



Docket Operations, M-30
U.S. Department of Transportation
1200 New Jersey Avenue, SE., Room W12-140, West Building Ground Floor
Washington, DC 20590-0001

Re: Docket Number FAA-2010-1127

17 January 2011

Dear Sir/Madam:

I write on behalf of the Society of Aviation and Flight Educators (SAFE). SAFE represents more than 500 of the industry's top aviation educators, including numerous local and national General Aviation Award winners in the flight instructor, aviation maintenance, avionics, and FAA Safety Team categories. SAFE is also chairing the GA Pilot Training Reform Symposium in Atlanta, GA on May 4-5, 2011.

SAFE understands that the FAA is mandated to include photographs on pilot licenses under the terms of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) P.L. 108-458. We believe that the requirement to add photographs to certificates provides no additional protection to the American public over the current requirement to possess government-issued photo identification while exercising the privileges of an airman certificate. Many of our members describe this effort as "security theatre," putting a photograph on a document that authorities never ask for. Our poll indicated all opposed. Eighty-four percent are strongly opposed. We are addressing this over-arching concern to the Senate Committee on Homeland Security and Governmental Affairs.

SAFE understands that the price for an airman certificate may be mandated as previously described in H.R. 1586 amending 49 USC §45305. This increase would affect all airmen, including mechanics, flight attendants, and control tower operators. Our comments below with respect to the unfair burden placed on flight instructors will also be addressed to the House Transportation and Infrastructure subcommittee.

SAFE believes that the photo process proposed by FAA-2010-1127 is not "in the interest of reducing burdens on the certificate holder..." SAFE questions whether the FAA has used good security and program methodology to develop a plan that it projects will cost \$718.7 million over twenty years. This cost projection amounts to almost \$1000 per pilot. We address our specific program concerns to the Office of Management and Budget.

SAFE presents specific objections to the NPRM and provides alternatives for consideration.

Purpose of the Certificate

SAFE believes that the FAA should strive for continuous improvement, with or without a statutory requirement to put photos on certificates. The FAA should return to first principles and consider the use of the airman certificate. At what points in an airman's career should he or she expect to show the credential to a representative of the FAA or other authorized person?

SAFE polled its members, who have held certificates as long as fifty years. Ninety three percent report that they have never shown a pilot certificate except to an FAA inspector. When they did so, they also showed another form of government photo ID. Three percent of our members have reported being asked by Customs and Border Protection or police for a pilot's license. SAFE members ask the FAA if there has ever been reported a security incident associated with a pilot certificate that would have been avoided by a photo of the pilot.

SAFE is in favor of any certificate initiative that will increase the nation's security commensurate with or exceeding the cost of such a program. However, SAFE sees no additional security provided by a photo on the certificate as long as the certificate is presented alongside another government-issued photo ID.

Recommendation: SAFE recommends that the proposed rulemaking be discontinued.

Paperless Submission

The NPRM describes a process that mandates paper photographs and a return to paper-based certificate applications. This approach is contrary to President Obama's statements at the White House Forum on Modernizing Government 14 January 2010 when he said, "None of this is acceptable—particularly at a time when we're experiencing such economic difficulty and so many people are struggling. We've got to get the best bang for every single dollar that the government has in its possession. And when Washington lags a generation behind in how we do business that has real and serious impact on people's lives. When we waste billions of dollars, in part because our technology is out of date, that's billions of dollars we're not investing in better schools for our children, in tax relief for our small businesses, in creating jobs and funding research to spur the scientific breakthroughs and economic growth of this new century."

Moreover, the Transportation Security Administration in its parallel system to track alien applicants for pilot certificates only allows the submission of digital images through its web site www.flightschoolcandidates.gov.

Recommendation: SAFE advocates a paperless submission system.

Verification of Images

The NPRM describes a process in which the applicant would get a photograph at a commercial establishment, FSDO, Knowledge Testing Center, or from a Designated Pilot Examiner. The requirement for a 2"x2" paper photograph is obsolete. Only artists produce silver prints in 2011. The original image of all photographs today is digital. To create a digital image, convert it to paper for conveyance to the FAA, who will in turn digitize it again, is a waste of resources. If the applicant has the option to supply the photo, then there is no security gain. The photograph must be verified by someone.

