



**U.S. DEPARTMENT OF TRANSPORTATION**  
**FEDERAL AVIATION ADMINISTRATION**  
Aviation Rulemaking Committee Charter

Effective Date: May 21, 2019

**SUBJECT: Part 135 Pilot Rest and Duty Rules Aviation Rulemaking Committee**

**1. PURPOSE.** This charter establishes the Part 135 Pilot Rest and Duty Rules Aviation Rulemaking Committee (ARC), according to the Administrator's authority under Title 49 of the United States Code (49 U.S.C. § 106(p)(5)). The sponsor of the ARC is the Associate Administrator for Aviation Safety. This charter outlines the ARC's organization, responsibilities, and tasks.

**2. BACKGROUND.** Section 315, Aviation Rulemaking Committee for Part 135 Pilot Rest and Duty Rules, of the FAA Reauthorization Act of 2018 (Pub. L. 115-254) requires the following:

*(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall convene an aviation rulemaking committee to review, and develop findings and recommendations regarding, pilot rest and duty rules under part 135 of title 14, Code of Federal Regulations.*

*(b) DUTIES.—The Administrator shall—*

- (1) not later than 2 years after the date of enactment of this Act, submit to the appropriate committees of Congress a report based on the findings of the aviation rulemaking committee; and*
- (2) not later than 1 year after the date of submission of the report under paragraph (1), issue a notice of proposed rulemaking based on any consensus recommendations reached by the aviation rulemaking committee.*

*(c) COMPOSITION.—The aviation rulemaking committee shall consist of members appointed by the Administrator, including—*

- (1) representatives of industry;*
- (2) representatives of aviation labor organizations, including collective bargaining units representing pilots who are covered by part 135 of title 14, Code of Federal Regulations, and subpart K of part 91 of such title; and*
- (3) aviation safety experts with specific knowledge of flight crewmember education and training requirements under part 135 of such title.*

*(d) CONSIDERATIONS.—The Administrator shall direct the aviation rulemaking committee to consider—*

- (1) recommendations of prior part 135 rulemaking committees;*
- (2) accommodations necessary for small businesses;*
- (3) scientific data derived from aviation-related fatigue and sleep research;*
- (4) data gathered from aviation safety reporting programs;*
- (5) the need to accommodate the diversity of operations conducted under part 135, including the unique duty and rest time requirements of air ambulance pilots; and*
- (6) other items, as appropriate.*

**3. OBJECTIVE OF THE ARC.** The ARC will review and develop findings and recommendations regarding pilot rest and duty rules under Title 14, Code of Federal Regulations (14 CFR) Part 135.

**4. TASKS OF THE ARC.** The tasks of the ARC are:

- a. Review the FAA's current part 135 pilot rest and duty rules.
- b. Review other related commercial pilot rest and duty rules, to include those of the International Civil Aviation Organization (ICAO) and 14 CFR part 121.
- c. Identify the effectiveness and deficiencies of the current part 135 framework.
- d. Evaluate the current regulatory framework in the context of the FAA's tiered level of safety and provide specific consensus comments and recommendations to assist the FAA in developing future rulemaking activity in this area. For any recommendation to change regulatory requirements, the ARC will provide cost and benefit estimates.
- e. Consider the provisions under Section 315, paragraph D of Pub. L. 115-254.
- f. Within 16 months from the first meeting after the effective date of the charter, submit a recommendation report.
  - i. The Industry Co-Chair sends the recommendation report to the Associate Administrator for Aviation Safety and the Director of the Office of Rulemaking.
  - ii. The Associate Administrator for Aviation Safety determines when the recommendation report and records, pursuant to paragraph (8), will be made available for public release.

**5. ARC PROCEDURES.**

- a. The ARC acts solely in an advisory capacity by advising and providing written recommendations to the Associate Administrator for Aviation Safety.
- b. The ARC may propose related follow-on tasks outside the stated scope of the ARC to the FAA Co-Chair.
- c. The ARC may reconvene following the submission of the recommendation report for the purposes of providing advice and assistance to the FAA, at the discretion of the FAA Co-Chair, provided the charter is still in effect.

