

FAA Pilot Certification and Qualification Requirements for Air Carrier Operations - Final Rule

On July 7, 2013, the FAA released the Final Rule for pilot certification and qualification requirements for air carrier operations – commonly referred to as the “First Officer Qualification (FOQ) Rule” or “1,500 Hour Rule.” The Final Rule was published in the Federal Register on 7/15/2013, effective immediately.

AOPA has been an active participant in the proceedings leading up to this final rule – commenting on the Advance Notice of Proposed Rulemaking ([ANPRM](#)), participating in the First Officer Qualification Aviation Rulemaking Committee (FOQ ARC), and commenting extensively on the [NPRM](#).

Although primarily directed at air carriers, AOPA had significant concerns with the NPRM about the effect this rule will have on Part 61 flight training providers and new student pilot starts. The final rule will effectively prevent Part 61 training providers from being a viable pathway to an airline carrier both by limitation on who can provide the required training and on how time is credited toward the restricted ATP certificate. It appears the final rule does little to address AOPA’s concerns. As it stands, it has the potential to negatively affect flight training by disenfranchising potential career pilots thus negatively effecting local flight schools.

BACKGROUND

The Final Rule requires all second in commands (SIC) – also known as first officers or co-pilots – to hold an Airline Transport Pilot (ATP) certificate, requiring 1,500 hours total time as a pilot. Previously, first officers were required to have only a commercial pilot certificate, which requires 250 hours of flight time. Hiring practices were previously market driven via supply and demand – sometimes reducing hire-time to the 300’s. This rule also requires first officers to have an aircraft type rating, which involves additional training and testing specific to the airplanes they fly.

The new regulations stem in part from the tragic crash of Colgan Air 3407 in February 2009, and address a Congressional mandate in the Airline Safety and Federal Aviation Administration Extension Act of 2010 to ensure that both pilots and co-pilots receive the ATP certification. The rule is one of several rulemakings required by the Act, including the new flight duty and rest requirements for pilots that were finalized in December 2011, and new training requirements expected this fall for air carrier training programs to ensure pilots know how to react properly in difficult operating environments.

HIGHLIGHTS OF THE RULE

- The Final Rule contains an allowance for pilots with fewer than 1,500 hours of flight time or who have not reached the minimum age of 23 to obtain a “restricted privileges” ATP certificate. A restricted privileges ATP certificate allows a pilot to serve as a co-pilot until he or she obtains the necessary 1,500 hours. The options are:
 - Military pilots with 750 hours total time as a pilot;
 - Graduates holding a Bachelor’s degree with an aviation major with 1,000 hours total time as a pilot;
 - Graduates holding an Associate’s degree with an aviation major with 1,250 hours;
 - Pilots who are at least 21 years old with 1,500 flight hours.
- Prior to receiving an ATP certificate, pilots will have to complete a new, yet to be developed, FAA-approved Airline Transport Pilot Certification Training Program (ATP CTP). The program will consist of, at a minimum, 30 hours of academic coursework, and 10 hours of training in FSTDs: six hours in a Level C or higher FFS and four hours in Level 4 or higher FTD. Instructors for the training program must have an ATP certificate and part 121 experience.
- Enhanced training requirements for an ATP certificate, including 50 hours of multi-engine flight experience and completion of a new FAA-approved training program. The final rule also requires that all SICs serving in part 121 operations hold a type rating in the airplane being flown.
- A requirement for a pilot to have a minimum of 1,000 flight hours as a co-pilot in air carrier operations prior to serving as a captain for a U.S. airline.

The rule, in its entirety, can be viewed at -

<https://www.federalregister.gov/articles/2013/07/15/2013-16849/pilot-certification-and-qualification-requirements-for-air-carrier-operations>

KEY DATES

- Effective Date: July 15, 2013
- Compliance Date: August 1, 2013
- ATP knowledge tests may be completed without the ATP CTP before July 31, 2014
- ATP knowledge tests completed after July 31, 2014 will be valid for five years (60 calendar months)