Recommendation: SAFE recommends that an applicant be able to upload an image on-line using the existing paperless IACRA system. The applicant could print his or her own temporary certificate with photo. The image would be verified by an instructor prior to endorsing the certificate for solo flight.

The photo attached to an IACRA application for any other certificate would be verified by the designated pilot examiner (DPE) or FAA Inspector (ASI). This is not substantially different from the current process in which the DPE or ASI examines the applicant's passport, driver's license, or other government issued ID. The temporary certificate could easily include the photographic image.

Good v Expired

SAFE observes that it is a semantic difference only to say that a pilot certificate is good until “surrendered, suspended, or revoked” if the certificate may not be exercised when the corresponding photograph has expired. In practice, this rulemaking will result in the expiration of a certificate. The FAA has chosen to expire photographs at eight years. The Department of State, by contrast, has determined that a passport photo is good for ten years.

If a pilot certificate is to expire when a photograph is stale, then the standard term should be aligned with the passport policy.

Recommendation: Make the term ten years.

\$50 per Certificate

The NPRM suggests a fee of \$22 per certificate. Supplemental document FAA-2010-1127-0004.1 describes a higher fee proposal of \$50 for a new certificate and \$25 for replacement certificates. The SAFE membership objects to the fee generally, citing the existing and adequate funding for the FAA from aviation fuel taxes.

Recommendation: No fee should be charged by the FAA for certificates.

Burden on Flight Instructors

The NPRM describes the issuance of photo certificates to flight instructors. The proposed language for §61.19(a)(1) indicates that the FAA considers that the flight instructor certificate is a pilot certificate, “Except for a student pilot certificate or flight instructor certificate issued with an expiration date, a pilot certificate is valid unless it is surrendered, suspended, or revoked.” One may logically conclude that the FAA intends to apply the photo requirement and all of its fees to instructor certificates.

On the other hand, a flight instructor certificate is invalid without an accompanying pilot certificate. This implies that a flight instructor certificate is not a pilot certificate. There is no reason therefore to assume that IRTPA is mandating photos for flight instructors.

Flight instructor certificates expire every two years. This makes instructors the most adversely affected group of airmen under the NPRM. The FAA estimates the total cost of a certificate to an applicant at \$210.35. Furthermore, a young, career-oriented pilot will typically earn several certificates in quick succession: Commercial single-engine, Commercial multi-engine, Flight Instructor Single engine, Flight Instructor Multiengine, Flight Instructor Instrument Airplane. This amounts to a thousand dollars just in certificate costs at initial issuance, followed by reissuance at recurring cost every two years for the flight instructor.

Recommendation: SAFE advocates issuance of flight instructor certificates without charge as currently obtains. Flight instructor certificates do not require photos or other biometric data. This is in compliance with IRTPA.

Student Pilots

The FAA proposes that student pilots apply for a photo certificate six to eight weeks prior to the date of intended first solo. Students, flight schools, and instructors are urged to plan accordingly. Insofar as an accelerated curriculum may allow a student to progress from first flight to practical test in fourteen days, this is an impediment to the flight training industry for the convenience of the FAA. Fifty states are able to issue driver’s licenses on demand. The Department of State can issue a passport on the same day, if you visit a passport office.

Recommendation: SAFE recommends that a student pilot applicant be able to upload an image on-line using the existing paperless IACRA system. The applicant could print his or her own provisional

certificate with photo. The image would be verified by an instructor prior to endorsing the certificate for solo flight. The agency should issue student pilot certificates “not valid before” the student’s sixteenth birthday. This would allow for the traditional first solo on the sixteenth birthday. This would be a benefit to students who must wait until the morning of their sixteenth birthday to get a medical certificate. Today, those students who have a birthday that falls on a day when the doctor’s office is not open are precluded from soloing.

