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FEDERAL AVIATION AGENCY

FLIGHT STANDARDS SERVICE

[14 CFR Part 42]

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[Notice 63-25 ; Docket No. 1808]

NOTICE OF PROPOSED RULE MAKING

PART 42 - IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Duty Time Limitations - International and Overseas Operations with Flight Crews of Three or More Pilots and Additional Airmen, as Required

The Federal Aviation Agency has under consideration 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 supplemental air carriers and commercial operators under Part 42 of the Civil Air Regulations. This proposal is considered necessary as an interim measure pending an over-all revision of the flight time limitations applicable to all air carrier operations.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A-103, 1711 New York Avenue, N.W., Washington 25, D. C. All communications received on or before August 26, 1963, will be considered by the

Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Presently the flight time limitations applicable to overseas and international flights of air carriers and commercial operators which are governed by Part 42 of the Civil Air Regulations and related operations specifications permit great flexibility in the scheduling of flight crewmembers. At the time the limitations were originally authorized, it was considered that this flexibility was necessary due to the nature of international operations, the unsanitary and often unhealthy living conditions which existed at some intermediate stops, the types of airplanes used, the length of the flights, and the size and type of flight crews utilized.

These limitations provide that members of flight crews of three or more pilots and additional airmen, as required, may not be aloft as such crewmembers more than 350 hours in any 90 consecutive days or more than 1,000 hours in any 12-month period. However, there is no daily limit to the number of hours that such flight crewmembers may be aloft or on duty, except that there is a limitation on hours of duty on the flight deck of flight engineers, radio operators, and navigators. Otherwise, the limitations merely provide that the flight hours of such crews

shall be scheduled in such a manner as to provide for adequate rest periods on the ground while the crewmembers are away from the base. In light of experience, questions have arisen as to what constitutes "adequate" ground rest periods for members of augmented flight crews, employed by carriers to whom the flight time limitations of Part 42 are applicable, while away from their home base. Some flight crews have been required to be on duty for excessive periods of time without any rest. It appears that it may be necessary to prescribe more specific requirements for ground rest periods than those presently applicable.

Consideration is being given to limiting to 30 hours the maximum number of hours of "continuous duty" for which a member of a flight crew of three or more pilots and additional airmen may be scheduled on overseas or international flights, irrespective of the number of such crewmembers in the flight crew and the fact that sleeping facilities exist on board the airplane.

In order to indicate clearly what is meant by "continuous duty," it is proposed to define "continuous duty" as the entire period of time commencing when the flight crewmember goes on duty and continuing until he is released from duty for a rest period of not less than 10 consecutive hours on the ground.

This concept of duty time would include any rest periods of less than 10 hours.

Consideration is also being given to a specific requirement of a minimum period of 16 hours of rest on the ground when a member of such

a flight crew has actually been on duty in excess of 24 continuous hours whether scheduled or not. However, the rest is not required to be given until the completion of the scheduled duty.

While "deadhead" transportation is not now considered to be duty time, the Agency is concerned over the extent to which some multiple crews are being transported prior to assuming flight duties. Due to the fact that all travel is tiresome to a degree, as the result of noise, vibration, dry air, recirculated air, and subnormal sleeping conditions, "deadhead" transportation undoubtedly induces fatigue to some extent. The Agency believes that a portion of such "deadhead" time should be considered as duty time in order to assure that flight crewmembers are sufficiently rested to carry out their assigned flight duties safely. Therefore, consideration is being given to requiring that one-half of such deadhead travel time be considered as duty time whenever the deadhead transportation exceeds 4 hours and is not followed by a ground rest period of at least 10 hours prior to flight duty.

It is the Agency's intention to prescribe all rules pertaining to flight time limitations in the air carrier operating parts of the Civil Air Regulations and to delete from the air carriers' operations specifications such rules pertaining to these limitations as now exist therein. However, in view of the above-mentioned overall revision of all flight time limitation rules, such action is not contemplated in conjunction with this proposed interim revision of the flight time rules applicable to certain air carrier operations conducted pursuant to Part 42.

The format of any final rules adopted pursuant to this proposal will be subject to such changes as may be necessary for recodification under the Agency's recodification program announced in Draft Release 61-25 (26 F.R. 10698).

In consideration of the foregoing, it is proposed to amend Part 42 of the Civil Air Regulations as hereinafter set forth.

These amendments to Part 42 of the Civil Air Regulations are proposed under the authority of sections 313(a), 601, and 604(a) of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1424).

1. Redesignate present § 42.49 as paragraph (e) of § 42.48.

2. By changing the title of section 42.48 to read as follows:

"Flight time limitations for pilots and flight engineers on large aircraft."

3. Add a new § 42.49 to read as follows:

§ 42.49 Overseas and international flights.

(a) Any provisions in operations specifications notwithstanding, no air carrier or commercial operator to whose overseas or international operations the flight time limitations of this Part apply, directly or by reference and incorporation, may, in such operations, schedule any flight crewmember of a flight crew of three or more pilots and additional airmen, as required, to be on continuous duty in excess of 30 hours. A crewmember will be considered as being on continuous duty from the time he goes on duty until the time he is released from duty for a period of rest of 10 or more consecutive hours on the ground.

(b) If any flight crewmember of such a flight crew is actually 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.

(c) If any member of such a crew 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.

Director
Flight Standards Service

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