



Brief to the
Standing Senate Committee on Transport and Communications
On
Bill C-49 – *An Act to amend the Canada Transportation Act and
other Acts respecting transportation and to make related and
consequential amendments to other Acts* (the Transportation
Modernization Act)

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The Air Line Pilots Association, International (ALPA) appreciates the opportunity to provide comment for the Senate Standing Committee on Transport and Communications' study of Bill C-49 – *An Act to amend the Canada Transportation Act and other Acts respecting transportation and to make related and consequential amendments to other Acts*. ALPA respectfully offers its submission for consideration by the Honourable members of the Committee.

Concerning the various legislative changes and measures proposed in Bill C-49, ALPA will provide comments on two areas that could impact airline pilots: the establishment of an air passenger protection regulatory regime and the proposed installation requirement of video and voice recorders (LVVR) in locomotives.

Background

Established in 1931, ALPA is the largest non-governmental safety and security organization in the world. ALPA represents over 60,000 professional airline pilots in Canada and the United States. In Canada, ALPA represents over 5,000 pilots from airlines that include Air Georgian, Air Transat, Bearskin, Calm Air, Canadian North, Encore, First Air, Jazz Aviation, KF Aerospace, Wasaya, and WestJet. Our pilots fly airline aircraft that carry both passengers and cargo.

ALPA actively promotes and champions all aspects of aviation safety and security throughout all segments of the aviation community. It represents the collective interests of pilots in commercial aviation; serves as the collective bargaining agent on behalf of all pilots represented by the Association; and promotes the health and welfare of the members of the Association before Parliament, government departments and agencies.

ALPA devotes a substantial proportion of its dues income to support aviation safety. A network of more than 420 working airline pilots serve on local and national safety committees to carry out the Association's safety work. A staff of full-time professionals with backgrounds in engineering, aeromedical, air traffic, flight operations and safety experts assist them in initiating

or participating in most of the numerous safety improvements that have made airline travel in Canada and the U.S. the safest mode of transportation.

The Association is a member of the International Federation of Air Line Pilots Associations (IFALPA), an organization made up of pilot associations from over 105 countries worldwide and the voice for over 100,000 pilots to the International Civil Aviation Organization (ICAO).

Air Passenger Rights Regime

Bill C-49 requires the Canadian Transportation Agency (CTA) to establish a new air passenger rights regime through regulation. On this, ALPA believes that any legislation or other initiative that could potentially place additional pressure on airlines, and therefore on pilots to avoid flight delays (or even impose penalties for causing them) must not compromise safety. Some flight delays that are due to weather, air traffic, mechanical problems, or other unsafe flying conditions are an unavoidable part of maintaining a safe air transportation system. While flight delays should be minimized and passengers should be fully informed of their cause and resolution, safety must not be sacrificed.

Furthermore, it is our position that any air passenger protection regulations must recognize captain's authority and reflect the principle of "safety first".

If Bill C-49 is to move ahead, we welcome and appreciate the opportunity to provide the CTA with our comments during their consultations with stakeholders on an air passenger rights regime. ALPA strongly urges the CTA to consult with a broad range of Canadians to ensure effective and balanced regulations that reflect and give consideration to the impact on those who are not air passengers – those who work in the air industry – for airlines, in air traffic control, security, etc.

Image/Video Recorders in the cockpit

In Canada, regulations overseeing the requirement for cockpit voice recorders (CVR) and flight deck recorders (FDR) are found within the Canadian Aviation Regulations (CARs).

CVRs and FDRs which are installed on airline aircraft, record information about a flight and help reconstruct the events leading to an aircraft accident or incident. The CVR records radio transmissions and sounds in the cockpit such as the pilots' voices, system alerts, cautions, warnings, and engine noises. The FDR monitors hundreds of aircraft parameters such as altitude, airspeed, aircraft system status, engine thrust, aircraft heading and many others.

Following an accident, both recorders are recovered from the accident site as soon as possible and transported to the Transportation Safety Board (TSB) offices in Ottawa for processing. Using sophisticated computer and audio equipment, the information stored on the recorders is extracted and translated into a format that is then analyzed by TSB investigators. The TSB uses this information as one of the many tools to help determine the probable cause of the accident.

Per ICAO requirements, the country in which an aircraft accident occurs is responsible for conducting the investigation including recovery, processing and analysis of the data from the CVR and FDR. The country's investigative agency is assisted by experts from other countries including the manufacturers of the airframe, the engines, and the airline operator. As for the information retained on the CVR and FDR, International agreements are in place through ICAO signatories to manage the data recovered.

ALPA believes that the data collected by both the CVR and FDR removes the necessity for cockpit image/video recorders for investigative purposes and therefore does not concur with any proposal to install image recorders on any aircraft. ALPA believes that the value of image/video recorders is grossly overstated and, our concerns about inappropriate release notwithstanding, cannot justify the cost of their installation. Further, it has been ALPA's position that information obtained from image/video recorders could easily become a safety detriment by causing a rush

to judgement and conclusion of the factors involved in an accident and prematurely ending an investigation before all safety deficiencies were identified. It has been ALPA's position that utilizing a more robust FDR in conjunction with the CVR will provide investigative agencies with all necessary information during investigations.

We believe that it is unwise to allocate the limited resources available to improve safety into technology that does not meaningfully or measurably improve safety at all. In the previous 20 years, there have not been any unsolved air carrier accidents when the recorders have been recovered; the TSB was able to determine findings as to cause and contributing factors of all of these accidents without the use of image/video recorders.

While Canada has had a robust system of protecting and preventing release of CVR information, several examples over the years have demonstrated the inability of the international aviation community to protect privileged recording data from misuse including leaked CVR recordings to the media. In recent years our system in Canada of providing protections has been challenged by media and litigants. The current data protection provisions vary greatly in different countries of the world and as long as there is no acceptable international standard that ensures that the envisioned image/video recorders are only utilized for accident investigation purposes as discussed above, image/video recorders should not be installed in cockpits.

While ALPA does not agree with the recording of images in the cockpit, we would not be opposed to other solutions that could potentially achieve the same results, such as screen capturing the information visible on displays and recording of electronic information generated by the selection of a switch. These methods of recording information leave no room for interpretation. Recording images of the crew, on the other hand, is open for subjective interpretation based on body language and certain actions unrelated to the sequence of accident events may be misleading, especially if viewed by people who are not subject matter experts. It would be very difficult, if not impossible, for cameras to be positioned in such a manner to avoid recording unrelated crew actions and still capture all other data.

Conclusion

Captain's authority is the keystone to a safe and secure flight. The pilot's primary job is to safely transport passengers, crewmembers, cargo and the aircraft itself from one location to another. Any regulatory measures or initiatives that restrict this authority will compromise the safety and security of passengers and crewmembers.

ALPA has long recommended that resources be focused on enhancing current systems to record more data of a higher quality as opposed to video images, which are subject to misinterpretation and may in fact lead investigators away from accurate conclusions. Image/video recorders will not improve safety and could, in fact, impede it by diverting limited resources that could be used for more valuable safety enhancements.

ALPA also remains equally concerned as to how video recordings may be misused. In no uncertain terms, the government and aviation industry must therefore fully address how to protect recorded information.