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A REPUBLIC AIRWAYS COMPANY

DEPT. OF TRANSPORTATION
DOCKETS

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August 26, 2003

FAA-03-15085-32-

Dockets Management System
US Department of Transportation
400 Seventh St., SW
Room PL 401
Washington, DC 20590

Dear Sir/Madam:

SUBJECT: COMMENTS TO DOCKET NUMBER FAA-2003-15085

Chautauqua Airlines (CHQ) would like to thank you for the opportunity to comment on the above-referenced proposed rule to clarify the Hazardous Materials Training Requirements. With the complexity of Hazardous Materials Regulations, CHQ recognizes the need to prepare employees by training to job-specific training curriculums. After reviewing the Notice of Proposed Rulemaking, we would like to formally comment on several items.

14 CFR 121.804

The proposed rule requires the certificate holder to:

[121.804(b)] ... retain the training records... at the location where the trained person performs or supervises the function specified in [14 CFR] 121.801(a).

Additionally, 121.804(c) requires that each record include:

- 1) *The person's name and function performed or supervised;*
- 2) *The dates of each training course successfully completed within the preceding three years;*
- 3) *A statement signed and dated by a person designated by the Director of Training certifying that the person has completed training...;*
- 4) *A description of each training course successfully completed by the person that includes for each course:*
 - (i) *Date of the course;*
 - (ii) *Subject matter of the course and training area covered;*
 - (iii) *Number of hours of the course;*
 - (iv) *Instructor's name and signature indicating the person's successful completion of the course, and the person's name and signature indicating the person's attendance; and*
 - (v) *Name and business address of the organization or professional instructor providing the training.*

The requirement to maintain signatures and statements of individuals involved is a step backward in CHQ's opinion. Currently many carriers maintain a central database of training records. Such databases are subject to approval of various agencies including OSHA, the EPA, and of course the FAA. Training records currently include student's name and identification number (i.e. SSN,

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Employee Number), the course completed, the date of completion, confirmation the employee passed the course, and an instructor identifier.

Additional items to be tracked will greatly increase the size and complexity of the existing databases, if the existing databases could even be used. Additionally, previous records, which must be maintained for certain time periods, would not have the new information, thus would be out of compliance upon passage of a final rule.

The requirement to have signatures on file will require many carriers, who do not have at present electronic capabilities to capture signatures, to maintain paper copies of training records. The proposed rule would, in effect, reverse the benefits of technology and push carriers to maintain separate training files at each training location versus a centralized database accessible from any location.

Job-Function Categories

In the proposed rule, the FAA defines six (6) categories of employees based on job function:

- (1) *Persons who accept cargo, packages or passenger baggage.*
- (2) *Persons working in supply, storage, or warehouse facilities, or involved in shipping of aircraft parts, supplies or company material.*
- (3) *Persons who handle, store, and load or unload packages, passenger baggage or cargo.*
- (4) *Person engaged in passenger and baggage check-in services (e.g., skycaps, ticket counter agents, flight attendants, etc.)*
- (5) *Persons responsible for cargo during flight (including pilots, flight engineers, flight attendants, dispatchers).*
- (6) *Flight crewmembers who do not perform any responsibility listed above.*

CHQ is unclear as to the applicability of each of the job-function categories. For example, CHQ pilots are responsible for all cargo and baggage loaded on his/her aircraft. Flight attendants take an active role in assisting passengers with their carry-on baggage. Is the FAA proposing both of these agents fall into Category 5 and thus must receive all thirteen training modules? Ticket agents accept baggage for transport at the ticket counters. Are they subject to Category 1 or Category 4 training requirements?

Is it the intent of the FAA to require training programs given to different categories of employees to be the same? Thus, will pilots receive the same training as flight attendants?

While the need to specify job-specific training requirements exists, the proposed rule is, in essence, overly stringent, requiring all but ramp agents and ticket agents to become hazardous materials acceptance trained. CHQ would like to support the Agency's initiative, however the proposed rule would require significant changes to training programs and provide unnecessary information to certain groups of employees.

