the requirements of part 61 of this chapter.”

When part 142 was promulgated, the applicability of subpart C was never fully aligned through rulemaking with the provisions of 135.324 in a manner that allowed 142 training centers to use the same core curriculums for pilot certification under part 61 and training, testing, and checking under part 135. In addition, differences in terminology and requirements applicable to part 135 vs. part 142 instructors and part 135 check airmen vs. part 142 evaluators have caused a number of administrative inefficiencies for 135 operators and 142 training centers. The non-alignment of the regulations and guidance documents can lead to inconsistent application of regulatory requirements by FAA personnel (Principal Operations Inspectors (POI) for 135 operators and Training Center Program Managers (TCPM) for 142 training centers) and conflicting guidance material published by the FAA.

¹ The AC&CT WG is comprised of ACT ARC Steering Committee Members including 135 operators, 142 training centers, and membership organizations/industry associations. The AC&CT WG Check Airman/Instructor Qualifications & Training Action Team developed the original recommendations adopted as ACT ARC recommendations 15-1 and 15-2 with input from industry subject matter experts (SME) who are represented by membership organizations/industry associations on the ACT ARC Steering Committee.

In order address the issues raised, the AC&CT WG developed a scope of work with defined short-term and long-term deliverables. The package of recommendations presented at F2F-4 is designed to address the short-term deliverable of recommendations on check airman/evaluator and instructor qualifications and training to address administrative inefficiencies. These recommendations are based on the foundational assumption that 142 training center instructors and evaluators would be conducting training, testing, and checking for 135 operators using FAA-approved standardized curriculums. The AC&CT WG will follow-up with specific recommendations and suggested rulemaking priorities regarding development and implementation of the Aircraft-Specific 135 Standardized Curriculum model in the near future.

III. & IV. Proposed Recommendations & Rationale

The AC&CT WG proposes the following recommendations for ACT ARC Steering Committee consideration:

Recommendation 15-1(a):

The ACT ARC recommends the FAA develop inspector handbook guidance for FAA personnel that allows a 135 operator to submit an FAA-approved Aircraft-Specific 135 Standardized Curriculum that could receive focused and streamlined review for approval by that operator's Principal Operations Inspector (POI) if the curriculum is:

- Approved by the FAA for use by a part 142 training center to conduct training for 135 operators
- Applicable to the operator (e.g., operator's aircraft is similar to Flight Simulation Training Device (FSTD), operator has plan to address differences training)
- Developed under a defined set of standards (e.g., meets requirements of part 135 and applicable requirements of Part 142, includes appropriate type specific FSB report training requirements, and incorporates appropriate Practical Test Standards (PTS))

Further, the ACT ARC recommends the FAA develop additional inspector handbook guidance that would allow a Training Center Program Manager (TCPM) to approve a training curriculum under Part 142 that meets the requirements of 135.337 through 135.340 and would qualify 142 training center instructors and evaluators to conduct training, testing and checking for 135 operators under an FAA-approved standardized curriculums. In addition, the guidance would include the methodology by which POI approval for an operator to use an Aircraft-Specific 135 Standardized Curriculum would include the qualified 142 training center instructors and evaluators.

Recommendation 15-1(b):

The ACT ARC recommends the FAA develop advisory guidance targeted at industry (i.e., Advisory Circular) that would identify the required curriculum segments (including suggested modules, tasks, elements) and approval criteria for a standard (non-aircraft specific) instructor/evaluator training curriculum that meets the applicable requirements of 14 CFR part 135 and could be approved under part 142 in order to qualify training center instructors/evaluators to conduct training, testing and checking under standardized curriculums for 135 operators.

The Aircraft-Specific 135 Standardized Curriculum model discussed above follows a similar program (and related guidance) currently in place at the FAA whereby the National Simulator Program (NSP) qualifies a training device after which a POI or TCPM can then approve the device as part of a certificate holder's training program. The current regulatory framework allows contract training under 135.324, and many operators choose to obtain the FAA authorization to use a 142 training center/contract training provider through the issuance of Operations Specification (OpSpec) Paragraph A031. Other operators choose to develop training programs under which the operator delivers the training and conducts testing/checking. There are a number of training model variants available to 135 operators, and the proposed recommendations would not affect options currently available.

Under the proposed Aircraft-Specific 135 Standardized Curriculum model, FAA approval of the standardized curriculum content is granted once by FAA-determined subject matter experts, and the operator's POI would review the curriculum and grant approval for use of the Aircraft-Specific 135 Standardized Curriculum without changes as part of the operator's training program. In discussions with the operator, the POI would determine whether use of the Aircraft-Specific 135 Standardized Curriculum (which comes with a cadre of pre-screened/pre-approved instructors/evaluators the POI can accept along with use of the standardized curriculum) is appropriate for that operator based on the published guidance, as opposed to reviewing the specific content of individual modules in the Aircraft-Specific 135 Standardized Curriculum and the accompanying training center instructor/evaluator documentation. Introducing an Aircraft-Specific 135 Standardized Curriculum for operators coupled with guidance enabling 142 training centers to develop a curriculum that would qualify 142 training center instructors and evaluators to conduct training/checking under that Aircraft-Specific 135 Standardized Curriculum would address a number of inefficiencies in the current system.

