

Written Testimony of Don Gunther, Vice President Safety,
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Before the Senate Commerce Committee

Aviation Safety: The Relationship between Network Airlines and Regional Airlines

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Good Morning. My name is Don Gunther and I am a Captain and the Vice President of Safety for Continental Airlines. I served as an active duty pilot in the United States Navy for 6 years, and I am now a retired Navy Reservist. I have flown for Continental Airlines for 32 years. I have qualified on the B-727, DC-10, B-737, B-757, B-767 and I am currently qualified on and still fly the B-777. And on behalf of my over 40,000 colleagues at Continental Airlines, it is an honor to testify today before this Committee on one of the most critical and challenging topics in aviation – safety.

Before I go further, I'd like to share with you all how deeply saddened the extended Continental family was by the Colgan Air accident that occurred near Buffalo earlier this year. Whenever there is an aviation accident here or abroad, all aviation professionals worldwide grieve for the loss of the victims, the impact on their families and the impact on our own personnel.

I have three points to make today and then I will be happy to answer your questions.

1. We at Continental are committed to air travel safety. This is not a finite goal – it is a dynamic process that requires all players to strive toward continuous improvement. This “continuous improvement” is one of the essential elements of an effective Safety Management System (SMS). Continental is committed to working with all members of the aviation community to continuously improve the safety of our air transportation system.
2. Continental recognizes the leadership and oversight role of the Federal Aviation Administration (FAA) in promoting and ensuring airline safety. Continental understands and embraces its role as an air carrier certificated by the FAA to comply with all applicable laws of Congress and regulations of the FAA diligently, effectively and with commitment to the best interests of safety. Under the FAA regulatory framework, network carriers cannot and should not serve as a safety check for the operations and performance of regional carriers. There should be one regulatory standard of safety and it should apply to all carriers. To ensure that level of safety, the FAA is the regulatory body responsible for overseeing every aspect of the safety of every U.S. airline – regional, mainline or network. Continental is committed to partnering with other members of the aviation community to develop and implement safety solutions that work within the framework prescribed by the FAA. To maintain the integrity of our aviation system, however, network carriers must not usurp the FAA's role by regulating or overseeing the certification and operations of regional airlines.

3. Continental appreciates the opportunity to share some of its thoughts with this Committee on how the safety bar can be raised. I will address these opportunities later in the testimony.

In reviewing the testimony delivered by other witnesses before this Committee earlier this year, the DOT Inspector General said it best with the comment, "Safety is a shared responsibility among FAA, aircraft manufacturers, airlines and airports. Together, all four form a series of overlapping controls to keep the system safe."

At Continental we agree. Aviation professionals – whether they are employed by the government, the airlines, the manufacturers or the airports – come to work every day focused on a purpose – to assure employee safety and the safe passage of every aircraft and every airline passenger 24 hours a day, 7 days a week, 365 days a year.

Continental recognizes that even one fatality in an aviation accident is one too many. This recognition should not diminish our understanding of the many accomplishments and safety improvements that have been achieved in air transportation. The airline safety record compares favorably to other modes of transportation. Since 1938, when the government began keeping records of aviation accidents, the very worst year for airline fatalities was 1974, with 460 deaths recorded. By contrast, more than 40,000 people die each year in highway accidents. According to the National Safety Council, which publishes an annual report on accidental deaths in the United States and measures passenger deaths per 100 million passenger miles, airlines are consistently the safest mode of intercity travel, followed by bus, rail and automobile. This record speaks for itself.

Of course, the primary issue of the hearing today is not to determine whether the system is safe, but rather to examine the relationship between network carriers and regional carriers. The primary responsibility for airline safety regulation, for both network and regional carriers, lies with the FAA. Carriers are responsible for complying with all applicable laws of Congress and FAA regulations. The FAA's major safety functions include reviewing the design, manufacture and maintenance of aircraft, setting minimum standards for crew training, establishing operational requirements for airlines and airports and conducting safety-related research and development. In short, the FAA sets the safety standards for all airlines, and all airlines are each individually responsible for ensuring their own compliance.

But, as the DOT IG pointed out in his statement to the Committee earlier this year, the FAA does not get its safety job done without extensive collaboration from other partners. Government and industry officials commonly work together to address recognized safety problems, usually through committees or task forces comprised of representatives of equipment manufacturers, airlines, pilots, mechanics, the FAA and NASA.

The Commercial Aviation Safety Team (CAST) – of which I represent the industry (ATA, RAA, Boeing, ALPA, etc.) and Peggy Gilligan, the FAA Associate Administrator for Safety, represents the Government (FAA, NASA, DoD, etc.), is a good example of

collaboration within the aviation community for the benefit of safety. Examples of issues and activities that have been the object of collaboration for the benefit of aviation safety include: Aging Aircraft, Collision Avoidance, Wind Shear, Flammability Factors, Human Factors and Safety Management Systems (SMS).

Ms. Gilligan and I also co-chair the Aviation Safety Information and Analysis Sharing (ASIAS) program. ASIAS brings together data from airline Aviation Safety Action Programs (ASAP) and Flight Operational Quality Assurance (FOQA) programs with FAA data and other data from public sources. Currently these data are aggregated and analyzed by the MITRE Corporation and CAST has used this analysis to develop Industry Safety Enhancements. ASIAS includes data from both mainline and regional carriers and is a monumental step forward in data-driven safety change.

