

Issuance of a new package of flight and duty time limitations and rest requirements for U.S. airline flight crewmembers — years in the making — has been delayed again. The projected date for release of the final rule describing the new requirements is now Nov. 22.

The U.S. Federal Aviation Administration (FAA) previously had planned to issue the final rule in early August. An FAA spokeswoman offered no details on the reasons for the delay, other

than to say that the rule is “still under executive review.”

Under the proposed rule, U.S. Federal Aviation Regulations Part 121 air carrier pilots would be required to have a minimum of nine hours of rest before reporting for duty — in most cases, one more hour than currently required (Table 1, p. 22). Maximum allowable duty times and flight times would vary — depending on the number of pilots in the crew, the start time, number of flight segments and the existence of

aircraft rest facilities. In most cases, however, maximum flight and duty times would be shorter than the currently allowable periods.

The Air Line Pilots Association, International (ALPA) said that the delay in issuing new regulations endangers airline safety.

“The White House has stalled a historic, safety-based regulatory effort to create modern duty and rest regulations for U.S. airline pilots,” said Lee Moak, an airline captain and the

# Waiting

BY LINDA WERFELMAN

**FAA postpones a final rule on duty time limits and rest requirements for airline pilots.**



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**Proposed Flight Duty Periods**

Start Time <sup>1</sup>	Maximum Flight Duty Period (Hours) Based on Number of Flight Segments <sup>2</sup>						
	1	2	3	4	5	6	7+
0000-0359	9	9	9	9	9	9	9
0400-0459	10	10	9	9	9	9	9
0500-0559	11	11	11	11	10	9.5	9
0600-0659	12	12	12	12	11.5	11	10.5
0700-1259	13	13	13	13	12.5	12	11
1300-1659	12	12	12	12	11.5	11	10.5
1700-2159	11	11	10	10.0	9.5	9	9
2200-2259	10.5	10.5	9.5	9.5	9	9	9
2300-2359	9.5	9.5	9	9	9	9	9

**Notes**

1. Local time at the flight crewmember's home base or at a location in another time zone to which the crewmember has become acclimated. The maximum flight periods are reduced by 30 minutes for a crewmember who has not become acclimated to the time zone.
2. Applies to unaugmented flight crews.

Source: U.S. Federal Aviation Administration

**Table 1**

president of ALPA. “With each hour of delay beyond the deadline, airline passengers and crews are needlessly put at risk when we know that the solution to addressing pilot fatigue lies in science-based regulations that apply to all types of flying.”

In a mid-August speech to the ALPA Air Safety Forum, Deborah A.P. Hersman, chairman of the U.S. National Transportation Safety Board (NTSB), agreed, voicing frustration with the “slow rolling” of the publication of the final rule. The NTSB has for years included the mitigation of pilot fatigue on its Most Wanted List of transportation safety improvements.

When the notice of proposed rule making was published in September 2010, the FAA said the proposed changes would “sufficiently accommodate the vast majority” of flight operations while also “reducing the risk of pilot error from fatigue leading to accidents.”

The rule-making effort was begun in June 2009 — about 15 years after a previous FAA attempt to introduce new requirements was met with opposition from the airlines because of the associated cost and the scarcity of supporting data, and ultimately shelved.

Publication of the new proposed rule in the *Federal Register* on Sept. 14, 2010, generated similar objections, voiced in many of the 2,000 public comments submitted before the comment period ended six weeks later.

Opposition came from the airline industry in general, and cargo and charter operators — including charter operators that carry military troops and military cargo — in particular.

The Air Transport Association (ATA) said that, although it supports the establishment of duty and rest requirements that are developed from science-based safety and operational data, it opposes the proposed rule because, in drafting it, the FAA “went well beyond what current scientific research and operational data can support and added many other measures and requirements that ... are based on individual judgments driven by extraneous considerations, including perceptions about the political environment and what is acceptable.”

These measures include strict limits on daily flight times and limits on any extension of the flight duty periods, the ATA said.

The ATA also said that its calculations indicated that implementation of the proposed rule would cost nearly \$20 billion over 10 years, well above the FAA’s “incomplete” estimate of \$1.3 billion over the same time period.

The National Air Carrier Association, which represents charter operators, said, in its 2010 response to the proposed rule, that the FAA had “failed to consider the unique nature of the operations of nonscheduled carriers” and that the proposal would have a “disproportionately large, if not disastrous” effect on its members’ small businesses.

The Cargo Airline Association had similar complaints, citing the FAA’s disregard of “substantial operating differences between industry segments that require different methods of mitigating fatigue.” The agency’s proposal would “seriously impede the operating flexibility of the all-cargo carriers and, even where operations remain feasible, will dramatically increase costs,” the association said. ➤