PILOT QUALIFICATION RULES

Qualifications	Prior Rules	New Rules
Airline Transport Pilot (ATP) certificate Multi-engine airplane	<ul style="list-style-type: none"> At least 23 years old; Hold commercial pilot certificate with instrument rating; Pass ATP knowledge and practical tests; and 1,500 hours total time as pilot. 	<ul style="list-style-type: none"> Meet all requirements in prior rules; Have at least 50 hours in a multi-engine airplane; and Successfully complete new ATP Certification Training Program (ATP CTP) prior to taking the ATP knowledge test (after July 31, 2014).
Airline Transport Pilot certificate with restricted privileges (multiengine airplane rating only)	None	<ul style="list-style-type: none"> At least 21 years old; Hold commercial pilot certificate with instrument rating; Successfully complete new ATP Certification Training Program prior to taking the ATP knowledge test (after July 31, 2014); Pass ATP knowledge and practical tests; and At least 750 hours total time as (military pilots); or At least 1,000 hours total time as pilot and a Bachelor's degree with an aviation major; or At least 1,250 hours total time as pilot and an Associate's degree with an aviation major; or 1,500 total time as a pilot.
Serve as First Officer (Co-pilot) in Part 121 air carrier operations	<ul style="list-style-type: none"> Hold commercial pilot certificate with instrument rating; and at least a second class medical certificate. 	<p>OR</p> <ul style="list-style-type: none"> ATP certificate with type rating for aircraft flown ATP certificate with restricted privileges and type rating for aircraft flown; and At least a second class medical certificate.

Serve as Captain (pilot in command) in Part 121 air carrier operations

- ATP certificate with type rating for aircraft flown;
- At least 1,500 hours total time as pilot; and
- First class medical certificate.
- Meet all requirements in prior rules; and
- At least 1,000 flight hours in air carrier operations (as co-pilot in Part 121 operations, as Captain in fractional ownership operations, as Captain in Part 135 turbojet, commuter, or 10 or more passenger seat operations, or any combination thereof).

AOPA NPRM COMMENTS, FAA FINAL RULE, & POTENTIAL IMPACT

In our comments to the NPRM, AOPA recommended the following revisions to the proposed rule change –

Remove simulator requirements from ATP requirements. Simulator requirements are most applicable to certain type ratings, not ATP certificate qualifications -

AOPA was concerned about the lack of availability of full motion flight simulators (FFS). Although many part 121 air carriers lease or own simulators for the purposes of training their employees, part 135 certificate holders and pilots pursuing an ATP for reasons other than air carrier operations typically only have access to a Level C or higher simulator through a part 142 training center. Part 142 training center simulators are frequently scheduled many months in advance and run 24 hours a day, seven days a week in order to meet demanding training schedules. In fact, many part 135 certificate holders report reserving simulator training time a year or more in advance. Even most part 121 air carriers' in-house training centers have very complex schedules. The FAA seemingly did not consider the availability of FSTDs when drafting this proposal. Lack of availability of FSTD time could make this a regulation for which compliance is impossible.

Most aviation universities do not currently have a Level C or D FFS. The cost to acquire, house, operate, and maintain the device would be prohibitive. The University of North Dakota (UND) was quoted \$8 million dollars to purchase a Level C FFS. This means UND would have to charge \$1,000 per hour to operate the simulator – passed directly to the student. This cost does not include the cost to build a building to house the FFS or the cost to hire staff to operate the equipment.

FAA Final Rule – The FAA retained the requirement for training certain topics in an FFS but did modify the training hours in the final rule. Rather than 16 hours of FSTD training proposed in the NPRM, the final rule requires 10 hours of training in Flight Simulator Training Devices (FSTDs): six hours in a level C or higher FFS and four hours in Level 4 or higher FTD. The FAA also determined, even with moderate usage for non ATP CTP training, there is ample inventory of available FSTD time to accommodate the requirements of the

course. Although the FAA considered cost when aligning the appropriate device to the training task, meeting the learning objective was the paramount consideration.

Potential Impact – AOPA remains concerned about the available supply of FFS to conduct this new training requirement. Training providers, be it the regional airline, universities, Part 135 certificate holder, or otherwise will, most likely, need to acquire an FFS to be a viable training provider. The cost of acquisition is known to be significant and who bears that cost is yet to be seen. Current 142 trainers with FFS capable of being used for the training program are currently run 24 hours a day, 365 days a year.

Require ATP Certification Training Program or Advanced Jet Training (AJT) prior to placing a pilot in to part 121 revenue service; NOT as a prerequisite to the ATP certificate -

AOPA is concerned the FAA either misunderstood or misconstrued the FOQ ARC's recommendations regarding "advanced jet training" or ATP CTP for crewmembers entering part 121 service as Second-in-Command. The FOQ ARC did not recommend the AJT course be a prerequisite to the ATP certificate because the ARC recognized AJT would not be applicable to all operations in which an ATP certificate may be utilized.

