

## **NATA: Major Policy Issues**

In 2018, NATA accomplished many legislative wins in the [FAA Reauthorization Act of 2018](#). Enacted into law on October 5, 2018, the legislation (Public Law No. 115-254) reauthorizes the Federal Aviation Administration (FAA) for five years and provides \$96.7 billion in funding. This enacted law incorporates language from the [House](#) and [Senate](#) FAA bills and includes eleven other unrelated bills from over six committees in each chamber, including issues related to NTSB and TSA.

The Reauthorization Act [contains many provisions](#) sought by NATA as part of our 2018 Major Policy Issues, including:

### **Regulatory Consistency**

#### Implement Section 313 ARC Recommendations

Aviation businesses are constantly confronted by the varying requirements of eight FAA regions, 10 aircraft certification offices, and 80 flight standards district offices, each of which issues individual approvals for a wide range of maintenance and operational requests. When the FAA grants approval for a certificate or process to one aircraft operator or maintenance facility without giving the same approval to a similar business in another area of the country, it directly affects the competitiveness of companies.

The 2012 FAA reauthorization created an FAA/Industry Committee, the “Consistency of Regulatory Interpretation Aviation Rulemaking Committee (CRI ARC)” to address this issue. NATA co-chaired this ARC and produced a series of recommendations. It is important the panel’s final recommendation, the creation of a Master Source Guidance System, be implemented as quickly as possible. Section 223 of PL 115-254 addresses the need for a process to review and eliminate outdated or conflicting material on both a current and ongoing basis.

#### Continue the Expansion of FAA Delegation

It is not possible for FAA employees to personally oversee every facet of aviation, so public law allows FAA to delegate certain functions, to private individuals or organizations. The Flight Standards Service has been slow to expand its use of delegation resulting in a concerning backlog of approvals and services for the general aviation industry. Aviation Safety Inspectors must rightly focus on higher priority risks which takes their attention away from general aviation aircraft owners. NATA supports the retention of Section 221

that requires the Flight Standards Service to establish metrics to ensure progress is made in achieving full utilization of FAA delegation and designation authorities.

## **Assistance for Small Business**

Title II, FAA Safety Certification Reform, contains many sections that will streamline the various processes of small businesses, including aircraft certification reform and flight standards reform. NATA has worked with Congress to ensure the retention of these issues that are discussed throughout the title:

### Improving Air Carrier Certification for Small Business

For pilots who wish to offer their services to the public, NATA strongly supports streamlining existing FAA policies and procedures used for the certification of so-called Single Pilot Part 135 Air Carriers. Holders of these certificates are limited in the size and scope of operations that are authorized, to include having smaller aircraft and only a single pilot. Due to their size, these carriers are not required to comply with the same regulatory requirements for manuals, training programs, and management positions as larger operators. Importantly, these operations are required to meet the same safety standards.

FAA staffing and allocation of resources has led to a backlog of applicants and regional variability in availability of FAA to manage or even accept new applications. NATA supports a thorough assessment of the current certification process for these small carrier applicants, the number of persons currently seeking certification and the average time from initial application to certification. In addition, NATA requests FAA provide recommendations to Congress to streamline the process and more effectively allocate resources (e.g. not by geography) that will lead to shorter certification times without compromising safety standards.

### Part 135 Industry Trends

The 2012 FAA reauthorization required the FAA to conduct a study of operators regulated under Part 135 to include size and type of aircraft, the equipment and hours flown and utilization, safety record, sales revenue and the number of airports and passengers served. A similar study was required in the 2000 AIR-21 legislation. The study provides information that will be useful on a continuing basis to industry and government and will save resources within both the agency and other federal departments/agencies that would otherwise be directed to create similar information. NATA supports the inclusion of the report in the final bill.

## **Safety**

### Permissible Sharing of Flight Expenses

NATA appreciates the industry/ government partnership to address the ongoing issue of permissible flight sharing. This collaboration resulted in the inclusion in H.R. 302 of Section 515, which requires the FAA to issue clearer guidance on permissible flight sharing and a

related GAO study. The inclusion of Section 515 calls for a review of the rationale for federal policy on flight sharing as well as the safety, security, and other concerns related to the practices. We feel this approach provides a comprehensive look at when commercial certification is required as well as a review of the historical rules and regulations as defined by the FAA.

NATA strongly opposed retention of language added to the 2016 House reauthorization bill that purportedly was designed to clarify that pilots could communicate via the internet and expand the ability of private pilots to fly passengers that are willing to “share expenses.” Proponents are attempting to create “flying Uber” websites (examples: Flytenow, AirPooler, and others) that deliberately bypass the FAA’s safety net of required pilot training and aircraft maintenance for commercial pilots. For example, private pilots with as little as 35 hours of flight time, who have no requirement for minimum liability insurance, and are not required to hold ratings permitting flight in poor weather, could carry passengers for hire.

#### Rooting Out Illegal Charter Operators

NATA routinely receives complaints about persons operating unlicensed charter flights. The competition from these black-market charters is real, as is the danger posed to safety. In 2008, NATA developed a hotline for air charter operators to report suspected illicit operators and provide information to the FAA for investigation. Operation of the hotline was later transferred to the Air Charter Safety Foundation, which continues to operate it.

Section 540 of the legislation requires the Secretary to submit an analysis of reports filed during the preceding 10-year period through the FAA’s illegal charter hotline that includes follow-up action the Secretary or the Administrator can take when a report is received, how the DOT or the FAA decide to allocate resources, challenges the DOT and the FAA face in identifying illegal operators, and recommendations for improving efforts to combat illegal charter operations. NATA recommended the inclusion of the language (thanks to the efforts of Senator Catherine Cortez Masto – D-NV) which directs the FAA to report on its efforts to combat illegal charter, helping the industry to understand the scope of the issue and what future steps might be needed to take to protect passengers and legitimate businesses. The language requires the FAA Administrator to submit an analysis of reports filed during the preceding ten-year period through the FAA’s illegal charter hotline, that includes follow up action the FAA takes when a report is received, how the FAA decides to allocate resources, challenges the FAA faces in identifying illegal operators, and recommendations for improving efforts to combat illegal charter operations. NATA looks forward to working with the FAA, through the association’s [Illegal Charter Task Force](#), to stamp out illegal operations.

#### Improve the Quality of Part 135 Incident Reporting Data

Currently, neither the FAA nor the NTSB segments Part 135 incident data, making it difficult to accurately measure safety data and trends. Because the data is so non-

homogeneous it is impossible to derive clear trends or identify areas for safety emphasis and direct resources to the safety enhancements that will result in the most improvement. NATA commends Congress for requesting the FAA, through Section 311, to collaborate with the NTSB and Part 135 industry stakeholders to determine what additional data points are appropriate to collect and report back to Congress on additional data that will be collected, the timeframe for implementation and any potential obstacles for implementation.