



Coalition of Airline Pilots Associations

Representing over 28,000 professional pilots at American Airlines, Southwest Airlines, US Airways, UPS Airlines, Horizon Air, ABX Air, Southern Air, Atlas Air Cargo, Kalitta Air, Polar Air Cargo, Gulfstream Air, Cape Air, Miami Air, Omni Air and USA 3000.

Respectfully submitted by:

Coalition of Airline Pilots Associations

World Headquarters

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www.capapilots.org



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Flight Time and Duty Time Regulations Summary Statement

Respectfully Submitted to:

The Office of Management and Budget

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BACKGROUND:

In the summer of 2009, an Aviation Rulemaking Committee (ARC) was convened to assist the FAA in creating new "Flight Time and Duty Time" regulations for CFR-14, Part 121 operations. The ARC was tasked with developing new regulations that were based on the best scientific research available, and utilizing the expertise of the ARC member's experience where science was unavailable or inconclusive. In August of 2010, H.R. 5900 instituted a Congressional mandate requiring the FAA to modernize Flight Time and Duty Time regulations. This mandate required the FAA to publish new regulations by August 1, 2011. September 14, 2009 the FAA published Flightcrew Member Duty and Rest Requirements; proposed rule in the Federal Register.

MANDATE:

The publication and implementation of new Flight Time and Duty Time regulations as directed by H.R. 5900.

GOAL:

To enhance aviation safety by mitigating pilot fatigue through scientifically based regulations. These regulations should apply to all commercial flight operations so "One Level of Safety" exists. The NPRM represents significant progress for the aviation industry and introduces an increased level of safety for the public. The NPRM utilizes known scientific principals and includes among others, the following provisions:

- Recognition that fatigue impacts all pilots in the same manner removing the need for different rules or "carve-outs."
- Predicates flight duty periods on circadian cycles, consistent with science.
- Establishes mandatory rest periods between flight duty periods.
- Mandates fatigue education and training for all pilots and operations personnel.
- Provides flexibility of increasing flight duty periods if operators provide appropriate ground based rest facilities for pilots.
- Defines and standardizes on-board rest facilities and provides carriers flexibility for extended flight duty periods based on the quality of rest facility.
- Provisions for operators who operate into unsafe areas.
- Establishes a Fatigue Risk Management System (FRMS) process to allow carriers the flexibility to operate outside prescriptive regulations for unique circumstances while providing a level of safety equal or greater than the prescriptive rule.

NARRATIVE:

The Coalition of Airline Pilots Associations (CAPA) applauds the Congressional efforts of H.R. 5900 requiring the FAA to modernize the outdated Federal Aviation Regulations governing the nation's commercial pilots. The current regulations were written in the 1950's. While the regulations have changed very little in the past 60 years, the aviation industry has undergone dramatic changes. Many industrialized nations have already acknowledged that fatigue poses a serious threat to aviation safety and have updated their regulations.

Numerous scientific studies have examined the impact of fatigue and its relationship to aviation safety. The underlying theme of these studies suggests that fatigue is universal when it comes to human physiology. The cognitive aspect and impact of fatigue manifests itself in the form of impaired judgment, decision making and degraded flying abilities. Published studies have equated fatigue to the effects of alcohol consumption. Seventeen hours time awake was shown to be the equivalent of two and one half drinks or a blood alcohol content of .05. Twenty-one hours time awake for the average person would equate to the legal driving limit for most states: a blood alcohol content of .08.

Fatigue does not discriminate between types of operations, aircraft type or what is being carried on the aircraft; and neither should safety regulations. CAPA is strongly opposed to any type of "carve-out" that would exempt any operator from complying with the rules proposed in the NPRM. This is particularly true for operators that transport our troops, all-cargo operators and charter operators. The NPRM currently contains a provision (§117.31 Operations into unsafe areas), which would permit operations under unique circumstances that could not otherwise normally be conducted. Additionally, §117.7 establishes an FRMS process for so carriers can operate outside prescriptive regulations for unique circumstances.

All-cargo operators operate with predictable schedules and their domestic and international operations very closely resemble the type of operations witnessed in the passenger airline industry, with one critical distinction: night-time flying where pilot fatigue is a common problem which is substantiated by science. Charter operators (supplemental carriers) transport passengers, as well as cargo. Passengers who book a flight on a charter airline should not be subject to a degraded level of regulatory safety standards. Finally, all-cargo operators share the same airspace, airports, runways and taxiways with passenger carriers and should be subject to the same safety regulations. There is no scientific foundation for establishing a separate set of pilot duty and rest rules based on the type of operation they conduct. Allowing some operators to conduct business within a separate set of standards creates an unfair economic advantage that is not grounded in science.

Finally, CAPA is concerned about some of the flawed assumptions and exaggerated costing analysis submitted to the FAA by some operators. In 1995 there was a similar attempt to rewrite the Flight Time and Duty Time regulations. This effort was strongly challenged by industry citing costs as a primary factor. It appears as if history is repeating itself. Industry trade associations such as Air Transport Association (ATA), Cargo Airline Association (CAA) and the National Air Carriers Association (NACA), in conjunction with individual air carriers, allege the costing methods used by the FAA in formulating the NPRM were flawed.

