

new type of passenger seat has been developed that meets the guidelines in AC 121-31 and therefore could be approved for use as sleeping quarters by certificate holders operating under part 121 or part 135.

The proposed rule defines four kinds of time: assigned time, duty involving flight time (referred to as "duty period"), reserve time, and rest (referred to as "rest period"). Definitions of each of these times, as well as other terms, as proposed in §§ 121.471 and 135.261, are discussed below.

"Assigned time" is time when the flight crewmember is assigned by the certificate holder to activities other than flight duties. Assigned time may include activities such as deadhead transportation, training, loading baggage, taking tickets, administrative tasks and any other assignments, excluding reserve time and required rest periods. Assigned time may be performed as part of a duty period, in which case the proposed duty period limitations and rest requirements in §§ 121.473, 121.475, and 135.263 would apply. Rest requirements associated with assigned time that is not part of a duty period are found in proposed §§ 121.483(f) and 135.271(f).

The proposed rule defines "duty period" as the period of elapsed time between reporting for an assignment involving flight time and release from that assignment by the certificate holder. The time is calculated using either Coordinated Universal Time or the local time of the flight crewmember's home base.

The proposed rule defines two types of reserve: "Reserve time" and "standby duty." "Reserve time" is defined as a period of time when a flight crewmember must be available to report upon notice for a duty period. The certificate holder must allow the flight crewmember a minimum of 1 hour or more to report. Reserve time is not considered part of a rest period and is not considered a duty period. Reserve time does not include activities defined as assigned time. Reserve time ends when the crewmember reports for a duty period, when the crewmember is notified of a future flight assignment and released from all further responsibilities until report time for that assignment, or when the flight crewmember has been relieved for a rest period.

"Standby duty" in the proposed rule must be treated just like any other duty period associated with flight. Standby reserve duty is any period of time when a flight crewmember is required to report for a flight assignment in less than 1 hour from the time of

notification. It also includes time when a flight crewmember is required to report to and remain at a specific facility (e.g., airport, crew lounge) designated by a certificate holder.

The proposed rule defines "rest period" as the time period free of all restraint or duty for a certificate holder and free of all responsibility for work or duty should the occasion arise. Rest periods are considered personal time. Rest periods are provided to give the flight crewmember a predetermined opportunity for rest.

For example, if a flight crewmember is scheduled for a duty period which ends on 1200 on Tuesday and requires 14 hours of rest and the flight crewmember is not scheduled for another duty period until 1200 on Thursday, then the 48 hours between duty periods is considered a rest period. The flight crewmember's minimum rest period requirements would be satisfied after 14 hours from the time the duty period ended. The air carrier may reschedule the flight crewmember, but must ensure the minimum rest period requirements are satisfied. It should be noted that the crewmember cannot be required by the air carrier to contact the air carrier, answer the phone, carry a beeper, remain at a specific location or in any other way be responsible to the air carrier during a scheduled rest period. This does not prohibit the flight crewmember from contacting the air carrier at his or her own discretion.

For clarification purposes, the proposal also defines a "calendar day" as the period of elapsed time, using Coordinated Universal Time or local time, that begins at midnight and ends 24 hours later at the next midnight. The definition is needed because certificate holders have been confused about the application of the term. "Calendar day" is defined in the proposed rule in a manner consistent with past interpretations of the rule.

Also, for clarification purposes, the proposal defines "operational delays" as delays that are beyond the control of the certificate holder such as those that would be caused by weather, aircraft equipment malfunctions, and air traffic control delays. It would not include late arriving passengers, late food service, late fuel trucks, or delays in loading baggage, freight, or mail, or similar events.

#### *Flight Crewmember Duty, Flight, and Rest*

Proposed §§ 121.473, 121.475, and 135.263 would establish maximum scheduled duty periods and a maximum scheduled amount of flight time for flight crewmembers within the

maximum scheduled duty period. In addition, the proposal would establish minimum rest requirements for flight crewmembers, including requirements that apply when flight crews are augmented and when on board rest facilities are provided.

Current rules are primarily based on flight time. In addition, in some cases the current rules are based on actual rather than scheduled flight time. The major basis for the proposed rule is scheduled duty. The reason for going to a scheduled duty rule is that it is more consistent with current studies relating to fatigue.

For the purposes of assignments involving flight time, the duty period includes the total elapsed time between when the flight crewmember reports for a flight assignment, as required by the air carrier, and when the flight crewmember is relieved from duty by the air carrier. A typical duty period for a flight crewmember would consist of pre-flight duties and post-flight duties assigned by the air carrier. Pre-flight safety duties include aircraft emergency equipment checks, flight planning/dispatch related duties, and complying with the certificate holder's approved operations manual.

At least one industry study and information obtained from crewmembers indicates that air carriers vary in how early they require flight crewmembers to check in to begin their duty periods and pre-flight duties. This check-in or report time varies depending on the type of equipment flown and the flight destination. Carriers typically require flight crewmembers to arrive 30 minutes to 1 hour before scheduled departure. For international flights some carriers require flight crewmembers to report for duty up to 2 hours before departure.

Post-flight safety duties include the post-landing duties, safe deplaning of passengers, duties related to securing the aircraft, and administrative responsibilities such as reporting inoperative equipment to maintenance personnel. Typically, flight crewmembers are required to remain on duty after the aircraft arrives at the gate to accomplish these post-flight duties before they are relieved from duty.

A duty period may also include activities defined as "assigned time," as discussed under "Terms and Definitions," above.

Thus, a flight crewmember's duty period is not solely a function of whether the aircraft is airborne. Flight crewmembers perform important safety duties during boarding and deplaning. This proposal, therefore, is based on duty periods that include flight time