

Federal Aviation Administration
Flight Standards Service
Air Carrier Training Aviation Rulemaking Committee (ACT ARC)

**Recommendation 17-5:
Guidance for Training Center Evaluator Observation Credit**

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-13. The ACT ARC Steering Committee adopted the recommendations with unanimous consent, and they are submitted to the Associate Administrator for Aviation Safety (AVS-1) as ACT ARC Recommendation 17-5.

II. Statement of the Issue

Title 14 Code of Federal Regulations (CFR) part 142 Training Center Evaluator (TCE) certification requirements and oversight are a challenge in meeting training obligations. Support of initial/annual TCE certification is inconsistent due to inconsistent application of existing guidance, lack of specific guidance, lack of FAA resource and/or availability, government budgetary constraints, and the modern dynamics of the training industry. This results in inefficient use of FAA and operator assets and the inability of operators to accomplish timely qualification or requalification of flight crewmembers due to the training provider's inability to accommodate pilot training events. Consequently, this renders the operators unable to crew flights, results in service failures, imposes an unjustifiable economic burden upon the operators, and is not in the public interest.

III. & IV. Recommendations & Rationale

The ACT ARC proposes the following recommendations for FAA consideration:

Recommendation 17-5(a):

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

Rationale:

This recommendation concerns a combined observation under the following sections:

- TCE non-certification proficiency checks - 61.58,

¹ The AC&CT WG is comprised of ACT ARC Steering Committee Members including 135 operators, 142 training centers, and membership organizations/industry associations. Recommendation AC&CT-17 was originally developed by the 142 Action Team, comprised of representatives from 142 training centers.

² This recommendation and rationale supplement Recommendation 15-1(d), adopted by the ACT ARC Steering Committee at F2F-4 in January 2015.

- TCE Certification practical tests for Type Rating and ATP events – 61.63 and 61.157, and
- FAA part 135.339(a)(2) observations.

The majority of part 142 training center activity involves recurrent non-certification events. This real-client, non-certification event will likely be the first available for an observation, and training centers need TCEs to conduct the proficiency check on these events. If a non-certification event is the first available, and the need for an examiner for the event exists, the resulting authorization will not allow the examiner to conduct 142 certification events or 135 observations until a further real-client certification event and/or 135 Check Airman observation in type is observed.

Equally, there are occasions when an inspector is not available for a real-client certification event observation, and the TCE candidate has to revert to a non-certification event. This requires the FAA resource to return for the same candidate when the next real-client *certification event* is scheduled within the next month or two. Training centers with both domestic and international facilities serviced by one FAA office compound this issue. At times, the event may appear before the FAA resource obtains clearance to travel to the foreign nation where the facility is located.

Over the past several years, FAA support of TCE certifications/renewals at foreign-based satellite training centers has become increasingly problematic due to FAA resource considerations. The training center is obligated to pay for all FAA-related travel in support of foreign satellite facilities. In some cases the training center is advised that the local FAA office cannot approve travel without budgeting for the event a quarter in advance. The perceived lack of agility by the agency can create a resource challenge for the training center.

Additionally, the need to have the same TCE become a Contract Check Airman for a 135 operator exists. This requires coordination between the 142 training center and the 135 operator, which must coordinate with its POI to have the observation authorized. Once coordinated, the POI requests the 142 Training Center Program Manager (TCPM) provide a resource for the 135 observation. In many cases, this results in an additional request of the same FAA resource that conducted the previous one or two recent 142 TCE observations.

The observations of these check rides are the same with respect to the operation of the Initial Operating Experience (IOS) panel and the content of the events tested with the exception of grading the event and completing the paperwork as it pertains to the different check rides. These differences can easily be addressed by a table top discussion with the TCE during the real event.

With the appropriate controls built into the guidance, one observation could satisfy all three requirements for a single examiner candidate. Currently, this observation would have to be a 135 Check Airman Observation for a certification authority check ride by a 135 operator who needs a Check Airman. These are difficult to obtain, and there are Principal Operations Inspectors (POI) that will not authorize a Contract Check Airman if he/she is not already a current 142 TCE with certification authority. The end result is at least two observations in a short period of time, likely by the same FAA resource.

This is not an optimal use of FAA resources and is difficult to schedule and track for no additional benefit to aviation safety. Also, most TCEs are examiners on two aircraft types, thus compounding the resource requirements.