Content and Delivery of Training Modules

The proposed rule identifies thirteen (13) modules to be part of each air carrier's HAZMAT training program. CHQ's current program, which has been approved by the FAA, is not outlined in the proposed format. While all components required by 49 CFR 172.704 are presented to

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appropriate audiences, the programs are not divided into specific modules. To prepare a HAZMAT program, therefore, that follows the prescribed curriculum would require significant efforts by various business unit training organizations internal to CHQ, costing both time and money.

How the modules are presented is also of concern. In the past several years, many carriers, CHQ included, have embraced learning technology and present part or all of their programs on computer-based training (CBT). The program either be loaded onto a CD or accessed directly from the Intranet. Tests can be performance based and self-remediating, directing students back over material not understood.

The NPRM implies, or at least strongly suggests, the use of CBT is ineffective. While the discussion of the proposed rule indicates an interactive session must be part of each program, the record keeping requirements are more conducive to instructor-led training. Is it the intent of the FAA to require instructor-led training for HAZMAT courses?

Constructive Knowledge

Through the NPRM, the FAA notes that many incidents occur due to hidden, undeclared hazardous materials. Much of the proposed regulation focuses on training individuals who may be able to identify hazardous materials not properly marked, labeled, or offered for transportation. While it is certainly important for all individuals engaged in transportation related functions to participate in the process, CHQ feels the proposed rule is laying the foundation for enforcing constructive knowledge.

The primary focus or goal of regulations should be to increase safety of passengers, employees, the general public, animals, etc. The FAA is charged with enforcing the existing regulations and proposing changes that will enhance safety.

CHQ respectfully suggests that the safety of air carrier passengers and employees would be increased if the FAA took action against shippers already identified as offering hidden, undeclared or misdeclared goods, instead of the air carriers who are attempting to keep such materials off of their aircraft.

Cost of Training

In the NPRM, the FAA estimates the cost of implementing the proposed training program at \$107.5 Million over 10 years for the entire industry. In light of the proposed changes to the HMR, which will increase the number of individuals who require training and the volume of information to be given during training, CHQ strongly disagrees with the FAA's cost estimate.

For the purposes of comparison, CHQ has identified four (4) business units that will be primarily impacted: Flight Operations, Ground Operations, In-Flight Operations (flight attendants), and Technical Operations (aircraft and ground equipment maintenance). The table below summarizes the cost of the current program verses the proposed program.

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Business Unit	<i>Current</i>		<i>Proposed</i>		<i>Cost Difference</i>	
	Initial	Recurrent	Initial	Recurrent	Initial	Recurrent
Flight Operations	\$38,000	\$38,000	\$152,000	\$76,000	\$114,000	\$38,000
Ground Operations	\$16,480	\$8,240	\$16,480	\$8,240	0	0
In-Flight Operations	\$7,780	\$3,890	\$31,120	\$15,560	\$23,340	\$11,670
Technical Operations	\$9,600	\$4,800	\$9,600	\$4,800	0	0
Totals:						

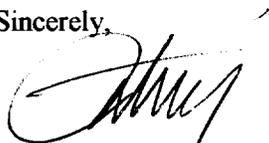
These costs are for implementation of the program only. The costs of developing the program and record keeping are in addition to the provided numbers.

These costs are for CHQ only. Given the cost comparison, CHQ strongly recommends the FAA review their cost estimates to recognize a more actual cost to the industry.

While CHQ certainly supports the FAA's intention of increasing safety for our passengers and employees, we believe the FAA is focusing its attention in the wrong direction. A partnership with the air carriers to inform the traveling public and shipping community about the dangers of hidden, undeclared or misdeclared hazardous materials, and enforcement action against shippers who violate the current regulations would greatly serve the aviation industry.

Additional regulations aimed at air carriers, whose best interest is to fly as safely as possible, will not be as effective or productive as a partnered approach.

Sincerely,



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JEM/

cc: Chad Jasper
Director of Safety
Chautauqua Airlines