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AIR LINE PILOTS ASSOCIATION, INTERNATIONAL

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March 21, 2002

Public Docket Office
Department of Transportation
400 Seventh Street, SW
Room PL-401
Washington, D.C. 20590-0001

DEPT. OF TRANSPORTATION
DOCKETS
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Subject: Docket No. TSA-2002-11602, Civil Aviation Security Rules

Dear Sir or Madam:

The Air Line Pilots Association, International (ALPA), which represents more than 64,000 airline pilots who fly for 43 airlines in the U.S. and Canada, has reviewed the subject document. We are most appreciative of the opportunity to provide the Federal Aviation Administration (FAA) and the Transportation Security Administration (TSA) with our comments and recommendations on the subject final rules.

We strongly urge the FAA and the TSA to consider our comments while developing the specific criteria and protocols for implementing a stronger and more threat-based security system and for future regulatory proposals. Aviation security measures must never be static, but evolve and improve to meet the ever-changing threat.

Accordingly, we would like to submit a short summary of some of the TSA rules that we believe to be inadequate, with the recommendation that the agency issue proposed, and eventually final, regulations to address those areas. We recognize that the TSA is required to write new regulations in the foreseeable future to implement certain provisions of the Aviation and Transportation Security Act (ATSA).

§ 1542.201, Security of the secured area.

This section should be amended to include a requirement for airport operators to require that each tenant, including airlines, employ the recommendations of the FAA's Aviation Security Advisory Committee's Employee Utilization Working Group. The essence of those recommendations is that all airport, airline and service employees can, and should, receive an appropriate level of training and ongoing information about how to make aviation more secure. One noteworthy recommendation is the creation of a security reporting "hotline" at all airports for tips, suspicious behavior, abandoned bags, and the like.



§1544.1, Applicability and § 1544.101 Security Program Adoption and Implementation.

There should be One Level of Security for all commercial airline operations, regardless of whether passengers or cargo are flown, the number of seats, or whether the operation is scheduled or chartered. One of the most important lessons learned from the September 11th attacks is that we cannot assume that the worst, and even the unimaginable, will not happen. Terrorists habitually strike at vulnerabilities, and cargo operations are now at an increased risk level because they, in large measure, do not have the same types of protection as those employed for passenger airlines. These sections should be amended to require the same level of protection for all operators.

§ 1544.201, Acceptance and screening of individuals and accessible property. Before 9/11, pilots were required to carry a small tool kit or “combination” tool in their flight case for dealing with small mechanical issues during flight. Currently, pilots may not carry sharp or pointed objects with them through the security-screening checkpoints, which excludes several of the tools needed for safety of flight (e.g., screwdrivers, “leatherman” tool, etc.). This section should be amended to give positively identified airline pilots the ability to carry these tools through screening checkpoints.

Further to additional comments below, positively identified crewmembers should be issued smart cards that can be used to remove them from passenger security screening queues, thereby increasing efficiency with no loss of security.

§ 1544.203, Screening of individuals and property. This section should be amended to require that airlines implement a methodology for positively identifying each passenger and bag on the aircraft using currently available, computerized technology. Doing so will (1) create a deterrence effect and (2) help ensure that nothing comes aboard the aircraft that is not capable of being identified later. Such an identification system should be integrated with CAPPS.

§ 1544.205, Acceptance and screening of cargo. This section should require that the aircraft operator prevent or deter the carriage of unauthorized explosives or incendiaries in cargo aboard both passenger and cargo aircraft.

§ 1544.219, Carriage of accessible weapons. Until summer of 2001, there was a regulatory provision that enabled pilots to fly armed with the concurrence of their companies. It is unfortunate that the provision no longer exists, and ALPA is on record calling for a rulemaking to restore that ability to protect the flight deck. We recommend that the TSA include language in this section that will enable properly trained and voluntary pilots who meet stringent federal qualifications, to be armed for the betterment of aviation security and the airline industry’s future.

§ 1544.229, *Fingerprint-based criminal history records checks (CHRC's)*. While ALPA has strongly endorsed the use of CHRC's for job applicants, ALPA has numerous concerns with the potential for harm to trusted employees through the administration of this section. The AFL-CIO's Transportation Trades Department, has submitted comments dated March 11, 2002, to Docket No. FAA-2001-10999, which include ALPA's expressed concerns.

§ 1544.231, *Airport-approved and exclusive area personnel identification systems*. Both the title and provisions of this section fail to recognize the needs of transient airline employees. While it is appropriate for an airline to issue an "airport-approved" ID card at a particular airport for non-transient employees, it is inappropriate to do so for pilots and other transient employees. This long-standing regulatory provision, which has been carried over into these TSA regulations, has created the potential for security breaches from those who would pose as pilots and, consequently, has resulted in tremendous inefficiencies through repetitive security screening and other security measures used on individuals who are trusted employees.

ALPA is aware that the DOT/TSA is developing the Transportation Worker Identification Card system, and we fully support this concept. When it is implemented, however, a new regulatory requirement should mandate that all airports recognize TSA-approved and airline-issued, smart card-biometric identification media used by pilots to gain access to the SIDA. Allowing individual airports the ability to determine whether a pilot's TSA-approved ID card will be allowed to grant access to their facilities via legitimate and secure means will further perpetuate a most undesirable and avoidable situation.

We appreciate the opportunity to provide these comments and look forward to working with the TSA on new security enhancements.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard W. Luker". The signature is fluid and cursive, written in a professional style.

Howard W. Luker
Senior Security Specialist

HWL:bkt