

Politics and the FAA

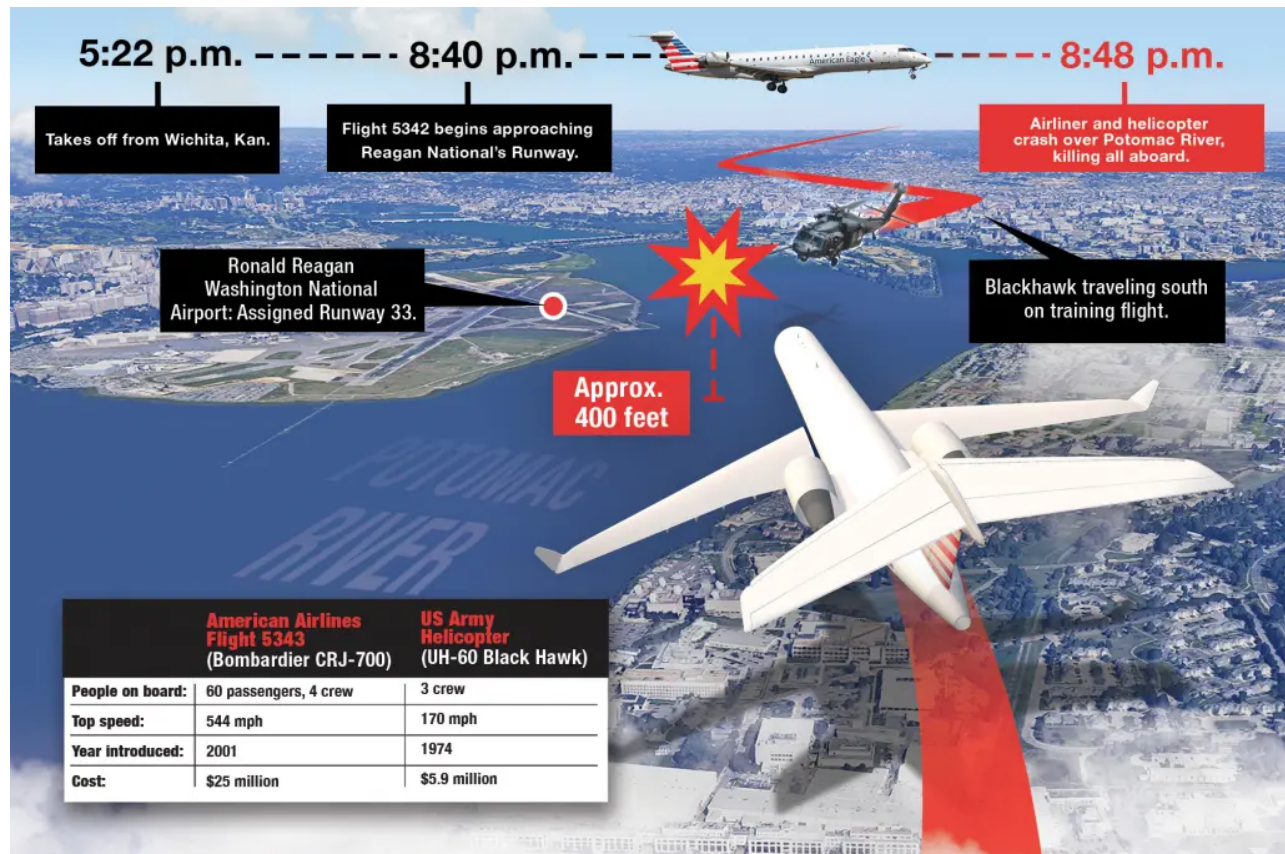
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By Colleen Mondor



Credit: New York Post.

Feb. 13, 2025, © LeeHam News: On Jan. 29 at 8:47 PM, a US Army Sikorsky UH-60 Black Hawk helicopter flying a low-level route over the Potomac River collided with a PSA Airlines Mitsubishi CRJ700 operating as an American Airlines flight 5342 on final approach to Washington Reagan National Airport.