Recommendation 17-5(b):

The ACT ARC recommends the FAA support the allowance of simulated certification evaluations for 14 CFR part 142 TCEs as authorized in inspector handbook guidance applicable to part 142 training centers.

Rationale:

Current FAA interpretation of Order 8900.1, Volume 13, Chapter 1, Section, Paragraph 13-33C(2) is that a jeopardy (live client) event is the only way to provide a legitimate determination of the TCE's ability to conduct a check/test. While industry concurs that an actual certification event provides an effective way to observe a candidate TCE in action, simulated events can be equally effective under the correct circumstance. The subject Order as quoted above doesn't require a jeopardy event in all cases. Additionally, the business environment is not always compatible with such events when needed or when the FAA is available.

The use of synthetic events when properly scripted allows for a specific issue to be introduced to the TCE candidate for assessment. If the client being evaluated by the TCE candidate makes no mistakes throughout the event, the FAA inspector does not have the opportunity to gauge the TCE's handling of failed tasks. In the use of synthetic events, prior meetings to identify the roles, outcomes, and sequence ensure a realistic environment to the applicant. With the FAA present, any aspect of "lack of realism" will be negated by the weight of authority brought by the FAA's oversight.

Recommendation 17-5(c):

The ACT ARC recommends the FAA develop guidance applicable to part 142 training centers that allow for a cadre of "senior TCE Examiners" who are approved by a Letter of Authorization (LOA) to conduct both initial and renewal TCE observations and practical tests/proficiency checks under specific circumstances.

Rationale:

The language contained in the Memorandum of Understanding (MOU) between the FAA and training center implies that in circumstances where a designated FAA Inspector is not available or will not be available within an acceptable period of time, the TCEP may assign a TCE for a certification evaluation ("one off") event. Furthermore, FAA Order 8900.1, Volume 3, Chapter 20, Sections 2 and 6 describe a process whereby evaluations could be conducted as a "one off" event under unusual circumstances.

It is recommended this authorization be clarified and available for use when an FAA inspector is unable to cover an event.

Recommendation 17-5(d):

The ACT ARC recommends revising FAA guidance to allow Flight Simulation Training Device (FSTD) operating experience on a *similar type* within the previous 12 months to count towards the existing 100-hour FSTD operating experience requirement.

Rationale:

FAA Order 8900.1 requires that a candidate for TCE "Have at least one year of training center experience as a simulator instructor and have accumulated at least 100 hours of FSTD operating experience within the previous 12 months in the same aircraft M/M/S, and type (if type is applicable) of FFS or aircraft for which the designation is requested." The values addressed in

Order 8900.1 are appropriate for an initial qualification as a TCE or for the addition of a new model when the TCE has no experience in that type. However, it does not support reasonable and efficient movement of experienced TCEs to meet business needs.

For example, When seeking the hours to reach the 100-hour requirement, and the subsequent oral and practical full certification events, it can take months to qualify an experienced TCE in a new model. Training providers would benefit from a more streamlined avenue for moving experienced TCEs among models. Allowance for recent similar type FSTD operating past experience would support that quality-based approach.

Recommendation 17-5(e):

The ACT ARC recommends the FAA revise inspector handbook guidance to clarify the meaning of the 14 CFR 142.53(a)(1) phrase “instructing in a representative segment of each curriculum for which that instructor is designated to instruct under this part.”

Rationale:

An observation on any aircraft for which an Instructor is qualified to instruct should be adequate to meet the representative segment requirement of this rule. It is the act and art of instructing that is pertinent for this observation. Pilot proficiency on each aircraft type authorized is otherwise guaranteed via recurrent pilot in command (PIC) training and checking for the Instructor being observed.

FAA Order 8900.1 already speaks to the requirement from 14 CFR 142.53(a)(1) to be observed instructing in a representative segment of each curriculum. However, 142.3 defines "core curriculum" and "specialty curriculum" as being plural, using the term "set" in both instances. No mention is made of specific airplane type in the definition. As written, it can be interpreted to mean teaching on a segment of training that is part of the collection of courses approved. However, some FAA inspectors have taken the current guidance to mean that an observation of instruction must occur each year in all types, and in some extreme cases, each individual model for which the instructor is qualified even when only minor Level A & B FSB differences are present.

