



U.S. Department  
of Transportation

**Federal Aviation  
Administration**

Office of the Administrator

800 Independence Ave., S.W.  
Washington, D.C. 20591

September 5, 2014

The Honorable John D. Rockefeller, IV  
Chairman, Committee on Commerce, Science,  
and Transportation  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

As requested in the FAA Modernization and Reform Act of 2012, Section 217, I am pleased to provide you with a report outlining the Federal Aviation Administration's process for including qualified employees selected by each collective bargaining representative impacted by air traffic control modernization. These employees serve in a collaborative and expert capacity in the planning and development of air traffic control modernization projects, including NextGen.

We have sent identical letters to Chairman Shuster, Senator Thune, and Congressman Rahall.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael P. Huerta", with a circled "1" at the end.

Michael P. Huerta  
Administrator

Enclosure



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September 5, 2014

The Honorable John Thune  
Committee on Commerce, Science,  
and Transportation  
United States Senate  
Washington, DC 20510

Dear Senator Thune:

As requested in the FAA Modernization and Reform Act of 2012, Section 217, I am pleased to provide you with a report outlining the Federal Aviation Administration's process for including qualified employees selected by each collective bargaining representative impacted by air traffic control modernization. These employees serve in a collaborative and expert capacity in the planning and development of air traffic control modernization projects, including NextGen.

We have sent identical letters to Chairmen Rockefeller and Shuster and Congressman Rahall.

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The Honorable Bill Shuster  
Chairman, Committee on Transportation  
and Infrastructure  
House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

As requested in the FAA Modernization and Reform Act of 2012, Section 217, I am pleased to provide you with a report outlining the Federal Aviation Administration's process for including qualified employees selected by each collective bargaining representative impacted by air traffic control modernization. These employees serve in a collaborative and expert capacity in the planning and development of air traffic control modernization projects, including NextGen.

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September 5, 2014

The Honorable Nick J. Rahall, II  
Committee on Transportation and Infrastructure  
House of Representatives  
Washington, DC 20515

Dear Congressman Rahall:

As requested in the FAA Modernization and Reform Act of 2012, Section 217, I am pleased to provide you with a report outlining the Federal Aviation Administration's process for including qualified employees selected by each collective bargaining representative impacted by air traffic control modernization. These employees serve in a collaborative and expert capacity in the planning and development of air traffic control modernization projects, including NextGen.

We have sent identical letters to Chairmen Rockefeller and Shuster and Senator Thune.

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## **FAA Modernization and Reform Act of 2012, Section 217, Inclusion of Stakeholders in Air Traffic Control Modernization Projects**

This report outlines the processes developed and implemented by the Federal Aviation Administration (FAA) as required by H.R. 658, the FAA Modernization and Reform Act of 2012, Section 217, Inclusion of Stakeholders in Air Traffic Control Modernization Projects.

Section 217 in pertinent part states:

- (a) **PROCESS FOR EMPLOYEE INCLUSION.**—Notwithstanding any other law or agreement, the Administrator of the Federal Aviation Administration shall establish a process or processes for including qualified employees selected by each exclusive collective bargaining representative of employees of the Administration impacted by the air traffic control modernization process to serve in a collaborative and expert capacity in the planning and development of air traffic control modernization projects, including NextGen.

As outlined below, Collective Bargaining Agreements (herein after CBA) between the Federal Aviation Administration, U.S. Department of Transportation, and its largest unions, NATCA AFL-CIO, and PASS AFL-CIO provide for the inclusion of employees in planning and development of air traffic control modernization projects, including the Next Generation Air Transportation System (NextGen).

### **NATCA CBA (October 2009)**

#### **ARTICLE 114: NEXTGEN IMPLEMENTATION**

The FAA has developed and implemented a Standard Operating Procedure (SOP), which is an internal process document for FAA program managers to follow when obtaining bargaining unit participation from air traffic control Subject Matter Experts (SME) in support of FAA-funded NextGen program development and implementation. The procedure was developed in full coordination with the National Air Traffic Controllers Association (NATCA).