**6. ARC ORGANIZATION, MEMBERSHIP, AND ADMINISTRATION.** As directed by Pub. L. 115-254, the committee shall consist of members appointed by the Administrator, including representatives of industry; representatives of aviation labor organizations, including collective bargaining units representing pilots who are covered by 14 CFR part 135, and subpart K of part 91 of such title; and aviation safety experts with specific knowledge of flight crewmember education and training requirements under part 135.

The FAA will set up a committee of up to 20 members. Membership will be balanced in viewpoints, interests, and knowledge of the topics addressed in the committee's objectives and scope. Subject matter experts may be requested to participate as Observers and/or to provide technical support to the ARC members.

The provisions of the August 13, 2014 Office of Management and Budget (OMB) guidance, "Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions" (79 FR 47482), continues the ban on registered lobbyists participating on Agency Boards and Commissions if participating in their "individual capacity." The revised guidance allows registered lobbyists to participate on Agency Boards and Commissions in a "representative capacity" for the "express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry, sector, labor unions, or environmental groups, etc.) or state or local government." For further information, refer to the OMB Guidance at 79 FR 47482.

Membership is limited to promote discussion. Attendance, active participation, and commitment by members is essential for achieving the objectives and tasks. When necessary, the ARC may set up specialized and temporary working groups that include at least one ARC member and invited subject matter experts from industry and government.

- a. At the request of the sponsor, the Flight Standards Service will appoint the FAA Co-Chair and will:
    - 1) Select and appoint industry and the FAA participants as members,
    - 2) Select the Industry Co-Chair from the membership of the ARC,
    - 3) Ensure FAA participation and support from all affected lines-of-business,
    - 4) Provide notification to the members of the time and place for each meeting, and
    - 5) Receive any status report and the recommendations report.
  - b. The Industry Co-Chair will be appointed from the part 135 operations community. Once appointed, the Industry Co-Chair will:
    - 1) Coordinate required ARC meetings in order to meet the objectives and timelines,
    - 2) Establish and distribute meeting agendas in a timely manner,
    - 3) Keep meeting notes, if deemed necessary,
    - 4) Perform other responsibilities as required to ensure the objectives are met,
    - 5) Provide status reports, as requested, in writing to the FAA Co-Chair, and
    - 6) Submit the recommendation report to the FAA Co-Chair and the Director of the Office of Rulemaking.
7. **PUBLIC PARTICIPATION.** Meetings are not open to the public. Persons or organizations outside the ARC who wish to attend a meeting must get approval in advance of the meeting from the Industry Co-Chair and the FAA Co-Chair.
8. **AVAILABILITY OF RECORDS.** Consistent with the Freedom of Information Act, Title 5, U.S.C., § 552, records, reports, agendas, working papers, and other documents that are made

available to or prepared for or by the ARC will be available for public inspection and copying at the Office of Rulemaking, FAA Headquarters, 800 Independence Ave. SW, Washington, D.C. 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. You can find this charter on the FAA Committee Database website at: [http://www.faa.gov/regulations\\_policies/rulemaking/committees/documents/](http://www.faa.gov/regulations_policies/rulemaking/committees/documents/).

9. **DISTRIBUTION.** This charter is distributed to the Office of the Associate Administrator for Aviation Safety, the Office of the Chief Counsel, the Office of Assistant Administrator for Policy, International Affairs, and Environment, and the Office of Rulemaking.
10. **EFFECTIVE DATE AND DURATION.** The ARC is effective upon issuance of this charter and will remain in existence for a maximum of 24 months, unless the charter is sooner suspended, terminated, or extended by the Administrator.

Issued in Washington, D.C. on May 21, 2019.



Daniel K. Elwell  
Acting Administrator