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National Transportation Safety Board

Washington, D.C. 20594
Safety Recommendation

Date: June 6, 1991
In reply refer to: A-91-40 and -41

Honorable James B. Busey
Administrator
Federal Aviation Administration
Washington, DC 20591

The Designated Pilot Examiner (DPE) Program was instituted in 1939 and continues today in a modified form under the authority of the Federal Aviation Act of 1958, section 314. The intent of the program is defined in FAA Order 8710.3A, "Pilot Examiner's Handbook." The Order says, in part: "As a general guideline, it is the FAA's objective to provide prompt flight testing service at locations which will make it unnecessary for the applicants to travel to a point more than 50 miles distance to obtain pilot certification flight tests." The DPEs are official representatives of the FAA Administrator and as such conduct flight tests and issue Airman Certificates for virtually all categories of certificates and ratings. The DPEs are allowed to charge a "reasonable fee" for their services.

According to FAA statistics for the 1989 calendar year, there were approximately 1,600 DPEs. They conducted 105,113 flight tests, or 95.1 percent of all flight tests given in 1989. FAA Inspectors for the same period administered 5,428 flight tests.

In view of the major role the FAA has delegated to the private aviation community through the DPE program, it is essential that DPEs perform their tasks in a thoroughly professional and objective manner. Such performance becomes especially significant because commercial airlines can no longer rely heavily on filling their pilot ranks with highly qualified military pilots. They must, more than ever before, consider hiring applicants who have had no exposure to the rigors of military training and, in most cases, have never taken a flight test from an FAA inspector. This situation places a greater burden on the validity and effectiveness of the DPE program to which pilot applicants are exposed.

A review of statistical data provided by the FAA (calendar year 1989, amended) shows a considerable disparity between the pass/disapproval ratios of DPEs and FAA Inspectors. Of the 34,463 initial private pilot flight tests conducted by DPEs, 15.5 percent were disapproved. Of the 128 flight tests given by FAA Inspectors, 57.0 percent were disapproved. For commercial pilot applicants, the disapproval rate by DPEs for initial and added rating was 6.7 percent; FAA Inspectors disapproved 11.2 percent. For Airline Transport Pilot applicants, DPEs disapproved 8.5 percent; the FAA, 27.2 percent. The

disapproval total for all flight tests, including initial and added ratings for private pilot, commercial pilot, airline transport pilot and flight instructor, was 11.6 percent for DPEs and 25.7 percent for FAA. The Board recognizes that there may be a number of reasons for the disparity between the pass/disapproval ratios of DPEs and FAA inspectors. Nonetheless, the Board believes that further evaluation of the DPE/FAA statistical data base is warranted in an effort to understand and/or qualify the disparity.

Safety Board investigator discussions with FAA inspectors and managers at Flight Standards District Offices (FSDO), which administer the DPE program, as well as FAA personnel at the regional level, disclosed widespread dissatisfaction with the program. Inspectors stated that the program inherently creates a strong economic incentive not to fail applicants because DPEs need the business--especially the many DPEs whose sole source of income is flight tests--and DPEs lose business if they have a high failure rate. Thus, it is necessary to determine the extent to which DPEs are allowing substandard applicants to pass because DPEs need the business.

Many of the inspectors noted that the problem is compounded by the difficulty encountered in removing a DPE who is not performing satisfactorily. They said that removal is extremely difficult because of the complexity of the process and the political and legal pressure that DPEs are capable of generating.

Federal Aviation Regulation (FAR) 183.15(d) addresses when the authority of designees may be terminated:

- (d) A designation made under this subpart terminates -
 - (1) Upon the written request of the representative designee;
 - (2) Upon the written request of the employer in any case in which the recommendation of the employer is required for the designation;
 - (3) Upon the representative being separated from the employment of the employer who recommended him for certification;
 - (4) Upon a finding by the Administrator that the representative has not properly performed his duties under the designation;
 - (5) Upon the assistance of the representative being no longer needed by the Administrator;
or
 - (6) For any reason the Administration considers appropriate.

Recent federal court cases have clarified the need for the FAA to ensure that the removal process is based upon due process and that it shows "just cause" for the removal, such as blatant and egregious errors. This requirement has forced the FAA to focus on procedural issues rather than on substantive issues associated with quality assurance.

