

Talking Points In Support of Amendment #42
Offered By Mr. Woodall of Georgia
H.R. 658

- In December 2010, the Federal Aviation Administration (FAA) issued a Notice of Proposed Interpretation intended to revise existing Part 135 interpretations that permit flight crews to extend their duty day when unexpected circumstances occur beyond their control. Part 135 air carriers operate smaller aircraft in on-demand air charter. The new proposed interpretation is based upon an interpretation previously issued to the part 121 scheduled airlines and is in direct conflict with prior definitive interpretations for Part 135 that the FAA has issued. The FAA is attempting to inappropriately apply this interpretation to Part 135 and should instead conduct rulemaking in order to adopt changes in the application of the rules.
- Current regulations for Part 135 operations require that over a 24 hour period, a 10-hour rest period at minimum (14 CFR 135.276(d)), thus creating the opportunity for a planned duty day of up to 14 hours. Existing FAA interpretations of this regulation stipulate that it is acceptable to extend a duty day beyond the original planned time if reasonable unforeseen events occur. The FAA has taken the position that delays caused by late passenger arrivals, maintenance difficulties, and adverse weather constitutes circumstances beyond the certificate holder's control.
- In the event of an air medical charter flight transporting a patient, the proposed interpretation could be life-threatening. If the aircraft is delayed due to a medical emergency prior to the aircraft's departure, the life of the patient is jeopardized by restricting the flight crew's ability to extend their duty hours.
- The FAA has yet to promulgate new regulations for Part 135 flight, duty and rest rules despite having received a comprehensive regulatory recommendation submitted during an FAA convened Part 135 Aviation Rulemaking Committee. Following through with a new rulemaking to revise the existing duty and rest regulations is the appropriate course of action. Subverting rulemaking by imposition of interpretations that were intended for another set of regulations and contradict prior interpretations is unacceptable.