UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD
WASHINGTON, D. C.

Civil Air Regulations Amendment 42-17
Effective: April 1, 1953
Adopted: February 25, 1953

IRREGULAR AIR CARRIER AND OFF-ROUTE RULES
DEFINITION OF CREW MEMBER AND MODIFICATION OF REST PERIOD RULE

Presently effective section 42.48 of Part 42 of the Civil Air Regulations limits the on-duty time of pilots to 16, 18, and 20 hours, respectively, for operations requiring a crew of two, three, or four pilots. In Draft Release 52-22, dated July 29, 1952, certain amendments to Part 42 of the Civil Air Regulations were proposed with respect to limitations on deadhead transportation by identifying deadhead transportation as "on-duty" time. Unrestricted deadhead transportation would, therefore, have been prevented under this proposal. As a result of the comment received, the Board has concluded that additional investigation into the entire subject of irregular air carrier flight time limitations is required before the restriction on deadhead transportation described above is adopted.

Draft Release 52-22 also gave notice that consideration was being given to an amendment of the definition of "crew member" because the definition which now appears in Part 42 is erroneous and is incompatible with the use of the term "crew member" as it appears in Section 42.48. The Board has concluded that a correction of this definition should be made at this time.

The draft release also proposed to clarify the intent of the Board with respect to whether deadhead transportation may be considered as a part of a rest period. It had been brought to the attention of the Board that subparagraph 42.48 (a) (2) had been interpreted by some persons to mean that the restriction against considering time spent in deadhead transportation as rest period is applicable only when a pilot has flown in excess of eight hours during any 24 consecutive hours. Such an interpretation would permit time spent in deadhead transportation, under certain circumstances, to be considered as a rest period, and a pilot could, therefore, engage in deadhead transportation to the detriment of the "rest" contemplated by the regulation. The Board is of the opinion that this practice unduly jeopardizes the safety of flight and, accordingly, considers it advisable to clarify the regulations by deleting the second sentence of subparagraph 42.48 (a) (2) and by adding a new subparagraph 42.48 (a) (7) to require that time spent in deadhead transportation to or from duty assignment shall not be considered a part of any required rest period.

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.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 42 (14 CFR, Part 42, as amended) effective April 1, 1953:

1. By amending § 42.1 (a) (8) to read as follows:

42.1 Definitions.

(a) * * *

(8) Crew member.

Crew member means any individual assigned by the air carrier for the performance of duty on the aircraft in flight.

2. By amending § 42.48 (a) (2) by deleting the second sentence thereof.

3. By adding a new subparagraph (7) to § 42.48 (a) to read as follows:

42.48 Flight time limitations for pilots on large aircraft. * * *

(a) Individual pilot limitations. * * *

(7) Time spent in any deadhead transportation shall in no case be considered as part of a required rest period.

(Sec. 205 (a), 52 Stat. 984; 49 U.S.C. 425 (a). Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008; 49 U.S.C. 551, 552)

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

M. C. Mulligan
Secretary

(SEAL)

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