The military crew of three and the 64 passengers and crew on flight 5342 were all killed. The near immediate upload of Air Traffic Control (ATC) communications online showed that flight 5342 was cleared for final to runway 33 while approaching the airport from the south. The Black Hawk, transitioning the airspace from the north, requested visual separation and acknowledged traffic in sight.

In the aftermath of the accident, the National Transportation Safety Board (NTSB) immediately launched a “GO Team” in the area. It held an early press conference with all five members of the board present. Within hours of the crash, however, it was obvious that two potentially conflicting stories were emerging. The first was a traditional aviation accident investigation, which included the NTSB and investigators from the US military. The second was comprised of pure politics and fueled by negative comments from President Trump the day after the accident, which attacked not only the professionalism of Reagan’s ATC employees but controllers nationwide.

The Facts of the Accident

In the days after the accident, it was revealed that the Black Hawk pilot was undergoing a combined night vision goggles (NVG) and annual check ride during the flight. There was also an instructor pilot and crew chief onboard. Based on cockpit communications, NTSB Chair Jennifer Homendy stated that both pilots were likely wearing NVG at the time of the accident. The goggles are typically worn during takeoff and landing in lowlight conditions and can reduce depth perception and field of view. According to a [Vertical Magazine](#) explainer, they do not react well with “human-produced lighting.” Because of this, they would not be typically needed near well-lit airfields like Reagan.

According to FlightAware, at the time of impact, flight 5342 was at about 375 feet and in a slight banking turn for the runway, with the Black Hawk approaching from the right. The NTSB stated in a recent press release that the helicopter was above the mandated 200-foot altitude for the low-level route it was flying. Potomac Terminal Radar Approach Control (TRACON) showed the Black Hawk actually at 300 feet (TRACON rounds to the nearest hundred).

ATC was in regular contact with both aircraft, and the helicopter confirmed twice that traffic was in sight. The last instruction from ATC to the Black Hawk was that it pass behind the CRJ; the accident happened seconds later.

Airspace requirements

Class B airspace, reserved for the busiest airspace in the country, including Reagan, requires all aircraft to be equipped with and operate ADS-B equipment, which provides position, altitude, speed, etc., to other ADS-B aircraft for tracking purposes. Following a Feb. 6 meeting with the FAA, US Sen. Ted Cruz, who chairs the Senate Commerce Committee overseeing the airline industry, the ADS-B onboard the Blackhawk was turned off. This would be permissible under a 2019 rule passed by the FAA, which allows federal, state, and local government aircraft operating in relation to homeland security, law enforcement, national defense, and intelligence to turn off ADS-B transmissions upon FAA approval.

Such approval is not on a per-mission basis but rather at the agency organization level. The rule was published after the 2019 National Defense Authorization Act, which quickly passed the House and Senate, prevented the FAA from mandating ADS-B installations on certain Department of Defense aircraft.

Without the Black Hawk’s ADS-B operating, the crew of flight 5342 had no way of knowing if the helicopter was closing in or failing to maintain the published altitude requirements. According to Homendy, the NTSB has not yet confirmed that the Black Hawk was even equipped with ADS-B technology. The US military has not explained what security operation the Black Hawk was engaged in would require operating without ADS-B while in Reagan National airspace.

ATC Staffing and Over Saturation at Reagan Draw Attention

The day after the accident, the *New York Times* reported that it had reviewed an internal FAA report written that morning that described “not normal” staffing at Reagan National ATC. In the following days, major media reported on the history of near misses at the airport, using data primarily obtained from the Aviation Safety Reporting System. The NTSB has not commented on ATC as it conducts its investigation, but concerns about Reagan’s traffic load and complex multiuse airspace have been heavily documented.

Last year, Congress approved five new daily long-haul flights to the airport despite it already exceeding planned passenger limits by over five million annually. Virginia Senators Tim Kaine and Mark Warner opposed the bill due to the increased safety risk. Senators Cruz and Jerry Moran of Kansas were some of the most outspoken supporters, noting that their states deserved direct flights to Reagan. Flight 5342 was inbound from Wichita (KS) when the crash occurred.

