



Chapter 736 Newsletter for December 2017



PRIVATIZATION

As 2017, with all its late-breaking legislative drama on Capitol Hill, headed for the history books, the airlines and their supporters were still waiting for a present they had hoped to receive from the chairman of the House Transportation and Infrastructure Committee: Control over the U.S. air traffic control system.

Whether that package is lost in the mail for good remains unclear. H.R. 2997 has not emerged from committee because its chairman, Rep. Bill Shuster (R-Pa.) has so far been unable to find enough votes to move along the proposal he championed again in 2017 after suffering a rebuff in 2016.

Even if it were to pass, the bill, known as the 21st Century Aviation Innovation, Reform, and Reauthorization Act (21st Century AIRR Act) faces more hurdles, especially with the Senate where there is no appetite to hand over our ATC system to special interests.

The Senate's FAA reauthorization measure, which has already been approved by the Senate Commerce Committee and does not seek to separate the Air Traffic Organization from the FAA, is expected to move through the Senate, on a bipartisan basis, early next year. The Senate measure includes AOPA-supported provisions of the **Forward Looking Investment in GA, Hangars and Tarmacs Act** (FLIGHT Act) that would "almost overnight" provide millions of dollars for **infrastructure projects** at "non-primary entitlement" airports.

Throughout the year, opponents of the House proposal to place ATC in the hands of a 13-member board on which the majority would be controlled by commercial special interests, with general aviation and business aviation each holding only one seat, have stepped up to make the case against the measure.

“This whole debate, for decades, has and is about controlling the system. The proposal before us will not reduce the cost of flying, it will not reduce delays, and it will not speed up the deployment of NextGen technologies. It’s a solution in search of a problem. We are fortunate to have the largest, most complex, and safest system in the world and it works for all the users not just a few, so why do we want to mess with that?” said Jim Coon, AOPA Senior Vice President of Government Affairs.

AOPA and 156 general aviation organizations from type clubs to state aviation entities have put up vigorous resistance, as members of Congress—who have received more than 150,000 contacts from the public on the issue—have affirmed, Coon said.

Not only have those contacts with members of Congress by AOPA members and others raised the profile of the issue among elected officials, but many of the lawmakers have been impressed by the knowledge exhibited by constituents who have contacted them, causing the lawmakers to pay serious attention to their concerns, Coon said.

Opponents of the House bill have pointed out that despite claims to the contrary by the proposal’s adherents, an ATC system removed from the FAA would not remedy most airline-flight delays, because most delays are not caused by ATC operations or technology, but rather by airline scheduling, airline maintenance issues, airline crew scheduling, and adverse weather.

As for the purported management expertise of an airline-dominant ATC entity, on the other hand, one need not delve far back into the headlines to recall several major airline computer system crashes that spread havoc through the system, stranding travelers and offering them cumbersome rerouting options once it was possible for operations to resume.

More recently—as if to provide a glint of a “privatized” future—an airline flight-crew **scheduling glitch** that cropped up as holiday-period pilot schedules were being arranged was not resolved until American Airlines paid its way clear by negotiating a more-than 200-percent pay increase for crews, a move that’s estimated to cost the airline nearly \$10 million.

Would a private-monopoly ATC system managing the operations of 15,000 air traffic controllers and thousands of other employees of the FAA’s Air Traffic Organization be exempt from such systemic failures?

Opponents also have effectively countered “privatization” supporters’ dated arguments critical of the progress of the FAA’s NextGen modernization program—which consists of six major technological platforms including Automatic Dependent Surveillance-Broadcast (ADS-B) for which most aircraft will be required to have equipment installed by Jan. 1, 2020.

They note that while the FAA fully deployed ADS-B technology in 2014, the airlines have lagged with only about 20 percent of the commercial fleet currently equipped to use ADS-B.