The FOQ ARC recommended the AJT course be required prior to entering revenue service – in other words, that an AJT course should be provided by the air carrier prior to flying passengers. However, the FOQ ARC did recognize the benefit of such a course in part 121 airline operations and therefore recommended that credit be given towards the restricted ATP certificate hour requirement for completion of an AJT course.

AOPA recommended the FAA reword the program requirement so it is required only of individuals employed by part 121 air carriers, prior to flying in revenue service and not as a prerequisite to all ATP certificates. That would decrease the overall cost of the proposed regulation and avoid unnecessary economic burden on individuals seeking an ATP certificate without the intention to use it in part 121 air carrier operations. The FAA should also give credit towards the restricted ATP certificate hour requirement for completion of an AJT course. This would further decrease the overall cost of the proposed rule.

The law of primacy also applies to the AJT course and could have a negative impact on a pilot's training. Unless the pilot is already employed by a part 121 air carrier, it is possible the pilot will have to complete simulator training in an aircraft the pilot never ends up flying. It is even more likely the pilot will not receive training specific to the policies and procedures of the air carrier the pilot is eventually employed by. The FAA's attempts at enhancing safety are actually decreasing safety by encouraging negative learning principles.

FAA Final Rule – The FAA disagreed with those commenters that suggested the ATP CTP be incorporated into the air carrier initial training because the subjects are already taught or

because the training only applies to pilots in part 121 operations. The ATP CTP will cover topics the air carrier is not required to teach. For those general knowledge areas that are currently part of a part 121 initial training program, the FAA has modified subpart N to remove those requirements and reduce ground training for those pilots who have completed the ATP CTP. A pilot in an air carrier training program receives training specific to the air carrier's operation and the specific aircraft that pilot is going to fly. Even if the subjects are offered by an air carrier in initial training, the pilot is focused primarily on learning the company operation and the specific type of aircraft they will fly, not on broader, foundational concepts that the ATP CTP is designed to provide.

Furthermore, the FAA believes that most pilots will receive the ATP CTP through employment – either at air carriers, with their own training facilities and simulators, or at part 142 training centers through training agreements, as these are the organizations that have the FFSs required for the ATP CTP.

Potential Impact – The ATP CTP remains a primary concern to AOPA. No program currently exists and, once developed, will have to be approved by the FAA.

The training program has a number of unknown variables which could add significantly to the costs and complexities of the requirement –

- Instructor requirements – Instructors must have at least two years of experience as pilot in command in air carrier operations
 - In order to obtain adequate number of qualified instructors, CTP providers will need to pay competitively
- FAA approval - Each ATP CTP submitted for approval will be reviewed by FAA Headquarters to ensure standardization.
- Costs – no course currently exists and could cost well above \$10,000
- Who pays for the course?
 - Pilot – out of pocket
 - Pilot – training contract with employer
 - Student – incorporated into tuition
 - Air Carrier – part of initial training
 - Part 135 Operator

Allow credit for individual academic courses and flight training completed at a part 61 and part 141 flight school to count towards total flight hours -

AOPA believes academic training courses should be credited towards flight hours required for the ATP certificate, but filed a dissenting opinion with the FOQ ARC as to the definition and application of academic training courses. AOPA recommends a more equitable split between credits earned from part 61 schools, part 141 schools, and other training paths. AOPA disagreed with the FOQ ARC on the amount of credit recommended for the “structured” training paths (i.e.

university / collegiate flight training programs or military training programs) relative to the amount of credit given, or not given at all, to the general aviation training paths of part 141 schools or part 61 individual flight instructors. AOPA recommended more credit be available for training conducted under parts 141 or 61. AOPA believes the FAA has too narrowly interpreted the term “academic training courses” and feels Congress would have been more specific had it intended this statement to be limited to collegiate or university programs.

The effectiveness of a flight training course depends in great part to the competencies of the individual flight instructor, whether that flight instructor is training under a university program, a flight academy, a part 141 flight school or through individual flight instruction. Many flight instructors giving training under part 61 have part 121 or 135 air carrier experience and so may be more qualified to train pilots wishing to pursue a professional pilot career than any other flight instructors. We believe this point is overlooked in offering credits only to pilots completing a four-year degree or military training program.

Also, important to keep in mind is that, regardless of the training path taken, all pilots are required to pass the exact same FAA administered written knowledge exams and must meet the same Practical Test Standards for certificates earned. The core competencies that must be met are exactly the same.

Although there is definite benefit of additional academic courses taken in aviation, AOPA believes that a 500 hour advantage given to pilots who received training through a university four-year degree program puts the pilots who are not able to pursue a four-year degree program, the individual flight instructor and part 141 schools at a great financial disadvantage. With the credits currently offered through this recommendation, potential students are faced with the choice of enrolling at a university or face a 500 hour disadvantage. That 500 hour disadvantage (at an average of \$175 / hour of aircraft rental) equates to over \$87,500.