While the industry's NPRM comments criticize the FAA, the ATA, CAA, FedEx and UPS all utilized different costing methods in their attempts to halt the NPRM from becoming a rule. At its very best some of the analysis exaggerates unrealistic scenarios, and at the very least it's disingenuous. Similar costing tactics

were utilized when industry responded to the FAA's 2001 "Whitlow Interpretation" with a lawsuit alleging financial devastation. Industry also responded in a similar way to the Passenger's Bill of Rights Legislation. To date, none of the predicted financial devastation to the airlines has been realized. As a matter of fact, the Department of Transportation's own data proved that the Passenger's Bill of rights has actually made the airlines more efficient and has not created the delays and cancellations as predicted by the airlines.

One airline has already programmed the proposed rules into their crew scheduling software and found a negligible impact on crew scheduling practices. Schedules were actually "optimized" which would reduce the FAA estimated costs by approximately 25%. Lastly, neither the FAA or ATA accounted for savings from a potential decrease in ground incidents. Just a three percent (3%) reduction in ground incidents would save \$90M per year, almost paying for the new regulations.

CONCLUSIONS:

The Coalition of Airline Pilots applauds Congress and the FAA's efforts to revise the outdated Flight Time and Duty Time regulations. We support "One Level of Safety" and rules based on existing science. Pilot fatigue has been identified as a contributing factor in aviation accidents and has been on the National Transportation Safety Board's "Most Wanted" list of regulatory changes for two decades. We urge policymakers to oppose any "carve-outs" predicated on creative costing measures for certain types of operations.

The uniform treatment of all pilots who currently fly under Part 121 is a significant step forward in securing the safety of American skies and promotion of the health and welfare of all commercial pilots and the flying public.

With your support, final implementation of the NPRM establishes the United States as world leaders in aviation safety.

Hours
Awake



17

Equivalent Blood
Alcohol Content

.05

Equivalent Number of
Drinks (170 pound person)



2.5

21

.08



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Flight Time / Duty Time NPRM Effects on Southwest Airlines' Pilots Number of Conflicting Pilots and Occurrences for August - October 2010

NPRM Rule	Pilots	Occurrences
100 (block) hours in any 28 consecutive day period ¹	56	116
1,000 (block) hours in any 365 consecutive day period	?	?
60 flight duty period hours in any 168 consecutive hours ²	8	22
190 flight duty period hours in any 672 consecutive hours ²	2	7
65 duty hours in any 168 consecutive hours ³	507	2,128
200 duty hours in any 672 consecutive hours ³	383	5,188
75 duty hours in any 168 consecutive hours ³ (short-call reserve)	132	299
215 duty hours in any 672 consecutive hours ³ (short-call reserve)	228	2,413

¹ This report shows all pilots with flying on their board for Aug, Sep and October. The group code in the report is based on Aug data so a lineholder in Aug may be a reserve in Sep or Oct and this report will not show that. The 28day summary tab is a cumulative total of block time for each pilot during the 3months. The data shows that 56 pilots violated the 100hr limit with 116 occurrences.

² This report contains data from Aug, Sep and Oct for all pilots with flying on their board. The group code in the report is the pilot's group code from August. So if he is a lineholder in August it will show "01" but if he changes in September or October this report will not reflect that change. This report has the flight duty period for every pilot by day. All flying is included except reserve blocks. (If the last leg was a deadhead it WAS included in the FDP calculations) The nonfly assignments that were included are OPC,RCFT,RCPC,RCPT,RFT,RGT,RPC,and RPT. The 7-day summary tab shows 8 pilots violated the 60hr FDP rule with 22 occurrences. The 28 day summary shows that 2 pilots violated the 190hrs FDP rule with 7 occurrences.

³ This report contains data from Aug, Sep and Oct for all pilots with flying on their board. The group code in the report is the pilot's group code from August. So if he is a lineholder in August it will show "01" but if he changes in September or October this report will not reflect that change. This report has the duty period for every pilot by day. Flying and reserve blocks(14hr duty) are included however reserve assignments are not included. The nonfly assignments that were included are GLF,GPC,ICRM,LC,OF,OPC,RCFT,RCPC,RCPT,RFT,RGT,RPC,and RPT. The 7-day summary tab shows 507 pilots violated the 65hr Duty Period rule with 2128 occurrences. 132 pilots violated the 75hr DutyPeriod rule with 299 occurrences. **Of the 507 pilots and associated occurrences, all were attributable to reserve or training events. 468 were driven by reserve blocks, 27 had reserve and training, 9 with just training.** The 28 day summary shows that 383 pilots violated the 200hr Duty Period rule with 5188 occurrences. 228 Pilots violated the 215 hrs rule with 2413 occurrences. **Most, if not all, of these could also be attributable to reserve or training events.**

**Flight Time / Duty Time NPRM Effects on Southwest Airlines' Pilots
(Conflicted Pilots per Month)**

§117.23	Proposed Rule	Pilots	% of Total
(b)(1)	100 (block) hours in any 28 consecutive day period	28	0.50%
(b)(2)	1,000 (block) hours in any 365 consecutive day period	11	0.20%
(c)(1)	60 flight duty period hours in any 168 consecutive hours	3	0.05%
(c)(2)	190 flight duty period hours in any 672 consecutive hours	1	0.02%
(d)(1)	65 duty hours in any 168 consecutive hours	184	3.28%
(d)(2)	200 duty hours in any 672 consecutive hours	192	3.42%
(d)(3)(i)	75 duty hours in any 168 consecutive hours (short-call reserve)	48	0.85%
(d)(3)(ii)	215 duty hours in any 672 consecutive hours (short-call reserve)	114	2.03%