



Summary

The recommendations for pilot flight, duty and rest regulations submitted by the Federal Aviation Administration (FAA) Part 125/135 Aviation Rulemaking Committee (ARC) would dramatically improve upon current regulations while still permitting the operational flexibility necessary for the continued ability to conduct on-demand operations.

The flight, duty and rest (FDR) subgroup of the ARC developed a comprehensive proposal to address unscheduled/on-demand operations under 14 CFR Part 135. Most operations would fall under the proposed Crewmember Availability Method (CAM). Part 135 scheduled operations were not addressed. The elements described deal with the CAM regulations, as proposed by the ARC.

NATA urges the FAA to move forward with new regulations for Part 135 based upon the Part 125/135 ARC rather than attempt to implement one-size-fits-all rules.

Key Elements Of The Part 125/135 ARC Proposal

- **Science-based fatigue principles were applied to all areas.** The Window of Circadian Low is accounted for by requiring operators to establish pilots on a regularly planned, predictable sleep/wake cycle. Changing a particular pilot's cycle requires provision of ample transition time.
- **Rest is defined and protected.** When a rest period is assigned, it will be at least 10 hours. There is no provision for reducing rest under any circumstances. In addition, even when pilots are not called for a duty period, their assigned protected time (required to be an assigned time period) is perpetual and the pilot may not be contacted or assigned to duty during that time.

Pilots are provided more days off than current rules require, and days off must be provided on a monthly, rather than quarterly basis. In the CAM, a pilot may only be contacted during the last hour of protected time for the purposes of receiving a duty assignment. The pilot is not required to be contactable, however.

- **Duty periods include hard limits.** A duty period including a flight assignment is limited to 14 hours (for a 2-pilot crew). Duty may be extended one hour if specific circumstances occur during taxi (e.g., a temporary ground hold). Continuing a flight once airborne if a delay is encountered is left to the pilot's authority. Any duty extension requires compensatory rest to mitigate potential effects of cumulative fatigue.
- **Tail-end/ferry flights.** All flights assigned to the crewmember by the certificate holder are considered duty, and are subject to the flight hour and duty limits.
- **Commuting.** The airline issue of "commuting" long distances, often via aircraft, is not an issue in Part 135. Operators typically require crew to be based with the aircraft.

Problems With Applying Part 121 NPRM To Part 135

Most Part 135 certificate holders are small businesses. A significant majority have fewer than 10 aircraft, 25 or fewer employees and less than \$5 million in annual revenue. **At least one third of all Part 135 operators have only one aircraft.** For those with one aircraft, requiring the hiring of even one pilot to meet new requirements can easily present a 50% staffing increase. Operations may not justify the additional employment costs, resulting in operators instead turning business away.

There are a large number of owner/operator businesses. These operators, called single pilot operators, generally run the entire business, including performing pilot duties. These operators are prohibited by regulation from having additional pilots. The only option to comply with more restrictive rules is to reduce business, which can easily cause them to be out of business.

Approximately 10% of all Part 135 certificates holders are operators based in Alaska. Part 135 aircraft are the ideal solution to the state's unique transportation challenges. By comparison, there are only two purely Part 121 carriers (both cargo) and four carriers that hold dual Part 121 and 135 certification.

Many aircraft operated in Part 135 can be flown by a single pilot. These are predominantly small, piston-powered airplanes (over 4,500) and helicopters (about 2,000). Neither piston-engine airplanes nor helicopters are eligible to operate in a Part 121 environment. No Part 121 operations are single pilot. Nearly all Part 121 aircraft are larger-cabin, multi-engine turbojet airplanes.

Part 121 rules are created around the premise of having two layers of pilots – line holders and reserve. Reserve pilots are viewed purely as “back-up” crews. Part 135 has no such redundancy. There are only “pilots.”

The FAA's airline-centric proposal considers none of these unique issues.