



U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Deputy Administrator

800 Independence Ave., S.W.
Washington, DC 20591

January 16, 2024

Mr. Paul Hudson
President
FlyersRights.org
1030 15th Street, N.W., #292
Washington, DC 20005

Dear Mr. Hudson:

Thank you for your August 10, 2023, letters discussing a range of topics and requesting a response to your proposals to Secretary of Transportation Pete Buttigieg, several meetings with the Federal Aviation Administration (FAA), and a public evidentiary hearing regarding a proposed rulemaking petition.

As you know, the mission of the FAA is to provide the safest, most efficient aerospace system in the world. As it executes this mission, the FAA welcomes scrutiny and input from the public, including questions from FlyersRights.org (FlyersRights). Below, please find updates related to your requests that pertain to matters overseen by the FAA:

Air Traffic Controller Staffing and Equipment

On August 24, 2023, the FAA announced that it had hired 1,500 air traffic controllers and met its 2023 goal to continue rebuilding its training pipeline. Today, the FAA is training 2,600 controllers at facilities across the country. In addition, as part of the FAA Reauthorization, the agency requested funding to hire an additional 1,800 controllers in Fiscal Year 2024. The agency also requested an increase in the facilities and equipment budget for the same fiscal year.

Air Traffic Safety

The U.S. aviation system is the safest in the world, but one serious close call is one too many. The FAA and the aviation community are pursuing a goal of zero serious close calls, a commitment from the [Safety Summit](#) in March 2023. The same approach virtually eliminated the risk of fatalities aboard U.S. commercial airlines. Since 2009, U.S. carriers have transported more than the world's population with no fatal crashes.

Multiple layers of safety protect the traveling public, including [Traffic Collision Avoidance Systems](#) on commercial aircraft, [surface safety technology](#) at the country's biggest airports, and [robust procedures](#). Air traffic controllers (mentioned above) and pilots all play critical roles.

The FAA maintains extremely conservative standards for keeping aircraft safely separated. Safety experts follow up on all events — even those in which no collision was imminent or even possible — and evaluate them for safety risks. The agency publishes this information on its [website](#), updating it as new information becomes available.

This year, the FAA also established an independent National Airspace System Safety Review Team to further examine ways to enhance safety and reliability in the nation's air traffic system. We received the Review Team's report in mid-November, and we are acting on the recommendations.

Progress on Certification Reform and Technical Advisory Boards

You expressed an interest in the agency's progress on certification and safety oversight reform activities.

The FAA is committed to achieving meaningful [certification and safety oversight reform](#) throughout the agency. To date, it has completed implementation of more than 65 percent of the 103 provisions in the Aircraft Certification, Safety, and Accountability Act (ACSAA). This includes revising guidance for the Technical Advisory Board (TAB). In some cases, this revised guidance exceeds ACSAA's requirements and expands the use of TABs. These changes promote establishing a TAB early in the certification process, provide a framework for using TABs for additional project types beyond those specified in the Act, and specify different levels of TABs depending on the scope of the proposed project and an initial FAA safety risk assessment. The FAA has completed TABs for the 737 MAX-10 and the 777-9. We continue to be open and transparent with the public regarding our progress.

Boeing 737 MAX and Pilot Retirement Age

In accordance with Section 103 of ACSAA, *Expert Review of Organization Designation Authorizations for Transport Airplanes*, the FAA, in January 2023, appointed 24 FAA and industry experts to review Boeing's safety management processes and how these processes affect Boeing's safety culture. The panel continues to hold meetings to complete its review and issue findings and recommendations. With respect to the retirement age of commercial pilots, Title 49 of the United States Code § 44729 provides that a pilot may be a crewmember for operations conducted under Title 14 of the Code of Federal Regulations (14 CFR) part 121 until the age of 65. As you are aware, last summer, the House passed an amendment as part of the FAA's Reauthorization (H.R. 3935) that would raise the mandatory retirement age for commercial airline pilots from 65 to 67. The Senate has not acted on the FAA reauthorization yet. If the retirement age is included in the final reauthorization law, the FAA will act consistent with new statutory mandates.

2022 Seat Size Rulemaking Petition

As you know from your participation on the FAA Aviation Rulemaking Advisory Committee and the FAA Emergency Evacuation Standards Aviation Rulemaking Committee, the FAA often develops regulations using committees that include members of the aviation community. FAA

rulemaking benefits from input from members of the aviation community, including advocacy organizations.

With respect to your specific request for a public evidentiary hearing to “explore factual issues” related to the 2022 seat size rulemaking petition, on April 14, 2023, the FAA denied the petition. FlyersRights did not request reconsideration of the denial within the 60 days required by 14 CFR § 11.101. However, the FAA granted your request for an extension, and FlyersRights requested reconsideration on July 13, 2023.

The FAA is reviewing your request for reconsideration and does not find that a public evidentiary hearing is appropriate at this time.

Slots Administration and Use of Larger Aircraft

One of your letters references a proposal to Secretary Buttigieg regarding the utilization of slots and the availability of gates for new entrants. FAA slot administration rules and orders apply a minimum slot usage requirement of 80 percent. Increasing the minimum usage requirement would most likely require rulemaking. Further, the terminal owner/operator handles gate access at slot-controlled airports and is separate from FAA slot administration, which provides operating authorizations for the runway. Additionally, the FAA encouraged carriers to use larger aircraft as part of the relief it granted from using their slots at the affected New York area airports over the summer and through the 2024 summer season to mitigate the impact of service reductions at the New York area airports.

Thank you for your continued interest in aviation safety. If I can be of further assistance, please contact me or Lauren R. Dudley, Assistant Administrator for Government and Industry Affairs, at (202) 267-3277.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathryn B. Thomson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kathryn B. Thomson
Deputy Administrator