For decades, ALPA tried hard to get the FAA to change its outdated flight- and duty-time (FT/DT) limits and minimum rest requirements for U.S. airline pilots. Though we made incremental improvements and rose closer to our goal of rational FT/DT limits and minimum rest requirements based on science, significant change did not occur until the tragic Colgan Flight 3704 accident in February 2009—putting the spotlight on the ills of our industry, including pilot fatigue.

From ARC to NPRM
ALPA’s longstanding campaign to update FT/DT rules ad-

A Closer Look at Some FT/DT NPRM Details
ALPA experts have been reviewing the rule and receiving feedback from members since the FAA unveiled the NPRM on September 14. ALPA’s Flight Time/Duty Time Committee (FT/DT) and ALPA representatives to the FAA’s 2009 Aviation Rulemaking Committee (ARC) have undertaken a thorough review of the proposed rules. The Committee has been evaluating how its recommendations during ARC proceedings were captured in regulatory language and comparing the NPRM with current ALPA policy. This step began during the first week of October, and will conclude with ALPA’s written response to the NPRM, which is due Nov. 15, 2010.

While our analysis of, and comments about, the NPRM are pending, a few components of the NPRM deserve an initial explanation to put the entire NPRM in the proper context. Outlining these components below does not imply ALPA’s agreement or disagreement with the NPRM in any way. That process will be completed soon and will be guided by ALPA policy. This is provided to give you a glimpse of how some elements of the NPRM are interwoven.

Unaugmented duty limits
First, let’s look at proposed FAR 117.15 Table B, Flight Duty Period: Unaugmented Operations—specifically, how to use the table.

One of the most misunderstood aspects of using Table B is where to enter the table. You must enter via the time of start column, using your home base (domicile) time unless you are acclimated to another time zone. For the vast majority of
Mitigate Pilot Fatigue

vanced in 2009 when FAA Administrator Randy Babbitt appointed seven ALPA members to the FAA’s Flight and Duty Time Limits and Rest Requirements Aviation Rulemaking Committee (ARC) and directed the ARC to comprehensively review current FT/DT regulations and recommend changes to reduce pilot fatigue and improve safety. Our pilots on the ARC represented every sector of Part 121 flying—regional, domestic, international, and cargo.

The ARC made its recommendations to the FAA on Sept. 1, 2009. While the agency said it would issue a notice of proposed rulemaking (NPRM) by the end of 2009, that timeline did not materialize, and ultimately the FAA released its

cases, you should use your home base time zone. Most errors in using the table occur when you are applying the table after an international flight segment and beginning a new flight duty period (FDP).

Let’s look at a practical application: The first example (Figure 1) is a flight flown from JFK to Madrid. Using the trip description, you can see that the report time is 1620. That time should be used to determine the allowable FDP and flight time:

The key points to remember are

• Enter the table with your report time, not your departure time.
• Both the FDP and the flight time limit are controlling; if either is exceeded, the flight requires augmentation.

Now let’s look at the return flight (Figure 2): The report time is 0240 JFK time, based on a 90-minute report before a 0410 departure, also converted to JFK time (90 minutes report in this example is contractual for this airline):

The key points are

• Enter the table with your report time, based on your home base (domicile) time, both for FDP and flight time limitations.
• In this example, entering with MAD time instead of JFK time would result in an allowable FDP of 12 hours and allowable flight time of 9 hours, thus not requiring augmentation, and would be an incorrect use of the FDP and flight time tables (Tables A and B).

The next steps
As mentioned above, ALPA’s FT/DT Committee and ALPA ARC participants will submit our comments to the FAA by the November 15 deadline. The basis for those comments will be ALPA policy. Once again, outlining these components of the NPRM for you here does not imply ALPA’s agreement or disagreement with the NPRM in any way. Look for a summary of ALPA’s final comments to the FAA on the NPRM in an upcoming issue of Air Line Pilot.
long-awaited, and long overdue, NPRM on Sept. 14, 2010. This past summer Congress passed, and President Obama signed into law, a bill that, among other things, mandated that the FAA issue a final rule by July 31, 2011.

ALPA is analyzing the lengthy NPRM and recently briefed the Board of Directors on details of the proposed rule. Following the thorough review, ALPA will submit a comprehensive and detailed response to the FAA, and the final comment will be publicly available on the Federal Docket.

