UNITED STATES OF AMERICA
FEDERAL AVIATION AGENCY
WASHINGTON, D. C.

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Civil Air Regulations Amendment 42-4
Effective: April 6, 1964
Issued: February 28, 1964

[Reg. Docket No. 1808, Amdt. 42-4]

PART 42—AIRCRAFT CERTIFICATION AND OPERATION RULES FOR SUPPLEMENTAL AIR CARRIERS, COMMERCIAL OPERATORS USING LARGE AIRCRAFT, AND CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN CHARTER FLIGHTS OR OTHER SPECIAL SERVICES

Flight Time Limitations; Airplanes; Overseas and International Operations; Flight Crews Consisting of Three or More Pilots and Additional Airmen

The Federal Aviation Agency published as a notice of proposed rule making (28 F.R. 6656) and circulated as Notice 63-25 dated June 20, 1963, a proposal to amend Part 42 of the Civil Air Regulations to prescribe specific ground rest periods and duty time limitations for flight crews of three or more pilots and additional airmen, as required, engaged in overseas and international operations conducted by air carriers and commercial operators certificated under Part 42 of the Civil Air Regulations.

The flight time limitations and rest requirements applicable to flight crewmembers of flight crews consisting of three or more pilots and additional airmen, as required, engaged in overseas and international operations conducted by air carriers and commercial operators and governed by Part 42 of the Civil Air Regulations, were originally set forth in Paragraph 66 of the Operations Specifications issued to such air carriers and commercial operators. These rules have recently been incorporated into § 42.322 of the Revised Part 42, effective November 11, 1963. Under the provisions of these rules, members of such flight crews may be aloft as flight crewmembers for 350 hours in any 90-day period. The scheduling of adequate ground rest periods for members of such flight crews while away from home base is a responsibility which the rules place upon the operator.

The nature and overall pattern of off-route and charter type operations conducted under Part 42 in overseas and international operations have often resulted in flight crewmembers being subjected to lengthy periods of continuous duty while away from their home bases. Despite the existence of sleeping facilities on the airplane, lengthy periods of continuous duty by flight crewmembers may lead to overfatigue of such crewmembers. Therefore, in order to preclude operations which could result in flight crewmembers performing their duties in an overly fatigued condition, a limit must be set on the length of time which such flight crewmembers may be on continuous duty, and minimum requirements must be established pertaining to the rest periods necessary for such flight crewmembers while away from their home base.

The Agency in an advance notice of proposed rule making issued on August 27, 1963. (Notice 63-34 (28 F.R. 9674)), stated its intention to completely review and revise all of the flight time limitation rules applicable to all air carrier and large airplane commercial operations. In view of the scope of such review and revision, and its significance and effect on air carrier scheduling, it is not anticipated that any resultant regulatory action will be completed in the very near future. It is clear that the prescription of the rules contained in this amendment cannot be delayed, and must be established in the interim prior to the overall revision of all flight time rules. However, in view of this overall revision the amendments contained herein are limited to the minimum which the Agency believes to be of immediate urgency.

The majority of the comments received in response to Notice 63-25 favored the adoption of specific limitations on the length of continuous duty periods as proposed. Many of the comments recommended more stringent specific hourly limitations than those proposed. Comments received from one air carrier opposed the proposal on two grounds: First, the proposed 30-hour limitation on the length of a continuous duty period is completely unreasonable; and second, the proposal was inequitable because it was not required for scheduled air car-

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(This is the fourth amendment to Revised Part 42)

riers operating off-route charter flights. In support of the first contention, the air carrier stated that in its cargo operations the aircraft is required to be positioned for loading at least 4 hours prior to scheduled departure and remain on the ground as much as 3 hours at an intermediate stop. Moreover, if a limitation is to be placed upon the continuous duty time, appropriate amendments should be made to the rest period required upon return of the flight crewmember to his principal operations base.

Setting forth a maximum duty time limitation will no doubt necessitate some burden and changes in operating procedures for some air carriers. However, the specific limitation on duty time and requirements for rest which are contained in this amendment are considered adequate both as the minimum requirements for safety of operations, and in order to permit the air carriers reasonable flexibility in the utilization of flight crewmembers.

Upon further consideration, the Agency decided that the words "reports for duty" should be substituted for "goes on duty" in the second sentence of proposed § 42.49(a). The change was made in order to clearly indicate that in the case of a delayed flight, the duty period begins at the time the crewmember reports for duty as scheduled, rather than the time at which he actually starts the preflight duties for the particular flight.

In Notice 63–25 it was proposed to add a new § 4249 to Part 42 to set a limitation on the scheduling authorized in the Operations Specifications. However, since the flight time limitations contained in the Operations Specifications have been incorporated in the Revised Part 42, the amendment proposed in the notice is issued in the form of an amendment of § 42.322 of Revised Part 42.

Notice 63–25 proposed to amend Part 42 only insofar as supplemental air carriers and commercial operators were concerned. However, scheduled air carriers, certificated under Part 40 or 41, when conducting off-route operations in accordance with the operating rules of Part 42, are subject to the same problems and difficulties in crew scheduling and management as are Part 42 carriers. Accordingly, while this amendment, adopted pursuant to Notice 63–25, concerns itself only with those supplemental air carriers and commercial operators certificated under Part 42, a notice of proposed rule making to establish the same duty time limitations for scheduled air carriers when conducting flights under the operating rules of Part 42 is being published concurrently with the publication of this amendment.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented.

This amendment is made under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424).

In consideration of the foregoing, § 42.322 of Revised Part 42 of the Civil Air Regulations (28 F.R. 7124) is hereby amended redesignating paragraphs (c), (d), and (e) as paragraphs (d), (e), and (f); and by adding a new paragraph (c) to read as follows, effective April 6, 1964:

§ 42.322 Flight crew of three or more pilots and additional airmen, as required.

* * * * *

(c) (1) An air carrier or commercial operator certificated under this part shall not schedule any flight crewmember to be on continuous duty in excess of 30 hours. Such a flight crewmember is considered on continuous duty from the time he reports for duty until the time he is released from duty for a period of rest of 10 or more consecutive hours on the ground.

(2) If such a flight crewmember is on continuous duty in excess of 24 hours, whether scheduled or not, during any one scheduled duty period, he must receive at least 16 hours for rest on the ground after completion of the last flight scheduled for that scheduled duty period, before being assigned any further flight duty.

(3) If such a flight crewmember is required to engage in deadhead transportation in excess of 4 hours before commencing flight duty, one-half of the time spent in deadhead transportation must be treated as duty time for purposes of determining compliance with duty time limitations, unless he is given not less than 10 hours for rest on the ground before being assigned to flight duty.

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Issued in Washington, D.C., on February 28, 1964.

N. E. HALABY,
Administrator.

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