When it comes to regional carriers, the first step is to confirm that the carrier has a current operating certificate from the FAA because we recognize the FAA's authority as the body responsible for determining the carrier's fitness to fly safely, authorizing the carrier's operation, and promoting and enforcing government safety standards.

Continental also obtains and reviews safety audits performed by qualified independent entities to learn more about a regional carrier. These include:

- The International Air Transport Association's (IATA) Operational Safety Audit ("IOSA"). The successful completion of an IOSA Audit is considered a very good indication of a carrier's safe operations.
- The DOD Survey, which is an audit performed by the military under the Secretary of Defense to ensure safety compliance of airlines that transport military personnel.
- Other network carrier audits conducted using internally developed checklists, which are traditionally derived from IOSA standards. These audits may occur by an individual carrier or using shared resources when a regional operator partners with more than one network carrier.

Continental communicates regularly with regional carriers and follows up on any notice it receives of safety or operational concerns relating to regional carriers.

We in the aviation community appreciate the opportunity to discuss real issues and challenges in our industry. This Committee and the FAA have taken significant and constructive steps towards improving safety in the aftermath of the Colgan Airlines accident.

Striving to improve safety is the common goal of everyone in the airline industry. The aviation community appreciated the Administrator's June "call to action", and his leadership in asking that all carriers reaffirm their safety commitment. Continental has and will continue to do so. We believe the "call to action" will produce meaningful results on key topics such as pilot records, pilot professionalism and flight and duty

time. Continental participated in the first meeting here in Washington in June and will be participating in the subsequent “road shows” that are scheduled to take place around the country this summer.

Furthermore, Continental is an active participant in the FAA’s Advisory Rulemaking Committee (ARC) on Flight, Duty and Rest Requirements. We remain committed to the Administrator’s stated goal that we should have a proposal ready by Labor Day and are actively attending all sessions and contributing to the final product. We are optimistic that the ARC will embrace SMS as a basis for moving forward with flight and duty time regulations. SMS is an overarching philosophy under which all functions of airline management take an active role in contributing toward safety awareness, education, cost justification, resource allocation and conservation, product reliability and overall performance.

The FAA Reauthorization Bill, which you and your colleagues introduced just a few weeks ago, contains several critical elements that will enhance safety. We applaud the Chairman and the Committee for mandating ASAP, FOQA, LOSA and AQP. These, and the other FAA voluntary safety programs, provide a wealth of data that give the industry more “predictive” information that comes from day to day operations. Continental Airlines already has all of the FAA voluntary safety programs in place and we are proud of the work that we do with our ALPA coworkers and the FAA to make sure the data collected through these programs enhances training and operations to improve the level of safety at Continental.

Success stories using FOQA and ASAP data to drive safety change occur on a regular basis at Continental. I would like to share with you one Continental experience that shows the power of this proactive approach to reducing risk. Initially, both FOQA and ASAP data indicated that a small number of our crews were not following the Traffic Collision Avoidance System (TCAS) commands to climb or descend. Even though the numbers of crews not following the TCAS commands were low, the risk was assessed as high by members of the Flight Operations Safety Action Team, which includes members from Flight Operations, Training, ALPA Safety and FAA personnel from our local office. The decision was made to enhance TCAS training in both ground school and simulator training. Following this training, the data showed near perfect compliance by the Continental flight crews. This issue and its implemented solution occurred 18 months prior to a tragic mid-air collision (not involving Continental) over Germany due in part to TCAS compliance issues on the part of a crew. In other words, the predictive data we obtained through FOQA and ASAP allowed us to identify a trend, make a change in training and follow-up with ongoing monitoring for compliance – clearly a successful outcome for all parties.

If we were to leave the Committee with one suggestion, it would be to ensure the availability of FAA voluntary safety programs across the industry through financial support and legislative protections. In 1997 the FAA sponsored the FOQA Demonstration Project for air carriers with an FAA approved program, which included only one regional carrier. This program included funding for the initial FOQA equipment

and helped to establish a proactive approach to data driven safety change. A similar approach to reach additional carriers would be equally effective. After the COMAIR accident in Lexington several years ago, attempts were made to use ASAP reports as evidence in the trial. ASAP reports provide critical data to airlines who seek to adjust their operations or training programs to enhance safety. But ASAP reports should be protected data available to a court only under a protective order – in the COMAIR case, once the word got out that the ASAP reports might become part of the trial record, we saw an immediate drop off in pilot reports, thus proactive safety enhancements were inhibited.

Mr. Chairman, let me end where I began. I am a Captain at Continental Airlines – proud of my profession and proud to spend every day of my career striving to improve the safety of what is recognized to be the safest form of transport today. Safety is our shared goal, and it is why I am here today. We remain firmly committed to the collaborative process that we believe yields the most positive results to help this industry prevent the next accident. We look forward to working with you to improve safety going forward. Thank you for your time and attention, and I am happy to answer questions at this time.