

**OPENING STATEMENT OF
HONORABLE JAMES L. OBERSTAR
BEFORE THE HOUSE AVIATION SUBCOMMITTEE
REGIONAL AIR CARRIERS AND PILOT WORKFORCE ISSUES
JUNE 11, 2009**

Thank you, Chairman Costello and Ranking Member Petri for calling this important hearing on regional air carriers and pilot workforce issues. The crash of Colgan Flight 3407 serves as a reminder that we must maintain constant vigilance over airline safety. Although the National Transportation Safety Board (NTSB) has not yet completed its investigation of the Colgan accident, it has identified issues related to pilot training and fatigue as possible factors, and notes in its testimony that it has made numerous recommendations to the Federal Aviation Administration (FAA) for rule changes in these areas.

The opening line of the Federal Aviation Act of 1958 states that “maintaining **safety** is the highest priority.” Having a strong safety culture at the FAA must begin at the top. I am pleased to see that the new FAA Administrator Randy Babbitt is here today to discuss the issues arising from the Colgan crash. He has had a long career in aviation, including as a pilot, and I welcome his insight and action to ensure that FAA thoroughly responds to the issues that are discussed today.

Moreover, I have often observed that airline safety begins in the Company Boardroom. If regulations are paid lip service in the Boardroom in an effort to increase the bottom line, we all fail. Each airline must have a strong safety culture to ensure that the highest levels of safety are maintained.

In the early 1990s, labor and industry voiced their concerns to me regarding the disparity in the Federal Aviation Regulations between part 121 passenger carrier and part 135 commuter carrier operations. These concerns followed a spate of accidents involving commuter aircraft operating under part 135. On February 9, 1994, as Chairman of the Aviation Subcommittee, I held a hearing to determine whether FAA safety regulations should be modified to establish a single standard for all scheduled operations, regardless of size. Later that year and again in early 1995, I introduced legislation to require the FAA to establish “one level of safety”—that is, to apply its safety standards uniformly to all air carrier operations, without regard to the seating or payload capacity of the aircraft involved.

On December 20, 1995, the FAA issued a final rule to establish “one level of safety,” requiring scheduled commuter air carriers to operate under the more stringent part 121 air carrier regulations.

Nevertheless, many issues concerning regional carrier safety have resurfaced. The recent NTSB hearing on the crash of Colgan Flight 3407 identified the need to closely examine the regulations governing pilot training, rest requirements, and the oversight necessary to ensure their compliance. This is a particular concern at regional carriers since the last six fatal part 121 accidents involved regional air carriers, and the NTSB has cited pilot performance as a potential contributory factor in three of those accidents. The NTSB is also looking into how pilot fatigue may have contributed to the Colgan crash.

Though today regional and mainline carriers must operate under part 121 minimum requirements for FAA-approved training programs, I am concerned that these requirements may grant airlines too much latitude, making it difficult for FAA inspectors to ascertain whether pilot training programs are adequate.

Earlier this week the FAA announced a “Call to Action” for airlines to voluntarily implement training best practices. But many of the issues arising from the Colgan crash are not new issues and may not be able to be corrected using voluntary initiatives. For example, based on an accident in 2003, the NTSB recommended that airlines establish remedial training programs for pilots who have failed a significant number of proficiency checks. In 2006, the FAA responded by issuing guidance

recommending remedial training programs. NTSB will testify today that despite this recommendation, Colgan did not institute a remedial training program.

Another important factor is Crew Resource Management (CRM), including crew pairing. CRM is an important tool that encourages enhanced situational awareness and problem solving, which encourages everyone in the crew to question decisions made, to create a safe and efficient flight operation. I am interested in hearing from our witness on any suggestions for enhanced CRM.

One of the most critical issues facing pilots today is fatigue, especially in this economic downturn and with the air carrier's emphasis on increasing productivity and driving down labor costs. Working long hours on an irregular schedule can have a deleterious effect on a pilot's decision-making abilities. Having well-rested pilots is critical to aviation safety. It is time to refocus our efforts and press the FAA to resolve these very significant and complex flight and duty issues. As I have repeatedly said: Fatigue does not show up in autopsies! Our nation's pilots must be provided adequate rest to perform their critical safety functions. Anything less is simply not acceptable!

I also have concerns about whether pilots who work second jobs or live long distances from their work stations are adequately rested when they start their work

schedule. Current FAA regulations only govern hours worked as a pilot, and leave off-duty activities to the good judgment of pilots. We will want to consider whether we need the airlines or the FAA to show more concern about off-duty activities.

As mainline carriers increasingly outsource smaller domestic routes to regional airlines, I am also concerned about the relationships that exist between these carriers. Passengers do not always realize they are flying on a carrier other than the one they bought the ticket from originally. Mainline and regional air carriers both operate under part 121 regulations but arguably mainline carriers have more resources and infrastructure to go over and above the minimum regulations issued by the FAA. When mainline carriers put out a bid for a “fee for departure” or a “shared revenue” agreement it is because they want that route flown for less money than they could afford to fly it. A question that we should explore is: do the economic pressures on regional carriers to win these bids undercut training and other safety related programs?

Today’s hearing is an important reminder that Congress must continue to be ever vigilant at holding FAA accountable on its true mission, to promote safety. A strong safety culture starts at the top, with the FAA Administrator and in airline Boardrooms across America.

Thank you again, Mr. Chairman, for holding this hearing. I look forward to hearing from our witnesses.