

reserve to flights between midnight and 5 a.m.; (4) The carrier could assign the crewmember on reserve to no more than two flight segments; or (5) The carrier could establish alternative policies and procedures to ensure that a crewmember will not be assigned to a flight unless that crewmember is "adequately rested for that flight assignment."

The first three ATA proposals are generally similar to this NPRM. The NPRM contains the option of blocking out a protected period of at least six hours during which the crewmember could not be disturbed by the employer. This is less restrictive than ATA's proposal (1), although it involves a slightly longer period than would be provided by proposal (3). Like ATA's proposal (2), the NPRM would provide for advance notice of assignments. However, the NPRM is not limited to a

single cut-off of 10 hours' notice. Carriers would be permitted to assign crewmembers to duty periods that vary with the amount of advance notice, down to as little as 4 hours' notice. Since ATA's proposal number (4) does not address rest at all, it is not included in the NPRM. Proposal number (5) sets no minimum standards for rest, and it, too, is therefore not part of this NPRM.

The Air Line Pilots Association, in addition to the alternative described above, offered a proposal somewhat similar to that of ATA. ALPA's proposal appears intended to provide more stability for pilot rest periods; it would not permit carriers to move the eight hour rest period more than three hours in any 24-hour period. Similarly, ALPA proposed a six-hour protected period, comparable to the five-hour period proposed by ATA. Our comments on

ATA's proposal apply to ALPA's as well, i.e., we believe we have accommodated much of their objectives.

Another proposal advanced during the ARAC discussions came from a labor/pilot group consisting mainly of Part 135 pilots. This proposal would limit any combination of reserve time and duty periods to no more than 18 hours or any duty assignment to no more than 14 hours. After being on reserve for 18 hours, a crewmember would have to receive a 10-hour rest period before accepting another reserve assignment. This proposal is not included in the NPRM because it unnecessarily limits the air carrier's reserve scheduling flexibility and provides no increase in safety when compared with the options proposed in the NPRM.

TABLE 3.—ADVANCE NOTIFICATION

| No. of hours notification prior to report time | 10 hours or more | 8 or more hours but less than 10 | 6 or more hours but less than 8 | 4 or more hours but less than 6 | Less than 4 hours |
|--|--|----------------------------------|---------------------------------|---------------------------------|-----------------------|
| Maximum scheduled duty period. | Maximum scheduled duty period ¹ . | No more than 12 hours. | No more than 10 hours. | No more than 8 hours | No more than 6 hours. |

¹ Maximum scheduled duty period could be 14, 16, 18, or 24 hours.

Additional Duty Period Limitations and Reduced Rest

Current §§ 121.471(g) and 135.263(d) state that a flight crewmember is not considered to be scheduled for flight time in excess of the flight time limitations if the flights to which he or she is assigned normally terminate within the limitations, but due to circumstances beyond the control of the certificate holder (such as adverse weather conditions) are not at block out time expected to reach their destination within the scheduled time. These requirements do not specify a limit to the flight time extensions under these circumstances.

In theory, under the current rule language, duty periods could be extended for unlimited periods of time as long as the extension was due to operational causes beyond the control of the air carrier such as weather, mechanical problems, and Air Traffic Control situations. This could result in flight crewmembers who, after the first flight of a flight schedule in a duty period, would be as much as 6 hours late, but would still continue with the flight schedule. The NASA Scientific Working Group determined that extended duty periods with no limit on the amount of time which the duty period could be extended was one of the major fatigue related problems with

current flight crewmember assignments (Recommendations 1.4, 2.1.2, and 2.3.3). Therefore, the FAA has proposed to place a limit on the amount of time that a duty period may be extended regardless of the nature of the delay.

Proposed §§ 121.473, 121.475, and 135.263 would allow certificate holders an extension of a duty period of not more than 2 hours beyond the maximum scheduled duty period if the extension is due to operational delays not under the control of the certificate holder. The proposed requirements would also allow the reduction of the required rest if the flight crewmember has not exceeded the required duty period (without the extension), if the flight crewmember is provided with a longer subsequent rest period as specified, and if the reduction in rest is due to operational delays. Reduced rest periods may not be scheduled in advance.

Proposed §§ 121.479 (a) and (b) and 135.267 (a) and (b) would state that a flight crewmember is not considered to be scheduled for a duty period or flight time in excess of the duty period or flight time limitations if the duty period or flight times to which the flight crewmember is assigned are scheduled and normally terminate within the limitations, but due to operational delays are not at block out time

expected to reach their destination within the scheduled duty period or flight time.

In addition, proposed §§ 121.479(a) and 135.267(a) state that a flight crewmember may not serve as a crewmember in an aircraft if, at block out time for the purpose of flight, that flight crewmember's actual elapsed duty time plus duty time scheduled for the next flight will cause the flight crewmember to exceed the applicable duty period limitations by more than two hours. However, there is no limit on actual flight time accrued during a duty period, if the additional flight time is due to operational delays, but in any event the duty time limit may not be extended by more than 2 hours.

The proposal would allow a certificate holder the flexibility to schedule the same crew on a flight even when that flight is going to be late; however, it would not allow flight crewmembers to be scheduled indefinitely even when the circumstances which caused them to be late are beyond the control of the certificate holder. During a scheduled flight assignment, if the combination of scheduled times for the remaining flights would mean that the maximum scheduled duty period would be exceeded by more than two hours, the flight crewmember would have to be