AOPA also believes significant safety benefit can be realized through the completion of individual academic training courses and a full four-year degree program is not necessary to enhance safety. The FAA's proposal only provides credit for completion of a four-year degree program. This forces a pilot to commit to a substantial financial burden in order to receive credit towards ATP certification flight hours. Instead, the FAA should allow pilots to attend individual courses and receive flight hours credit commensurate with the coursework. AOPA is not advocating the FAA provide credit for courses unrelated to aviation like accounting or creative writing. Rather AOPA believes courses related to crew resource management, human factors, meteorology, advanced jet training, and similar topics related to the air carrier environment should be credited towards flight hours. This would provide students outside of the often prohibitively expensive four-year degree programs an avenue to receive credit towards flight hours. And for students enrolled in an aviation four-year degree program, it will encourage electives to be chosen that would have the most benefit in their future air carrier careers, instead of courses that simply offer credits towards graduation without any safety benefit.

AOPA asked the FAA to consider allowing credit towards required flight hours for pilots who complete part 61 and 141 training. Part 141 flight schools utilize very structured training programs, approved by the FAA and subject to considerable FAA oversight. Further, many of the university and collegiate programs the FAA proposes to give credit for actually use a part 141 flight school to complete the flight training portions of their academic programs. If the FAA finds that training sufficient to provide credit towards hours when a degree is earned, why is that same training from the same training providers insufficient to count towards flight hours when a full four-year degree is not pursued? Many part 61 schools also follow structured syllabi and employ highly qualified instructors. Why is no credit given for training at these facilities? Once again, regardless of the training path taken, airman certificates are issued based on competency and proficiency of the pilot.

FAA Final Rule – The FAA does not support a reduction in flight hours for pilots who complete training at an “aviation academy,” or for pilots who complete their ground and flight training at a part 141 pilot school. The reduction for graduates who receive bachelor’s or associate’s degrees with aviation majors was not based solely on the completion of ground and flight training for certification at a part 141 pilot school. Rather, the reduction was based on the content and substance of a broader academic curriculum completed concurrently with ground and flight training for certification. The FAA notes that the regulations already reflect a reduction in flight hours for a commercial pilot certificate completed at a part 141 pilot school or part 142 training center. Pilots who complete a commercial pilot certificate as part of an approved part 141 or part 142 curriculums can apply for a commercial pilot certificate with 190 total flight hours, as opposed to the 250 hours required for those pilots who train under part 61.

The FAA acknowledges that flight academies generally provide focused training to prepare pilots for a professional pilot career; however, the FAA does not agree that the academic curriculum is sufficient to meet the intent of the Act. Flight academies do not spend an abundance of time in aviation coursework, separate from the minimally required ground school, over a period of several years. These academies lack the accredited and structured academic environment that the aviation colleges and universities provide. The courses taught by aviation academies are primarily focused on flight training and obtaining certificates and ratings rapidly. Many programs advertise a person can obtain their private pilot certificate, commercial pilot certificate, instrument rating, and certified flight instructor certificates in 12 months or less.

Potential Impact – AOPA continues to have significant concerns about the effect this rule will have on Part 61 flight training providers and new student pilot starts. The final rule will effectively prevent Part 61 training providers from being a viable pathway to an airline carrier both by limitation on who can provide the required training and on how time is credited toward the restricted ATP certificate. It appears the final rule does little to

address AOPA's concerns. As it stands, it has the potential to negatively affect flight training by disenfranchising potential career pilots thus negatively effecting flight schools.

Remove restrictive proposed FSTD instructor requirements for instructors teaching the ATP certification training program –

While the FAA's proposed rule changes are forcing more pilots in to a very limited number of qualified FSTDs in order to meet minimum requirements, the agency is also changing the requirements of FSTD instructors. Buried in the Proposed Amendment text but not specifically discussed in the preamble is a change to 142.47, which describes part 142 instructor qualifications:

"If instructing in an FSTD for a curriculum approved under § 61.154 [ATP certification training program] of this chapter, holds an airline transport pilot certificate with an airplane category multiengine class rating, meets the aeronautical experience requirements of § 61.159 of this chapter, and has at least 2 years of experience as a pilot in operations under § 91.1053(a)(2)(i) or § 135.243(a)(1) of this chapter, or in any operation conducted under part 121 of this chapter. Additionally, instructors must have an appropriate aircraft type rating for the aircraft that the FSTD represents or have received instruction from the certificate holder on any maneuvers or concepts they will demonstrate in the FSTD."

