

STATEMENT OF ANTHONY J. BRODERICK, ASSOCIATE ADMINISTRATOR FOR AVIATION STANDARDS, FEDERAL AVIATION ADMINISTRATION, BEFORE THE HOUSE COMMITTEE ON ARMED SERVICES, CONCERNING CHARTER AIRCRAFT LEGISLATION. JUNE 26, 1986.

Mr. Chairman and Members of the Subcommittee:

I welcome the opportunity to appear before the Subcommittee today to provide the Federal Aviation Administration's views concerning H.R. 4014 and H.R. 5027. Both of these bills are in apparent response to the tragic accident involving an Arrow Air aircraft which occurred last year in Newfoundland.

The premise underlying the two bills is essentially that the Department of Defense should assume a statutory safety role concerning the civil aircraft which are chartered by DOD for troop transport. We do not support enactment of the bills for two key reasons: first, we believe that the bills are not necessary, given a number of improvements we have made in our working relationship with DOD; and, second, we believe that the statutory requirement for safety inspections of civil aircraft should not be fragmented among different agencies, but that the responsibility should rest with the FAA. I would like to elaborate on both of these points.

In the aftermath of the tragic Arrow Air accident, the FAA, the Office of the Secretary of Transportation, and DOD agreed that it

was necessary to take a critical look at the working relationship that existed for the exchange of safety information between FAA and DOD. In brief, we found that the relationship needed to be strengthened, and we have taken a variety of steps to improve that relationship.

Today, safety information is provided daily to DOD officials by the FAA, with virtually all DOD requests for information satisfied in a timely manner. FAA is conducting, as part of its National Inspection Program, an in-depth inspection of a number of carriers which have contracts with the military. DOD has been invited by the FAA to sit in with FAA officials during the in-briefings and out-briefings of the inspected operators, and to observe the conduct of the investigations. DOD will, also, be provided copies of all the final inspection reports. Moreover, FAA has authorized certain DOD pilots to ride in the cockpit during DOD charter operations to observe air carrier personnel in the performance of their flight duties.

We and DOD are both redrafting agency guidance materials which govern the relationship between the respective agencies on safety matters, to help assure that there is no confusion about the exchange of relevant safety information or delays in exchanging that information. Further, DOD is establishing a fulltime Military Airlift Command liaison in FAA headquarters to assist in

promoting a continued close coordination on safety issues. Substantial progress has been made recently in defining a closer and better working relationship between the agencies on the exchange of safety information. Furthermore, FAA's special emphasis inspections of carriers who contract with DOD are providing enhanced surveillance of this segment of the industry.

In short, we have revamped virtually our entire coordination process with DOD on safety issues, and both parties have made a genuine and, I would add, productive effort to better understand and support the respective role of the other agency in a cooperative way that maximizes the performance of both agencies.

I firmly believe that the approach we have developed with DOD is the right one and that it has already enhanced our mutual working relationship. FAA is doing and will continue to do a better job of keeping DOD informed of what we find during our oversight of carriers which may be used by DOD for transport services. Further, by permitting DOD observers in the cockpit, we are, in effect, adding another pair of eyes to the FAA's inspection workforce, but not, I hasten to add, in a way that is intended to replace the FAA's inspection activities. Information developed by MAC observers which is made available to the FAA will provide us another source of information in determining compliance with our regulations by the carrier, and may form the basis for additional investigations or enforcement actions by the FAA.