This SOP was implemented pursuant to Article 114 of the current CBA, which states:

ARTICLE 114, NEXTGEN IMPLEMENTATION, Section 1: "...develop a program for full participation by the Union to further the development and implementation of NextGen." When NextGen Program Managers require controller participation for a project or analysis, a request is submitted that lists the number of SMEs needed, when they are needed, and a description of the required background and experience levels. The request is sent to NATCA. NATCA uses a "call for volunteer" process and selects qualified and available controllers to

serve as the SMEs. The list of selected SMEs is sent to the FAA, and a release from the facility is coordinated, subject to operational requirements, for the selected controllers.

Some examples of recent studies and programs where the FAA has used controllers to help with the development and implementation of NextGen include:

- Human-in-the-Loop (HITL) simulations to assess human-system performance characteristics of future air traffic control support tools and concepts, including but not limited to, Surface Trajectory Based Operations Surface Conformance Tools, Closely Spaced Parallel Operations, and Staffed NextGen Towers;
- Concept of Operations review, evaluation, and feasibility assessment, e.g., NextGen Midterm Operational Concept, TBO Conflict Resolution Advisories, and Flexible Airspace Management; and
- User Interface design review and assessment, e.g., Relative Position Indicator.

As of the end of Fiscal Year (FY) 2012, the SOP process has coordinated support of over 487 SMEs for 78 discrete NextGen development and implementation events, e.g., HITL simulations and operational concept analyses.

#### **ARTICLE 48: TECHNOLOGICAL AND PROCEDURAL CHANGES**

Inclusion of employees in air traffic control modernization projects is also accomplished pursuant to Article 48 of the CBA, which in pertinent part states:

**Section 2.** The Parties agree that it is mutually beneficial for the Union to be involved in workgroups established at the local, regional or national level, to provide operational perspective into the development, testing, and/or deployment of technological, procedural, or airspace changes. Further, it is in the best interest of the Parties to resolve or minimize the technical issues so as to ultimately provide for more timely resolution.

**Section 3.** The Agency shall promptly notify the Union as to the formulation of any such workgroup(s) which affects bargaining employees. The scope of the workgroup shall be defined in writing and communicated to each member prior to the commencement of business. The extent to which the individual Parties are empowered to reach agreement in specific areas shall be determined in writing by the respective Parties.

The Union shall be allowed to designate a participant from the affected bargaining unit(s) to those workgroup(s). Union designated workgroup members will be provided access to the same information as any other workgroup member.

#### **PASS CBA**

#### **ARTICLE 13: NAS MODERNIZATION/TECHNOLOGICAL CHANGES**

**Section 2.** The Parties agree that it is mutually beneficial for the Union to be involved in the various phases of acquisition lifecycle through deployment of all new technologies and

changes to existing technologies and their applications. The Parties also agree that it is mutually beneficial for the Union to be involved in workgroups established by the Agency at the appropriate organizational level to provide operational perspective into the development, testing, and/or deployment of technological, procedural, NextGen or airspace changes. Further, it is in the best interest of the Parties to resolve or minimize the technical issues so as to ultimately provide for more timely resolution.

**Section 3.** The Agency shall promptly notify the Union as to the formulation of any such workgroup(s) which affects bargaining unit employees. The scope of the workgroup shall be defined in writing and communicated to each member prior to the commencement of business. The extent to which the individual Parties are empowered to reach agreement in specific areas shall be determined in writing by the respective Parties. The Union shall be allowed to designate a participant from the affected bargaining unit(s) to those workgroup(s). Union designated workgroup members will be provided access to the same information as any other workgroup member. Agreements reached by the Parties in the workgroup(s) referenced above shall be reduced to writing and shall be binding on both Parties.

Similar to the process described with NATCA, FAA developed and implemented a Standard Operating Procedure (SOP) for obtaining Airway Transportation System Specialist participation in support of FAA-funded NextGen program development and implementation prior to the recently implemented PASS CBA.

As of the end of FY 2012, the SOP process has coordinated support of over 35 liaisons for 24 discrete NextGen development and implementation groups, e.g., Surveillance Broadcast System (SBS).

The processes established with NATCA and PASS have been utilized with numerous projects, including but not limited to, the following:

- Terminal Automation Modernization and Replacement;
- En Route Automation Modernization;
- Automatic Dependent Surveillance-Broadcast;
- Metropolitan Airspace Redesign;
- Unmanned Aircraft Systems; and
- Optimization of Airspace and Procedures in the Metroplex.