As a practical matter and in cases where the operator's aircraft is similar to the 142 training center's Flight Simulation Training Device (FSTD), 142 training center core curriculums developed for use under part 61 (and approved by the TCPM) address 135 regulatory training requirements since 142 training centers generally have a number of 135 clients. Currently, these core curriculums cannot be used by 135 operators. Instead, each 135 operator must have its own training program approved by the operator's POI. The training program can be based on the 142 training center's core curriculum, but the POI may make any number of suggested changes, which combined with the time it takes for each POI to conduct an in-depth review of each operator's curriculum, creates strain on the POI, the operator and the training center. The operator has to have the Training Center Evaluators (TCE) approved by the operator's POI as "contract check airmen" to conduct checks under the operator's training curriculum. It is important to note that the TCE/contract check airman is already approved by the TCPM to conduct certification under the core curriculum. In cases where the operator's aircraft is similar to the FSTD, there are very few, if any, differences between the operator's curriculum and the core curriculum.

This “disconnect” has re-directed resources to address administrative inefficiencies that can compromise safety. For example, training centers spend an inordinate amount of time “tweaking” the training center provided curriculum template in some incremental way at the request of an operator to address the POI’s concern (which has no regulatory basis), because the operator – who did not initiate or want the change – is unwilling to challenge the POI. This scenario actually introduces greater risk to the industry in the form of non-standard training. The core curriculum that was the foundation for the template provided to the operator was developed using the 142 training center’s safety program. By addressing each change proposed by an operator/POI in an ad hoc fashion, risk can be introduced without sufficient mitigation, and safety can be compromised.

The framework for the Aircraft-Specific 135 Standardized Curriculum model that also addresses the inefficiencies involved with each operator having approved instructors/contract check airmen needs to include a manner by which training center instructors/evaluators can be qualified as instructors/check airmen under part 135. Specific guidance can be developed that would assist training centers in developing a standard non-aircraft specific training curriculum that satisfies the requirements of 135.329, 135.345, 135.293 and 135.297 in a manner consistent with the size, scope and complexity of the operator (in this case, a 142 training center) and can be approved under part 142. The training center would use this special curriculum to train and qualify its instructors/evaluators to conduct training, testing, and checking under standardized curriculums for 135 operators.

The instructor and pilot training modules could be broad-based to address some variation in an operator’s training requirements. As examples, this variation would include differing approach approvals, runway visual ranges, the requirement to train internationally, etc. The variation in module content would not prohibit the use of one classroom or simulator session for system specific training for an aircraft type. Additionally, if two separate air carriers require a variation module, both air carriers would be able to take that specific module concurrently. Advisory guidance developed by the FAA would help training centers ensure that the standard non-aircraft specific training curriculum meets applicable requirements, as well as set expectations regarding the approval criteria the training center is expected to meet. The corresponding inspector handbook guidance would explain the review and approval process, as well as the applicable privileges and limitations.

The decrease in administrative workload resulting from the adoption of these recommendations would also result in the ability of POIs to shift their focus to areas where surveillance would yield more meaningful inputs to the operator’s safety program, rather than maintaining records on a “contract check airman” who is already under the oversight of a TCPM or comparing an operator’s training curriculum to the training center’s core curriculum to see if all of the content is included. Since instructors and evaluators would be approved by the TCPM at the 142 training center (after completing training that satisfies the requirements of §§135.337 through 135.340), the POI can accept (rely on) that approval and the artificial/workload-based limit on check airmen/instructors will no longer be necessary.

The Aircraft-Specific 135 Standardized Curriculum model will enhance operator/training center safety programs and create a feedback loop that allows 135 operators/142 training centers to partner in an effort to systematically collect meaningful data that can be used to continually review and improve the standardized curriculum, as well as target areas of emphasis to enhance the quality of training provided.

Recommendation 15-1(c):

The ACT ARC recommends the FAA review and reorganize current inspector handbook (Order 8900.1) guidance by separating the guidance for FAA personnel with oversight and surveillance responsibilities by source regulation—14 CFR part 121, part 135 and part 142 and making the guidance easier to reference/cross-reference.

Further, the ACT ARC recommends the FAA review current pilot training guidance and separate advisory guidance targeted at industry operators/training centers and designed to assist operators/training centers in building training curriculums (including sample segments, modules, and elements) from inspector handbook guidance regarding the process by which FAA personnel review and approve training curriculums and conduct oversight/surveillance.

The foundation for implementation of the Aircraft-Specific 135 Standardized Curriculum model can be built through guidance documents for industry operators/training centers and inspectors. The current framework under which contract training arrangements are reviewed and approved can lead to inconsistent application of the current guidance by FAA personnel. The current guidance for FAA personnel related to air carrier pilot training for part 135 operators and part 121 operators is combined (Order 8900.1, Volume 3, Chapter 19), which leads to confusion regarding the application of certain regulatory requirements which are mandatory for one type of operator but not the other. In addition, guidance for FAA personnel related to training centers is in a separate chapter (Order 8900.1, Volume 3, Chapter 54) which includes guidance for outsource (“contract”) training.