The intent should be for an instructor to be observed providing instruction - to include preparation, briefing, lesson conduct, panel operations, debriefing, and training documentation completion. Pilot proficiency on each aircraft type authorized is already otherwise guaranteed via recurrent PIC training and checking for the Instructor being observed. As such, FAA guidance should clearly state that one observation each year is adequate to meet this requirement, even when instructors are qualified on two different aircraft types.

Recommendation 17-5(f):

The ACT ARC recommends the FAA revise inspector handbook guidance to harmonize part 142 TCE observation requirements with existing part 121/part 135 regulatory requirements for Check Airmen observations. Further, the ACT ARC recommends the FAA revise inspector handbook guidance to clarify alternating Annual Observation requirements to allow one certification authority observation to meet the TCE Observation requirements for all aircraft in which the TCE holds certification authority. The ACT ARC recommends revising FAA Guidance to allow TCE renewal observations to be accomplished by any qualified FAA inspector, regardless of aircraft specific qualifications.

Rationale:

Part 142.55 currently requires each TCE to attend recurrent training and pass an annual proficiency check, while FAA Order 8900.1 guidance currently requires an observation for each TCE annual renewal. Part 121 and part 135 both allow for a single 24 month observation on only one of the aircraft types for which the Check Airman is authorized.

In the FAA's disposition of comments at the original publication of part 142, the intent to have instructor and evaluator requirements under part 142 mirror those of part 121 was clear. In fact, it was even noted that for simulator-only instructors, lighter requirements were appropriate in some respects because these individuals would not be performing their duties in actual aircraft. The only observation requirement found in part 142.55 is that each TCE must pass a flight instructor observation every 12 months. On the Air Carrier side, 121.413(a)(2), 135.339(a)(2), and 91.1093(a)(2) each require an observation of each check airman to be accomplished at least once every 24 months on one of the aircraft for which the Check Airman is qualified to evaluate. Since part 121 is generally held out as the highest standard of excellence for both training and qualification, mimicking its 24 month observation cycle for part 142 TCEs will not compromise TCE quality or pilot safety. Harmonizing part 142 TCE observation requirements with Air Carrier Check Airman observation requirements would significantly reduce the number of FAA inspector hours needed in support of part 142 TCE observations.

When a TCE with full certification privileges is observed giving a certification check on one aircraft type, then his certification privileges should also be allowed to stand on the second aircraft type even when the alternating annual observation process is used.

FAA order 8900.1 states "The purpose of this observation is to evaluate the TCE's ability to administer a test or check as an evaluator and to complete the appropriate documentation. The TCE's aircraft-specific knowledge and flight training equipment proficiency is evaluated during the annual instructor observation and proficiency check for each curriculum." If the TCE is able to demonstrate the desired ability to administer a certification check on one aircraft type then a second TCE observation serves no purpose. The proficiency check conducted on all flight instructors/evaluators provides better evidence to the FAA of the TCE's knowledge of aircraft systems and procedures.

It is the act and art of evaluating that is being observed, not the evaluators PIC proficiency. The observing inspector need not be qualified on the specific aircraft model in order to judge TCE evaluating skills. Pilot proficiency on each aircraft type authorized is otherwise guaranteed via recurrent PIC training and checking for the TCE being observed.

During an initial TCE qualification, where the FAA inspector must observe the conduct of an oral examination, appropriate knowledge of the specific aircraft systems and operation is necessary to effectively determine the accuracy of the TCE candidate's oral questioning and evaluating ability. However, the renewal observation is a different case. TCE renewals should assume the aircraft specific knowledge and flight training equipment proficiency of the TCE candidate has already been demonstrated. The FAA inspector evaluating the renewal is merely checking the TCE's ability to administer a test or check as an evaluator and to complete the appropriate documentation. The observing inspector need not be qualified on the specific aircraft model in order to judge TCE evaluating skills.

V. Background Information

AC&CT WG Scope of Work:

These recommendations partially address the following component of the AC&CT WG Scope of Work:

- Consider current guidance documents for 142 training centers to assess the requirements for curriculum/program and instructor/training center evaluator (TCE) approval.

ACT ARC Initiatives:

These recommendations partially address the following Steering Committee Initiative assigned to the AC&CT WG:

- Initiative #41: Review 14 CFR 142, Subpart C and current guidance documents to assess the requirements for instructors and training center evaluators (TCE) and suggest improvements/changes to current guidance, if required.