As a result of investigating numerous accidents, the Safety Board has been made aware of shortcomings and weaknesses in the DPE program. An accident investigation involving N201UL on December 12, 1988, in Vermillion, Illinois, revealed that a DPE had a lengthy history of poor performance and noncompliance, but he was allowed to remain a DPE for 22 years. This designee's records show that he administered 250 commercial flight tests from 1975 through 1987 and that he disapproved only two. This same designee gave 100 Flight Instructor flight tests with no failures. In addition to the low number of disapprovals, this DPE twice failed an examiner standardization course given by the FAA Examiner Standardization Branch in Oklahoma City, Oklahoma. The FAA response to congressional inquiries regarding this designee's performance characterized him as "unqualified, uncooperative, and anti-FAA." FAA records also indicate that this designee (whose designation has since been revoked) would not allow FAA inspectors aboard his airplanes, and he barred one inspector from "his" airport.

Another accident the Safety Board investigated involved the crash of N66L on April 9, 1988, in Fayetteville, North Carolina. The DPE who gave the flight test to the pilot of the accident airplane was subsequently removed from designee status by the FAA. This designee allegedly administered several "flight tests" without ever boarding the aircraft.

The Safety Board believes that the flying public should be afforded a greater measure of safety from and confidence in pilots of general aviation and commercial aircraft. Sufficient data exists to support the claim of improprieties by some DPEs who are responsible for conducting approximately 95 percent of all flight tests and for ensuring that pilot applicants meet FAA minimum standards.

The Safety Board is concerned that the FAA is not addressing and correcting deficiencies in the DPE program or effectively monitoring the 1,600 DPEs. Some of the most vocal critics of the quality and adverse impact of the program on aviation safety are those most familiar with the system--namely, the FAA inspectors and managers at district offices.

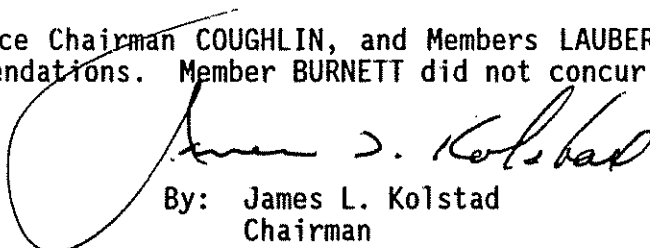
Therefore, the National Transportation Safety Board recommends that the Federal Aviation Administration:

Initiate a comprehensive review of existing Designated Pilot Examiner quality assurance programs to ensure that flight checks administered by Designated Pilot Examiners continue to satisfy FAA flight check standards. The review should include

consideration for the implementation of a procedure in which local FAA District Offices assign individual applicants to DPEs to conduct flight tests, as well as methods of enhancing the FAA's statutory/regulatory ability to remove DPEs. (Class II, Priority Action) (A-91-40)

Establish a national data base, to supplement the existing local and regional data base, for the purpose of identifying and tracking pilots who have been involved in accidents and/or have violated Federal Aviation Regulations, and correlate the activity of such pilots with the DPE who administered their flight test(s). (Class II, Priority Action) (A-91-41)

Chairman KOLSTAD, Vice Chairman COUGHLIN, and Members LAUBER and HART, concurred in these recommendations. Member BURNETT did not concur.



By: James L. Kolstad
Chairman

Member Burnett, filed the following dissenting statement:

After a review of the complete record on this Notation item, including the transcript, of the February 5 Board Meeting which I missed due to the Los Angeles runway collision investigation, I believe that we should have forwarded the safety recommendations to the Federal Aviation Administration as originally proposed by the staff as follows:

Modify the existing quality assurance program to monitor and evaluate more closely the Designated Pilot Examiners that it appoints.

Initiate a procedure in which the local FAA District Office assigns a DPE to conduct the flight test. Such a procedure would ensure the equitable distribution of applicants to DPEs, provide a more realistic data base for comparing the performance of DPEs and for reviewing pass/disapproval ratios and would preclude applicants from selecting examiners who habitually approve less than qualified applicants.

Require that pilot applicants complete a postflight test critique designed to evaluate DPE performance and thoroughness.

Establish a national data base, to supplement the existing local and regional data base, for the purpose of identifying and tracking pilots who have been involved in accidents and/or have violated Federal Aviation Regulations, and correlate the activity of such pilots with the DPE who administered their flight test(s) to determine if appropriate corrective action should be taken.

Monitor the pass-fail ratio between flight tests conducted by the FAA and DPEs and take action to ensure that DPE flight tests provide appropriate evaluations of pilot capabilities.