In order to implement the Aircraft-Specific 135 Standardized Curriculum model in a manner that ensures consistent application from office-to-office and region-to-region, clear guidance for FAA personnel that is grounded in the source regulation is essential—part 135 guidance separate from part 121 guidance, and part 142 guidance that is specifically targeted at FAA personnel with part 142 training center oversight and surveillance responsibilities. However, the AC&CT WG cautions that treating the revisions as a “consolidated project” whereby all of the guidance will be reviewed and organized as part of the same effort is essential to the success of this recommendation. As a result of different offices of primary responsibility (OPR) for different regulations and different revision timeframes for different guidance documents, the current guidance is fragmented and difficult to apply. Now that there is a single OPR for training policy, the Air Carrier Training Systems and Voluntary Safety Programs Branch (AFS-280), the fragmented (and sometimes contradictory guidance) can be systematically reviewed and addressed.

In addition to organizing the current inspector handbook guidance by source regulation, the content can be streamlined so that only work instructions for inspectors regarding how to review and approve a training program are included in the handbook. Currently, the inspector handbook guidance includes sample modules and elements in some cases and many operators use the inspector handbook guidance to build a training curriculum since many inspectors expect to see those sample modules and elements in the curriculum. Advisory guidance designed to help operators to develop training curriculums by outlining suggested (but not the only) methods of complying with the applicable regulations would be extremely useful tools for industry operators/training centers. At the same time, inspector handbook guidance would outline the review and approval process for such curriculums to enable the inspector workforce to efficiently address their workload and focus on the relevant portions of each training curriculum without duplicating efforts already undertaken by another FAA office.

Recommendation 15-1(d):

The ACT ARC recommends the FAA develop inspector handbook guidance for FAA personnel allowing for the consolidation of 14 CFR part 142 evaluator and 135 check airman checking/observation requirements under 61.58, 61.157 and 135.339(a)(2)/135.340(a)(2) privileges into one event to save FAA resource requests, with an additional oral after the practical observation used to evaluate the differences for each variant not demonstrated during the practical observation.

While today a “consolidated observation” can occur if the requested observation used meets all three requirements on a live client (i.e., a 61.157 observation for a part 135 client), the majority of these live events are not scheduled in a manner that satisfies all 3 regulatory requirements, which forces the same FAA resource to return to the training center to evaluate the same evaluator one or two additional times. Factoring the limited availability of FAA resources combined with the preponderance of 61.58 observation events all but guarantees there will be at least two requests (and sometimes three), for the same FAA resource for each TCE candidate within a short period of time.

The three observations could easily be accomplished with an oral session during or at the conclusion of the original practical observation. The oral session can address the additional regulatory requirements and no rule change is required. This would actually yield a higher level of demonstration than exists today - at a reduced amount of the FAA resource's time – and ensure the evaluator candidate understands the difference between the three types of checks/observations, as a separate oral for the each variant is currently not required if the event observed happens to be a certification event for a part 135 client.

This single inefficiency has put a strain on training centers and FAA resources and can be easily addressed through guidance. It would be extremely helpful to training centers if specific inspector handbook guidance could be published allowing for multiple methods by which the regulatory requirements can be satisfied and the FAA inspector can readily access the requirements that need to be satisfied in order for the evaluator candidate to receive credit under 61.58, 61.157 and 135.339(a)(2)/135.340(a)(2) for a check/observation.

V. Background Information

ACT ARC Initiatives:

These recommendations address the short-term components of each of the following Steering Committee Initiatives:

Initiative #9: Establish a Workgroup to make recommendations about the relationship between training centers and air carriers in order to achieve standardization (where appropriate) in the following areas:

9.1 Check Airman Qualification

9.2 Flight Instructor Qualification

9.3 Air Carrier Training Curriculums delivered by Part 142 Training Centers

Initiative #33: Short Term Action—Instructor/Evaluator Training

Long Term Action—Consider methods to use data collected under the Aircraft-Specific 135 Standardized Curriculum model to incorporate innovative risk mitigation training techniques to continually improve the curriculum.

Source Report:

Flightcrew Member Training Hours Requirement Review Aviation Rulemaking Committee: *Report from THRR ARC* (ARC 209), May 23, 2011 at pgs. 2, 14-15. (See Recommendation that “an ARC be established to evaluate and clarify the rules governing the relationship between part 121 and part 135 air carriers and part 142 training centers.”)

Note: A similar “Special Rules” provision exists in 14 CFR part 121 that permits training to be conducted by 142 training centers. (See 121.402) However, training for part 121 air carriers is outside the scope of the initiatives assigned to the AC&CT WG. The recommendations submitted by the AC&CT WG at F2F-4 can be considered and expanded to address contract training provided to part 121 air carriers if the ACT ARC Steering Committee modifies the tasking and assigns the expanded task to the AC&CT WG.