Knowledge Testing Centers

The FAA asserts that knowledge testing centers will process certificate applications for \$42.50 each. Testing centers are profit-seeking organizations, whose prices are not under the control of the FAA. There are only two authorized testing companies, whose prices reflect conscious parallelism. Earlier this year, the prices of FAA tests increased 50%, well above the rate of inflation. There can be no assurance to pilots that the price for application processing will not increase substantially above the estimate of \$42.50.

Recommendation: SAFE advocates a paperless application process that does not include testing centers or paper photographs.

Likely Cost of Production

The FAA is entitled under statute to increase the price of certificates up to the cost of production, currently estimated at \$54.25 per certificate. In the NPRM, the FAA estimates contractor costs of \$5.2 million to implement secure photo certificates with biometric capability. A similar program in the maritime industry, TWIC, which provides biometric ID cards for 1.2 million port workers, has seen its costs increase to \$132 per issuance. SAFE believes that the costs of photo certificate production will far exceed the current estimates and specifically the \$5.2 million budgeted for contractor work.

CERTIFICATES ONLY	TWIC Experience	FAA Estimate	FAA Likely Experience
Per Certificate Cost	\$132.50	\$54.25	\$132.50
Population	1,200,000	740,000	740,000
Initial Issuance	\$159,000,000.00	\$40,145,000.00	\$98,050,000.00
Twenty Year Issuance		4,403,540	4,403,540
Twenty Year Cost		\$239,655,257.00	\$583,469,050.00

Recommendation: SAFE recommends that the proposed rulemaking be delayed until the budget cost numbers can be verified, using the DHS TWIC program as a precedent for study.

Biometrics

In November 2001, under the provisions of P.L. 107-71 Congress established a requirement for credentialing of pilots requiring access to an airport. This biometric ID is the Transportation Worker Identity Credential (TWIC). IRTPA also describes biometric features on a pilot’s license. The NPRM describes no provisions for biometric identification. If the FAA subsequently decides to implement biometric features, this would represent a third overhaul of the airmen certificate in ten years.

SAFE believes it would be a waste of society’s resources to change airmen certificates three times in ten years. The certificate issuance process described in the NPRM is incompatible with the secure collection of biometric data.

Recommendation: SAFE supports the concept of an airmen certificate with smart card and biometric features provided this same credential could be used for airport access compliant with TSA Security Directive 1542-04-08G in the same way that the TWIC card allows unescorted access to seaport facilities. This would reduce the burden on airmen who are required to possess a separate ID for each airport and FBO they visit regularly.

Aeromedical Examiners

SAFE disagrees that collecting a photographic image is burdensome on an aeromedical examiner (AME). A digital image is simply another form of biometric data, just like weight, height, and eye color. If it is burdensome to collect a picture, then it is similarly burdensome to collect eye color, a bodily attribute that does not have anything to do with the health of the candidate. If the AME is the logical party to collect biometric data, as the AME does already, this is an option that must be investigated and not summarily dismissed. SAFE believes that if the FAA intends to spend close to a half-billion dollars on this effort, the procedure should be designed by experts, and not a patchwork based on whatever is easiest at the moment. It is pointless to simply substitute the pilot's photo for the Wright Brothers' and call it a day.

Recommendation: SAFE recommends that the rulemaking be delayed until the FAA has developed a workable business process for issuance of airmen certificates that is:

- (a) secure,
- (b) cost effective,
- (c) anticipates technological developments, and
- (d) provides operational benefits to airmen.

Doing it right the second time

The Pilot Photo ID program needs to be well thought out, as the implementation of TWIC in the maritime industry was not. The maritime industry learned many lessons that the FAA should consider before engaging its second certificate overhaul in ten years. Failure to do so with proper forethought will result in a third overhaul, with all of its attendant effort and expense again, before this program is complete.

The FAA has the opportunity to plan properly and do a job that could make everyone's life easier: the pilot, the FAA, and all of the DHS agencies who want photos, fingerprints, and demographic data for their dossiers.

Recommendation: Stop the process now. Take the time to think this out from first principles. Engage the input and assistance of the aviation community. Then do it right.

SAFE stands ready to help your staff develop a statement of requirements and a workplan for success if you so desire.

Sincerely

The Society of Aviation and Flight Educators



Doug Stewart, Chairman