



STATEMENT OF
CAPTAIN CARL KUWITZKY, PRESIDENT
COALITION OF AIRLINE PILOTS ASSOCIATIONS
BEFORE THE
SENATE COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION'S
SUBCOMMITTEE ON AVIATION
HEARING ON
"COMMERCIAL AIRLINE SAFETY OVERSIGHT"

UNITED STATES SENATE
WASHINGTON, DC

March 20, 2012

*Representing over 28,000 professional pilots at American Airlines,
US Airways, Southwest Airlines, UPS Airlines, ABX Air, Horizon Airlines,
Southern Air, Miami Air, Polar Air Cargo, Kalitta Air, Gulfstream Air, Cape Air,
Omni Air, and USA 3000*

Coalition of Airline Pilots Associations

World Headquarters

444 N. Capitol Street
Suite 532

Washington, DC 20001

(202) 624-3535 (office)

(202) 624-3536 (fax)

Website: www.capapilots.org

Twitter: @CAPApilots

STATEMENT OF
CAPTAIN CARL KUWITZKY, PRESIDENT
COALITION OF AIRLINE PILOTS ASSOCIATIONS
BEFORE THE
SENATE COMMITTEE ON
COMMERCE, SCIENCE AND TRANSPORTATION'S
SUBCOMMITTEE ON AVIATION
HEARING ON
"COMMERCIAL AIRLINE SAFETY"
UNITED STATES SENATE
WASHINGTON, DC

March 20, 2012

Good afternoon, Madame Chairperson Cantwell, Senator Thune and the distinguished Members of the Subcommittee on Aviation Operations, Safety and Security as well as Commerce Committee Chairman Rockefeller. My name is Captain Carl Kuwitzky. I am a line pilot currently flying for Southwest Airlines for 29 years. I am honored and grateful for your invitation to appear before you today in my capacity as President of the Coalition of Airline Pilots Associations (CAPA).

CAPA is a trade association focused exclusively on the safety of the flying public and the enhancement of the piloting profession. We represent over 31,000 commercial airline pilots of Southwest Airlines, American Airlines, US Airways, UPS, Southern Air, ABX Air, Atlas Air Cargo, Kalitta Air, Polar Air Cargo, Arrow Air, Horizon Air, Miami Air, USA 3000, Omni Air, and Gulfstream Air. CAPA was proudly in the forefront in the fight for the passage of the Airline Safety and Federal FAA Extension Act of 2010.

We congratulate this Subcommittee and all of the Senate and the House for enacting this important legislation vital to the safety of America's flying public and to maintaining and improving the high standards of our profession. Enactment of the Airline Safety Bill in 2010 was indeed a watershed moment for the commercial aviation industry. However, it was only the first step that needs to be taken for the safety of our flying public. The rigorous implementation of that bill by the Federal Aviation Administration is the next step that must be taken to ensure commercial aviation safety. As you know, the FAA recently released the new flight duty and rest regulations required by the Airline Safety and FAA Extension Act of 2010.

These long awaited regulations were on the National Transportation Safety Board's "Most Wanted" list and sought by professional commercial airline pilots for over twenty years. The FAA correctly used all available science, convened an Aviation Rulemaking Committee and considered thousands of public comments to determine specific rules governing flight time and duty time in our profession.

While CAPA applauds the promulgation of those rules, it is with regret that we must suggest that the critical standard of "One Level of Safety" for all commercial carriers was not met by the FAA. The regulations unfortunately have a critical flaw, that is, the exclusion of mandatory compliance by "all-cargo" operations. The safety of our nation's air space is only as strong as its weakest link, and that weak link is fatigue in primarily all-night cargo operators who were excluded from the rule.

Madame Chairperson, approximately 15% of all departures in the United States are all-cargo flights. These aircraft fly in the same airspace and routinely interact with passenger carriers throughout the aviation system. Cargo and passenger aircraft interact during numerous critical phases of flight which include Precision Radar Monitored (PRM) approaches and Land and Hold Short Operations (LASHO). During PRM approaches, aircraft fly with absolute minimum separation, relying on each other to fly precise approaches. During LASHO operations, aircraft are cleared to land and hold short of a crossing runway or taxiway where other aircraft are operating.

Madame Chairperson, an exemption similar to this cargo "carve-out" was attempted in the early 1990's when TCAS was mandated for passenger carriers while cargo carriers were exempt due to the alleged cost of the system. Following a fatal passenger/cargo midair accident in 1996, a near miss in 1997 between a UPS Boeing 747 and Air Force One, and two additional near misses in 1999, TCAS was finally mandated for all cargo aircraft. We feverently hope that the current cargo carve-out can be obviated by the FAA or by Congressional statute if necessary before there is a terrible episode of a fatal accident. It is CAPA's position that until the new flight and rest regulations are applied to passenger carriers, all-cargo carriers and supplemental carriers, our air space will not be governed under "One Level of Safety" and the American public will not be assured of their right to a maximum level of safety.

The Airline Safety and Federal FAA Extension Act of 2010 was also enacted to upgrade the minimum professional stands for First Officers piloting commercial aircraft. CAPA has always advocated the Airline Transport Pilot (ATP) License as the minimum standard for employment as a pilot with a Part 121 or Part 135 air carrier. The ATP provides the minimum requisite academic coursework, flight training and experience needed for the safe piloting of today's complex, high-speed aircraft through a congested, multifaceted air traffic control network in difficult weather and other situational environments. Mainline air carriers require the ATP for employment and once again, "One Level of Safety" dictates that all air carriers, regional or otherwise, should require the ATP as well. The 1500 flight hours that the ATP requires develops a mature, experienced and professional aviator who has the foundation to exercise prudent judgment while responsible for the safe transportation of scores of passengers.

We were gratified that the Airline Safety bill did suggest directionally that all commercial airline pilots have an ATP. We were concerned that the legislation did allow the FAA Administrator to make exemptions from this standard. We were further concerned that the FAA rules will, while upgrading the current minimum standard, not actually require all commercial aviation pilots to have an ATP. We will continue to press the FAA and the Congress to ultimately fix this deficiency in the standard required in our profession.

Madame Chairperson, on another issue not part of the Airline Safety Bill, I would like to raise the issue of the Federal Flight Deck Officer program. The FFDO program is a highly cost effective one designed to provide the last line of defense against possible terrorist activity aboard commercial aircraft. The pilot participants in this program bear significant costs out of their own pockets to train and take part in the program. Other programs such as that of the Federal Air Marshalls (FAMS) are hugely augmented, again in a highly cost effective manner, by the FFDO pilots. The Federal expenditures associated with the FFDO program are a tiny fraction of the cost of the FAM program. As you know, the FFDO budget has been stagnate for a number of years resulting in a significant backlog of pilots who have applied to participate in the program and are awaiting training due to the lack of federal funds. In addition, unfortunately the budget the President submitted recently to the Congress cuts very substantially the federal funds allocated to the FFDO program.

CAPA urges the Senate Commerce Committee and the Senate Appropriations committee to reject that cut in expenditure and indeed increase FFDO funding so new applicants can be trained for the program.

Finally, CAPA congratulates this Subcommittee, the full Commerce Committee and the entire Congress for finally enacting an FAA Reauthorization bill. This bill will help to propel NextGen forward and provide a sustainable, certain level of funding for the nation's air travel infrastructure. It is the first step the Congress has taken to the development of a national air transportation policy for the 21st century.

CAPA looks forward to working constructively with this Subcommittee on all of the matters I have raised in my testimony. I look forward to your questions and comments. Madame Chairperson, I would respectfully request that my longer statement be included in the record of this hearing.