ALPA’s Flight Time/Duty Time Committee welcomes input from ALPA members to consider when analyzing the NPRM and developing the Association’s position. E-mail your comments or questions to fatigue@alpa.org.

Collective Bargaining Agreements

Some ALPA members have asked how any FAR change would interact with a collective bargaining agreement section. The bottom line is this: upon implementation, if the FAR is more restrictive, it will control. If the contractual provision is more restrictive, it will control, just as it does today. As you can imagine, some pilot groups may need to negotiate changes in work rules and/or scheduling rules after the final rule is published.

Good news...

As ALPA’s president, Capt. John Prater, told the House Aviation Subcommittee during its September 16 hearing on the NPRM, our first read through the lengthy document revealed several apparently favorable aspects of the proposal, which

- appears to apply scientific principles and recognizes human physiological limitations by proposing increased minimum rest periods and more reasonable duty days, and recognizes the effects of circadian rhythms on fatigue,
- applies to all FAR Part 121 flying, eliminating “carve outs” for supplemental operations,
- incorporates FAR Part 91 “tag on” or ferry flights within FT/DT limits,
- requires recurrent fatigue education and training at all airlines and calls for airlines to implement a fatigue risk management system,
- requires airlines to accurately record and set scheduled flight and duty periods based on actual operations, with adjustments mandated if unreliable scheduling is used,
- makes the decision to extend the duty period a joint responsibility of the pilot in command and the airline and limits the number of times the duty period may be extended,
- requires deadheading to be counted as duty time, and
- specifically recognizes reserve duty.

...and shortcomings

After our initial review, however, we found a few areas in which the NPRM does not adequately capture the ARC’s recommendations:

- ensuring that the length and quality of rest after a long-range flight across multiple time zones is sufficient before the next flight/duty period,
- ensuring that the concept of fitness for duty remains a joint responsibility that doesn’t create a burdensome commuting tracking and reporting system with an unintended consequence of adversely affecting pilot fatigue,
- ensuring that the application of augmented flight- and duty-period tables addresses the circadian disruption that the flightcrew member may experience in certain types of flying, and
- the viability of increasing block time in a duty period up to 10 hours.

How the Proposed FAR 117.25 Rest Period Differs From the Current FAR

FAA proposal: FAR 117.25 (d) No certificate holder may schedule and no flightcrew member may accept an assignment for reserve or a flight duty period unless the flightcrew member is given a rest period of at least 9 consecutive hours before beginning the reserve or flight duty period measured from the time the flightcrew member reaches the hotel or other suitable accommodation.

The most significant change in the proposed FAR concerning rest is that it is measured from the time you reach the place of rest. Effectively, it appears that the FAA will no longer deal with the concept of “transportation local in nature.” Today, as we know, the rest period is measured from time of release from duty to time of report for duty and includes travel time to a local hotel. The idea behind the ARC participants’ minimum rest period recommendation was to make possible an 8-hour sleep opportunity, and ALPA’s FT/DT Committee will analyze the FAA’s proposed rule against that recommendation and ALPA policy.
Part of ALP A’s strategy to gain regulatory improvements to mitigate pilot fatigue has been leveraging work by the International Civil Aviation Organization (ICAO), the aviation arm of the United Nations, to pressure not only the FAA but also Transport Canada to update their flight-time and duty-time regulations. That work includes developing standards and recommended practices on fatigue risk management systems (FRMS).

ALP A’s Flight Time/Duty Time (FT/DT) Committee has met several times with Transport Canada officials to brief them on the recommendations of the FAA’s FT/DT Aviation Rulemaking Committee and related FAA activities. Those briefings have been productive: Transport Canada earlier this year created, under its Canadian Aviation Regulation Advisory Council (CARAC) Technical Committee, a Fatigue Management Working Group.

So after many fits and starts over decades and continual advocacy by ALP A and others (see “A Short History of Flight-Time/Duty-Time Rulemaking,” October, page 42), the FAA has published an NPRM having the potential to make significant improvements in FT/DT limits and minimum rest requirements. The ultimate value of the final rule will depend on application of scientific principles that are tempered by experience gained through use of those rules on the line.

Now is the time—our time—to redouble our efforts to make effective and valued comment to the new, proposed rules and provide a level playing field across our industry.