U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

Effective Date:
June 24, 2009

SUBJ: Flight and Duty Time Limitations and Rest Requirements Aviation Rulemaking Committee

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1. PURPOSE. This document establishes the Flight and Duty Time Limitations and Rest Requirements Aviation Rulemaking Committee (ARC) according to the Administrator's authority under Title 49 of the United States Code (49 U.S.C.), section 106(p)(5).

2. DISTRIBUTION. This document is distributed to the director level in the Offices of Rulemaking; International Aviation; Chief Counsel; Flight Standards; Aerospace Medicine; Budget.

BACKGROUND.

a. On June 10, 2009, FAA Administrator J. Randolph Babbitt testified before the Senate on the "FAA's Role in the Oversight of Air Carriers." He addressed issues regarding pilot training and qualifications, flight crew fatigue, and consistency of safety standards and compliance between air transportation operators, and committed to "...assessing the safety of our system and taking the appropriate steps to improve [it].."

b. The FAA recognizes that the effects of fatigue are universal, and the profiles of operations occurring under parts 121 and 135 are similar enough that the same fatigue mitigations should be applied across operations for flightcrew members. To carry out the Administrator's goal, the FAA is chartering an ARC that will develop recommendations regarding rulemaking on flight time limitations, duty period limits and rest requirements for pilots in operations under parts 121 and 135.

3. OBJECTIVES AND SCOPE OF THE COMMITTEE. The Flight and Duty Time Limitations and Rest Requirements ARC will provide a forum for the U.S. aviation community to discuss current approaches to mitigate fatigue found in international standards (e.g. the International Civil Aviation Organization (ICAO) standard, the United Kingdom Civil Aviation Publication (CAP) 371 and European Aviation Safety Agency Notice of Proposed Amendment) and make specific recommendations on how the U.S. should modify its existing requirements. Specifically, the ARC should consider and address:

i. A single approach to addressing fatigue that consolidates and replaces existing regulatory requirements for parts 121/135;
ii. Current fatigue science and information on fatigue;
iii. Current approaches to address fatigue in international standards; and
iv. Incorporation of fatigue risk management systems.

By September 1, 2009, the ARC will submit its recommendations, in the form of a draft Notice of Proposed Rulemaking (NPRM) that includes regulatory language, to the Associate Administrator for Aviation Safety. The Associate Administrator for Aviation Safety will issue more specific taskings, including deadlines for completion, as necessary.

4. COMMITTEE PROCEDURES.

a. The committee provides advice and recommendations to the Associate Administrator for Aviation Safety. The committee acts solely in an advisory capacity.

b. The committee will discuss and present information, guidance, and recommendations that the members of the committee consider relevant to disposing of issues.

5. ORGANIZATION, MEMBERSHIP, AND ADMINISTRATION.

a. The FAA will establish a committee representing the various parts of the industry and Government.

i. The ARC will consist of approximately 25-30 members.

ii. The FAA will select organizations to participate in the ARC. The ARC will consist of representatives from the aviation community, including pilot employee associations and air carriers.

iii. The FAA will identify the number of ARC members that each organization may select to participate. The Associate Administrator for Aviation Safety will then request that each organization name its representative(s). The representative for the organization should have authority to speak for the members he or she represents.

iv. Active participation and commitment by members will be essential for achieving the committee objectives and for continued membership on the ARC.

b. The committee may set up specialized work groups that will include at least one committee member and invited subject matter experts from industry and Government, as necessary.

c. The Associate Administrator for Aviation Safety will receive all committee recommendations and reports.

d. The Associate Administrator for Aviation Safety is the sponsor of the committee and will select an industry chair(s) from the membership of the committee. Also, the Associate Administrator will select the FAA-designated representative for the committee. Once appointed, the industry chair(s) will:

(1) Determine, in coordination with the other members of the committee, when a meeting is required.

(2) Arrange notification to all committee members of the time and place for each meeting.

(3) Draft an agenda for each meeting and conduct the meeting.

e. A Record of Discussions of committee meetings will be kept.

f. Although a quorum is desirable at committee meetings, it is not required.

6. PUBLIC PARTICIPATION. The Flight and Duty Time Limitations and Rest Requirements ARC meetings are not open to the public. Persons or organizations that are not members of this committee and are interested in attending a meeting must request and receive approval in advance of the meeting from the industry chair(s) or the designated Federal representative.

7. AVAILABILITY OF RECORDS. Under the Freedom of Information Act, 5 U.S.C. § 522, records, reports, agendas, working papers, and other documents that are made available to or prepared for or by the committee will be available for public inspection and copying at the FAA Flight Standards Service, AFS-200, 800 Independence Avenue, SW., Washington, DC 20591. Fees will be charged for information furnished to the public according to the fee schedule published in Title 49 of the Code of Federal Regulations part 7.

8. PUBLIC INTEREST. Forming the Flight and Duty Time Limitations and Rest Requirements ARC is determined to be in the public interest to fulfill the performance of duties imposed on FAA by law.

9. EFFECTIVE DATE AND DURATION. This committee is effective July 15, 2009. The ARC will submit its recommendations, in the form of a draft Notice of Proposed Rulemaking (NPRM) that includes regulatory language, to the Associate Administrator for Aviation Safety by September 1, 2009. The committee will remain in existence until November 15, 2009, unless sooner terminated or extended by the Administrator.

J. Randolph Babbitt
Administrator