



The New Law of The Land

By Capt. John Prater, ALPA President



When President Obama signed the 15th extension of the FAA reauthorization bill (P.L. 111-216), he signed into law provisions that will lead to improved safety standards not only for current ALPA members but also for our future members. New language in the law forces the FAA to address flight- and duty-time (FT/DT) limits and pilot fatigue. Sound like familiar issues? You're right. For more than two decades, ALPA leaders have pushed for new rules to address pilot fatigue; and when the president signed the bill into law, it was our language, our concerns, and our call to action that shaped that provision.

In 2008, ALPA's Board of Directors set our legislative and regulatory goals and time lines to accomplish these goals. Our Engineering and Air Safety and Government Affairs Departments worked closely with decision-makers on Capitol Hill, ensuring that what began as the Airline Safety and Pilot Training Improvement bill did not get watered down and was completed in this congressional session.

So what happened? The provisions in that bill, which we helped craft, were hitched onto the short-term FAA reauthorization extension before the congressional recess. And President Obama signed the bill into law just days after it passed nearly unanimously in both the House and Senate.

The law now sets a one-year timetable for the FAA to issue final regulations on FT/DT limits and minimum rest requirements based on scientific evidence that addresses pilot fatigue. For ALPA members, this deadline represents the final approach of a flight that we began in 1990 to revise federal regulations that are more than 50 years old.

The Association is prepared to address the FT/DT notice of proposed rulemaking (NPRM) as soon as it's published, which is mandated to be within 180 days. Here in the U.S., the Aviation Rulemaking Committee addressing pilot fatigue finished its work last October. The FAA administrator finished the NPRM this spring and sent it to the Department of Transportation, which is currently evaluating the notice before the Office of Management and Budget reviews it. Meanwhile, Transport Canada has appointed Capt. Dan Adamus (Jazz) to co-chair a government-industry committee on revising Canadian FT/DT regulations.

The 111th U.S. Congress might be the first to direct FT/DT regulatory reform, but we pulled a page from Canada's law books when Congress required the FAA to issue a rule mandating that all airlines implement safety management systems (SMS).

Transport Canada already requires Canadian airlines to have an SMS, so they are ahead of the rest of the world in implementing this new approach to safety. It's no secret that ALPA believes a voluntary, confidential, and nonpunitive reporting program is an essential element to making SMS work. But in Canada, we learned that you cannot legislate the corporate cultural change required for an effective SMS. That's why the Association was pleased with the language that requires the FAA to come up with, and act on, a plan that *encourages* all airlines to establish ASAP and FOQA programs. ALPA fought hard for language in the final bill that addresses *encouraging* these programs rather than *requiring* them, because we all know

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The new law directs these and other improvements in the U.S. (see "From the Hill," page 31), but there are several safety issues that remain in the unpassed reauthorization bill that we will continue to push for, including the enormous task of modernizing our airspace; improving runway safety; and continuing necessary volcanic ash, icing, and wake turbulence research—just to name a few.

And that's where each ALPA member comes in. I encourage you to meet with your members of Congress and find out where they stand on issues that directly affect you as an airline pilot. Show up in uniform at their offices or at a campaign event. If issues like job security, collective bargaining rights, and restrictions on international outsourcing rank high among your priorities, I encourage you to become involved in the campaigns of the candidates who support those goals.

Your union's Political Action Committee will support the candidates who support airline pilots, no matter what side of the aisle they're on. ALPA, working with your master executive council legislative committees, is the most powerful advocate for our profession on the Hill. No single pilot group can accomplish what 38 pilot groups standing united can accomplish. With your support, ALPA will continue to influence the legislation that will affect each and every airline pilot. That, I can promise you.