Did the FAA evaluate the qualifications of current instructors at training centers likely to offer the ATP certification training program described in 61.154? AOPA believes some instructors currently employed by part 142 training centers and other facilities likely to offer this training do not meet all of the qualifications the FAA proposes to add to 142.47. Although many instructors would have the type rating this proposed addition requires, some instructors might not have the two years of experience as a pilot in § 91.1053(a)(2)(i) or § 135.243(a)(1) operations. The FAA did not evaluate any costs associated with identifying current instructors who do not meet the operational experience requirements and will not be able to provide this training, or hiring and training new instructors who do meet these requirements. Certainly many instructors will meet these requirements but not all and the FAA needs to include the related costs in the economic evaluation of this proposed rule change. It will only become more difficult to recruit instructors who meet these qualifications as the other proposed requirements decrease the available pilot pool. Further, these new requirements for FSTD instructors are not legislated by PL 111-216. How did the FAA quantify the perceived benefit of this restriction? It appears that since the cost has already been determined to far exceed the benefit in this rulemaking, there is little sense of obligation to justify further costs. Again, this is a clear example of the FAA going beyond the requirements of the legislation.

FAA Final Rule – The FAA believes there are a sufficient number of instructors with the required experience available, many of whom are already employed at likely ATP CTP providers. For example, air carriers that conduct their own training often use their own line pilots for the FSTD training. The FAA recognizes ATP CTP instructors with the requisite experience may require higher pay in comparison to current part 141 instructors and even some part 142 instructors. As a result, the FAA has accounted for a higher hourly wage in its economic analysis of the costs associated with the course.

As part of this final rule, each instructor who provides training for the ATP CTP must receive initial training in the following topics:

- The fundamental principles of the learning process;
- Elements of effective teaching, instruction methods, and techniques;
- Instructor duties, privileges, responsibilities, and limitations;
- Training policies and procedures; and
- Evaluation.

With sufficient documentation, the FAA does not believe pilots with current flight instructor certificates or currently qualified part 142 training center personnel need to repeat such training.

Potential Impact – The instructor requirements to teach a course that has yet to be developed and/or approved is another yet to be seen ramification of this final rule. Pay and incentives to teach the course will need to be on par with Part 142 training centers and 121 operations. The question remains who and how many pilots will want to teach the training program, where at, and at what cost? If a significant number of instructors come from 121 operations, what effects will it have on the airline pilot supply?

Allow any ATP applicant to obtain the certification at age 21 and receive a restricted privileges certificate -

The FAA proposes to amend 61.153(a) to allow an individual to obtain an ATP certificate at the age of 21 if the individual seeks certification through 61.160, the new regulations allowing credit towards flight hours for completing a Bachelor's degree with an aviation major at an accredited institution. The individual would receive a restricted privileges certificate. Why did the FAA lower the minimum age for individuals who choose (and can afford) the academic route to certification but not to all ATP applicants? This inconsistency creates a disadvantage for many pilots who would be unable to obtain an ATP certificate prior to age 23 and therefore would have limited career opportunities until that age, while other collegiately trained pilots would have more options. Seniority at air carriers equates to increased pay, better scheduling, and improved overall quality of life. The FAA is promoting inequality among pilots simply because some are able to attend an aviation university and obtain a four-year degree and others cannot and achieve certification through other paths. The cost of this inequality is difficult to quantify because of the

unknown number of pilots who will benefit from the age 21 allowance, but it is certainly substantial and has not been accounted for in this rulemaking. The FAA should allow any ATP applicant to obtain the certification at age 21 and receive a restricted privileges certificate.

FAA Final Rule – Based on the comments, however, the FAA has determined that a pilot who has reached the age of 21, has logged 1,500 hours total time as a pilot, and satisfies the remaining aeronautical experience requirements for an R-ATP certificate should be permitted to apply for an R-ATP certificate and serve as an SIC in part 121 operations.

These pilots will exceed the age requirement of 18 years old that is currently required to obtain a commercial pilot certificate which, prior to the final rule, allowed a pilot to serve as SIC in part 121. Additionally, these pilots will have achieved the total flight time for an ATP certificate obtained under §61.159. The FAA has determined that permitting such pilots to serve as SICs is an increase in the level of safety under current regulations and is consistent with the public law's focus on a higher level of flight experience for pilots serving in part 121 air carrier operations.