How political pressure relates to the management of Reagan’s airspace is a topic requiring greater research, but the FAA’s prompt decision after the crash to restrict low-level helicopter operations there certainly exposes its concerns.

Meanwhile, as airspace saturation and ATC staffing questions ate up the oxygen from pundits, journalists, and far too many politicians (not to mention everyone with an opinion on social media), the question of how long the subjective description of “not normal” conditions has prevailed at Reagan ATC remained unanswered. For those aware of the FAA’s long struggle to hit optimum staffing levels and its vulnerability in the current anti-federal employee atmosphere pervading Washington (DC), this issue is of great concern.

The normal standard is not a positive

At a press conference the morning after the accident, President Trump railed against the FAA and air traffic controllers, declaring, “The FAA is actively recruiting workers who suffer severe intellectual disabilities, psychiatric problems, and other mental and physical conditions...” His attack spawned a surge of similar condemnations among right-wing media, with *FOX News* hosting a plethora of guests who insisted ATC was “under attack” from DEI (Diversity, Equity and Inclusion policies). The *Washington Examiner* charged airline safety with becoming a “social experiment.” The hits were even worse on social media until Elon Musk was, according to the president, enlisted to revamp the entire National Airspace System.

The National Air Traffic Controllers Association (NATCA), the union representing controllers, and the Professional Aviation Safety Specialists (PASS), representing technicians and much of the aviation safety workforce, weighed in on the charges against FAA employees. (Both unions are affiliated with the AFL-CIO.) NATCA president Nick Daniels spoke to multiple media outlets, explaining that the FAA needed more than 14,000 controllers but currently had

about 10,800, a shortage of at least 23%. His pointed discussions of ATC's long-running understaffing reality explained the confusion over the "not normal" characterization in the FAA internal memo shared by the *New York Times*.

As it turns out, the concept of "normal" is not a positive for ATC but rather a stressful, overworked daily situation that often sees controllers having to cover more than their position assignment. Based on Daniel's descriptions, "normal" is a routine understaffing environment that has reigned for years. Aviation safety employees share that situation as well.

Who does what

In an interview this month with *Leeham News*, PASS president Dave Spero stressed that the largely unrecognized 4,869 FAA technicians in his membership have responsibilities that include everything from "installing, operating, maintaining and repairing more than 74,000 radar, communications, navigational aids," to repairing airport lighting, VOR (very high frequency (VHF) omni-directional range) and other equipment in the field. The techs also maintain heating, ventilation, and air conditioning at FAA facilities.

Further, "Tech Ops" employees have not had an accurate staffing model for years, a crucial document used to determine staffing levels an employment category requires at the FAA.

"It has been pushed back repeatedly," he said, "Because the flying public does not see what the tech workforce does, they don't know what is needed." The complexity of the ATC systems, which Spero explained include "legacy systems, new systems and cloud systems," typically require specialized classroom and on-the-job training.

None of this can be done overnight. Thus, Tech Ops staffing models, like those for ATC, are crucial for proper planning. Further, PASS's more than 4,000 aviation safety members, who develop regulations and oversee safety and certification for commercial operators, aircraft, and maintenance facilities, among other duties, have been dealing with their own staffing issues.

In a 2021 DOT Inspector General report, 59% of FAA Certificate Management Offices and 79% of Flight Standard District Offices said their facilities were understaffed. These concerns are echoed in NTSB investigations, which often record high workloads for inspectors.

Lifting a hiring freeze

After the accident, Secretary of Transportation Sean Duffy (who assumed office the day before the accident) lifted the ill-advised executive order signed by President Trump, which placed a hiring freeze on ATC, among other federal workers. While this brings immediate relief to that part of the FAA staffing equation, Spero is uncertain about Tech Ops, which was projected in a draft model to hire 800 employees this year.

Meanwhile, the aviation safety group is still waiting on the 2021 staffing appropriations that Congress has promised. In the meantime, as the NTSB retains control of the investigation and Musk's intentions for the FAA are unknown, both aircraft and all missing passengers and crew have been recovered from the Potomac. A reckoning on the decisions that brought us to this moment remains yet to be recognized, however, and the layered politics that contributed to the tragedy have only become more heated.