WITNESS INTERVIEW

Captain Mark Clayton
Director of Flight Safety
Southwest Airlines

Captain Clayton was interviewed by telephone on April 17, 2001, by Captain Thomas Curran and Dr. Malcolm Brenner of the NTSB. Present with Captain Clayton were Captain Mike Hinnenkamp, ASAP Manager, and Captain Ted Lawson, Air Safety Chairman SWAPA, who also participated during the interview.

Captain Clayton was interviewed about the Southwest Airlines Voluntary Aviation Safety Information (VASI) Program, and provided the following information:

The VASI program consists of 3 major elements: the Aviation Safety Action Partnership (ASAP), the Flight Data Analysis Program (FDAP), and the Disclosure process. The ASAP program provides a safety reporting system for pilots, the FDAP provides a program to monitor flight data recorder outputs for safety trends, and the Disclosure process will be triggered by ASAP and FDAP.

At the time of the Burbank accident, the airline was still working with the Federal Aviation Administration (FAA) to define the Memorandum of Understanding (MOU) concerning the program. ASAP became operational in September 2000, and received approximately 700 reports in the first 6 months of operation.

ASAP is similar to the NASA Aviation Safety Reporting System (ASRS) in that it allows pilots to voluntarily report safety observations and provides limited protection. If pilots have any safety concerns, they complete the ASAP report (which is modeled after the ASRS report) and send it in. If the report involves a violation, they are allowed 24 hours to notify the ASAP office. They are then provided additional time to complete the report to receive limited protection from future enforcement action by the FAA. If the report involves a safety concern, there is no time limit for submission, although a prompt submission is encouraged.

ASAP was developed through a partnership between the FAA, the pilot union, and the company. FAA representatives have expressed pleasure with the ASAP results so far since nearly all the information provided by ASAP would not have been gathered by traditional surveillance means. Union representatives are happy with the program because the pilot community is satisfied. Pilots can receive limited protection and are rewarded because they see change.

The ASAP reports center on human performance issues, such as pilot actions and pilot interface with the aircraft. Some of the areas covered in the database include altitude deviations, runway incursions, fatigue, and scheduling issues. ASAP reports have led to changes in flight operations that include changes to charts, training, and manuals. The means of conveying these changes to the pilot group include safety alerts, newsletters, posters, and "Read Before Fly" alerts.

As an example, the program might respond to a runway incursion report by looking for site-specific factors (such as lighting, and paint), by examining its checklist procedure, and by improving training. After the Burbank accident, a Safety Analysis Team (SAT) examined the checklist to try to make improvements to reduce pilot workload. After another runway incursion, a noteworthy one in New England, the company made a training film using the two crewmembers.

A number of major airlines have established programs like ASAP or FDAP, including American Airlines, United, and USAirways. Several major airlines have expressed an interest in visiting Southwest Airlines to learn more about their program.

The FDAP program is currently in development. It will be similar to the FOQA (Flight Operations Quality Assurance) programs of other major carriers in terms of examining flight recorder information for safety trends. Unlike other programs, however, the Southwest FDAP will try to keep the pilots in the loop as part of the solution. The Southwest pilots voted to support the FDAP program (by more than 80%) and, Captain Clayton indicated, this pilot support is an important precedent for this type of program.

The FDAP program will be overseen by a FDAP Monitoring Team (FMT) composed of representatives of the FAA, pilot union, and company.

Upon initial analysis FDAP data will be protected and de-identified. However, if an egregious act is detected, the pilots, through the union representatives on the FMT will be invited to voluntarily submit an ASAP report under the Disclosure process. The ERT members will agree on a corrective program and recommendation (usually using training as a corrective vehicle). In most cases, the company is likely to follow the ERT recommendations (however, if the company has outside information about the event, such as would be the case in a high visibility violation, the company can implement sanctions). Actions of the FMT must be unanimous, and any of the three parties -- FAA, union, company – has the ability to close the program overnight.

Current FOQA programs in the industry are separate from pilot reporting programs and keep the data anonymous. The Southwest FDAP program would be the first to incorporate disclosure aspects. The disclosure process started in 1991 with the FAA as a vehicle for the company to tell the FAA about problems and proposed solutions, and this disclosure process was used as a skeleton for developing the ASAP program.

In the case of the Burbank accident, the FDAP program could allow the company to study airspace, ATC, and pilot training and performance issues by looking at a number of approaches to the Burbank Airport by company pilots in the same type airplane. The data would provide more aircraft-specific information than would radar data.

At present, there is an informal exchange of ASAP information with other carriers through the managers. ATA hopes to have a long term exchange database, with the carriers de-identifying information for ATA for analysis. British Airways has a reporting system for trending and analysis. (British Airways has both an Air Safety Reporting Program, similar to ASAP and a flight data analysis program that would parallel FDAP or FOQA. They also developed the Safety Information Exchange that enables info sharing amongst carriers.) American Airlines has the only mature ASAP program in the United States with 5 years of data.

Captain Clayton stated that the NTSB could help this type of program by providing on-going endorsement and encourage legislation to guarantee that the VASI data is free from litigation or discovery. He stated that, first, NTSB should weigh in to FAA on existing NPRM for FOQA rule; second, NTSB should push FAA on completing the PART 193 rulemaking on safety

data protection under FOIA. He acknowledged that freedom from all litigation is not likely but they could get some limited protection if safety data like ASAP and FDAP was given CVR-like protection. He stated that the CVR rule was modeled after military information exemption rules that have held up in court, and the CVR rule had been very successful in the U.S. by limiting disclosure of CVR recordings to press and misuse by plaintiffs. The VASI data is as sensitive as CVR data, according to Captain Clayton, and a new set of FAA regulations is necessary to help protect safety sensitive data since the airlines need absolute protection from legal action. He stated that the FAA General Counsel does not agree with FAA Operations on the concept of limited protection and prefers to regulate through legal sanctions.

In the first 7 months of ASAP, as the level of trust has grown, the number of reports and their candor has increased.