Also, opponents cite the opinion of the FAA's **NextGen Advisory Committee** that NextGen is now "on track, and on budget," Coon said. (It was after opponents rebutted the NextGen critiques successfully that pro-privatization interests "pivoted" to the equally flawed arguments citing ATC delays as a rationale for taking ATC away from the FAA, Coon added,)

Then there is the "too big to fail" issue that overhangs Shuster's proposal. Opponents point out that although the House bill would give away a public asset to a private ATC entity, that entity's failure to operate the system cost-effectively might dump a high-cost dilemma back in the lap of taxpayers in the form of a bailout of the ATC system—minus the direct oversight taxpayers now have through the accountability the FAA bears when justifying its \$16.1 billion budget.

Another doubtful detail about establishing a non-governmental ATC monopoly is the time, expressed in years, and the cost, expressed in billions of dollars, it would take to bring about the transition.

In contrast, the resources expended could be used to pursue the ongoing modernization of the ATC system.

AOPA details the association's many concerns about the House bill in this "emergency checklist" document titled "Why AOPA Opposes ATC 'Privatization'" that you can **download** to explain the issue to others who may have asked why the proposal is controversial.

Coon also notes that opposition on fiscal grounds has also come from nonaviation organizations such as the American Conservative Union, which in a **statement** issued in September cited a Congressional Budget Office evaluation that the House bill "would increase net direct spending by \$90.7 billion, increase net deficits by about \$20.7 billion, and result in discretionary outlays totaling \$52.3 billion over the 2018-2027 period, contributing to the already out-of-control spending problem we desperately need to curtail. Much like other quasi-private entities like Fannie Mae and Freddie Mac, H.R. 2997 would produce a hybrid organization exhibiting both government and private-sector legal characteristics, resulting in a scenario where taxpayers would be exposed to undue risk while the labor costs associated with this new entity would go unchecked."

Looking forward, the FAA's current extension of operating authorization is set to expire March 31, 2018.

FAA SEEKS MEMBERS FOR AIRMAN CERTIFICATION STANDARDS WORKING GROUP

The FAA has **published a notice** seeking additional members and describing new tasks for the Aviation Rulemaking Advisory Committee (ARAC) Airman Certification System Working Group as it proceeds with development of the integrated airman certification standards (ACS) for the FAA written and practical tests for pilots and aviation mechanics.

Applications by those interested in becoming members of the working group should be submitted by Jan. 11, 2018, to the FAA contact noted below. Please describe your interest in the task and state the expertise you would bring to the working group.

The AOPA-chaired working group's original task focused on developing ACS publications for the private pilot, commercial pilot, airline transport pilot, and instructor certificates, and the instrument rating in the airplane category. In February 2016, the task was expanded to include the aircraft mechanic certificate with airframe and/or powerplant ratings.

The FAA implemented the initial airman certification standards for the private pilot airplane certificate and instrument-airplane rating in June 2016. It implemented the initial ACS for the commercial pilot airplane certificate in June 2017, when it also released the first revisions of the ACS for the private pilot airplane certificate, and the instrument-airplane rating.

The working group's new task will require it to provide advice and recommendations to the ARAC in reports to be submitted by June 12, 2020, “on the continued development and maintenance of standards, training guidance, test management, and reference materials for airman certificates and ratings in the airplane category, to include Private Pilot, Commercial Pilot, Airline Transport Pilot, Instructor, Remote Pilot, and Aircraft Mechanic certificates and the Instrument rating, adding the rotorcraft, powered lift, and glider categories, and expand the scope to add the Sport Pilot and Recreational Pilot certificates in all categories.”

“The working group represents a real partnership between the aviation industry and FAA on the development, modification, and continued alignment of all the components of the airman certification system,” said David Oord, AOPA senior director of regulatory affairs and the working group's chair. “That alignment will ensure new pilots clearly understand exactly what they need to know, consider, and do for an airman certificate—making their training and testing more relevant and meaningful along the way.”

Those interested in becoming members of the working group should contact Van L. Kerns, Manager, Regulatory Support Division, FAA Flight Standards Service, AFS 600, FAA Mike Monroney Aeronautical Center P.O. Box 25082 Oklahoma City, OK 73125 by [email](#) or at 405.954.4431.

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Happy Holidays