

CONCEPT PAPER FOR PART 135 ON-DEMAND AIR CHARTER

Proposal to replace existing flight and duty time regulation

THE PART 135 ON-DEMAND AIR CHARTER INDUSTRY

Almost 3,000 businesses are certificated by the FAA as Part 135 on-demand air charter air carriers. The majority of companies in the industry are small businesses regulated by the FAA with similar oversight to that given to the large scheduled airlines.

The on-demand air charter industry provides a vital transportation link for medical services, important cargo needed to promote commerce, and personal travel supporting the growth of the economy. These companies use smaller aircraft to meet the customized needs of the traveling public for greater flexibility in scheduling and access to almost every airport in the country. In passenger service, flights are planned according to the customer's schedule, not the operator's. Likewise, air charter serves a vital role for commerce across the country and the world providing short notice delivery of parts, important documents, supplies and other valuable cargo. On-demand air charter also saves lives since air ambulances transport critically ill or injured patients to higher levels of trauma care. In addition, on-demand air charter flights transport vital organs for those requiring transplants. All of these services are contingent upon the ability to respond quickly to the needs of customers.

Developing a Reserve structure for the on-demand air charter industry requires maintaining the inherent flexibility necessary to conduct the missions air charter businesses are sought after to complete. Because on-demand operators do not have a reserve system similar to the scheduled airlines, incorporating a single reserve regulation could prove devastating to the industry. The concepts presented preserve the versatility necessary to comply with the on-demand nature of unscheduled Part 135 operations while addressing concerns identified by the FAA.

THE RECOMMENDATION

The following recommendations are directed towards 14 CFR Part 135 on-demand air charter operations and are designed to replace the existing 135.267 and 135.269. It is anticipated that, as appropriate, the approaches for flight crewmember flight, duty, rest and reserve time described below would be applied to operations with single pilot, two pilot and augmented (three and four pilot) crew situations.

In considering the concepts of Duty, Scheduled Reserve and Extended Reserve as described below, it is necessary to understand the operational/functional characteristics of each assignment in the management of an on-demand air charter business. In an assignment to Duty, the flight crewmember is performing some form of actual work for the certificate holder. When in a Scheduled Reserve system, it is anticipated that a duty assignment is likely to be forthcoming for the flight crewmember. While the flight crewmember is able to do what he or she wants in general, if the duty assignment materializes the certificate holder expects the crewmember to accept the assignment and

report for duty in a reasonable amount of time. Extended Reserve addresses operations where the certificate holder does not presently have a duty assignment for the crewmember, but must maintain the ability to contact the crewmember, should an opportunity for a duty assignment arise, to determine the crewmember's ability to accept the duty.

Flight Time Limitations, general

- 500 hours in any calendar quarter
- 800 hours in any two consecutive calendar quarters
- 1,400 hours in any calendar year
- In any 24-consecutive-hour period, total assigned flight time may not exceed 8 hours for single pilot operations and 10 hours for a flight crew of two pilots
- Flight time limits for augmented crews will remain consistent with current regulation

Flight Time Limitations, extension

If flight time is exceeded in single pilot and two pilot operations for reasons beyond the control of the certificate holder or the flight crewmember (such as air traffic control delays, adverse weather conditions, medical needs, and late arrivals of passengers &/or cargo) that flight crewmember must receive a rest period of at least –

- 11 hours if flight time limit is exceeded by not more than 30 minutes;
- 12 hours if flight time is exceeded by more than 30 minutes, but less than 60 minutes;
- 16 hours if flight time is exceeded by more than 60 minutes.

If flight time is exceeded in augmented crew operations for reasons beyond the control of the certificate holder or the flight crewmember (such as air traffic control delays, adverse weather conditions, medical needs, and late arrivals of passengers &/or cargo) that flight crewmember must receive a rest period of at least –

- 16 hours if flight time is exceeded by more than 60 minutes.

Rest:

Definition: a period of time that is free from all responsibility for work or duty prior to the commencement of, or following completion of, a duty period, and during which the flight crewmember cannot be required to receive contact from the certificate holder for purposes of certificate operations.

Rest Required: Not less than 10 consecutive hours of rest is required following completion of a duty assignment.

In addition, each flight crewmember is provided at least 13 rest periods of at least 24 consecutive hours each in each calendar quarter.

Transportation: Time spent in transportation, not local in character, that a certificate holder requires of a flight crewmember and provides to transport the crewmember to a place which the crewmember is to serve on a flight as a crewmember, or from a place at which he or she was relieved from duty to return to the crewmember's home station, is not considered part of a rest period.

Duty:

Definition: the time a certificate holder has assigned a crewmember to specific duties and responsibilities. Duty time begins when a crewmember reports and ends when he or she is released or the duty period expires.

Duty Limitations: A duty period is no longer than 14 hours in single and two pilot operations. However, a 14-hour duty assignment may be extended beyond the planned completion time of the assignment, because of circumstances beyond the control of the certificate holder or flight crewmember (such as air traffic control delays, adverse weather conditions, medical needs, and late arrivals of passengers &/or cargo).

Following a duty period, the certificate holder must provide the flight crewmember with a rest period of at least 10 consecutive hours. If the duty period is extended by the certificate holder beyond 14 hours, the flight crewmember shall receive a rest period of at least 12 consecutive hours.

Duty limitations and post-duty rest requirements for augmented crews will remain consistent with current regulations.

Reserve:

Reserve is a system for managing crewmembers when not conducting a duty assignment, in a required rest period, or otherwise unavailable for duty (i.e., vacation, sick day). In an unscheduled environment, it is critical that a certificate holder be able to contact crewmembers. To appropriately address the potential for crew fatigue, two reserve scenarios are proposed – Extended Reserve and Scheduled Reserve.

In a Scheduled Reserve system, the pilot is expected to accept a duty assignment once contacted by the certificate holder. Recognizing the increased level of flight readiness expected of such crewmembers, the pilot is given prospective rest prior to the Scheduled Reserve assignment in addition to rest received following the duty period. In an Extended Reserve system, there is less of an expectation by the certificate holder for the flight crewmember to accept a flight assignment than there is in a Scheduled Reserve system.

Extended Reserve:

The flight crewmember has no specific duties to the certificate holder; however, the flight crewmember maintains a means whereby the flight crewmember may be contacted by the certificate holder for a duty assignment should one arise. The flight crewmember holds himself or herself fit to accept a duty assignment to the extent that this is within the control of the flight crewmember. The flight crewmember has the right to decline an assignment based upon an inability to meet the following, for example:

- adequately rested for the planned duty assignment,
- no immediate physical impediments that would affect ability to perform the duty assignment, i.e., sprained ankle or broken arm, and
- no mental impediment that would affect ability to perform the duty assignment.

A certificate holder using Extended Reserve must implement a Fatigue Countermeasures program that educates flight crewmembers of the effects and signs of fatigue and discusses how fatigue countermeasures may be utilized to minimize any potential effects of fatigue. Additionally, a certificate holder's Operations Specifications shall be revised to reflect the pilot's right to decline a flight. A suggestion for wording of the Op Spec is as follows.

Suggested Op Spec language for Part 135 on-demand operations using Extended Reserve: The certificate holder shall,

- A. have an approved Fatigue Countermeasures training program and,
- B. ensure that all flight crewmembers have the right to decline a flight, where that flight crewmember has determined himself or herself fatigued and therefore unable to accept a flight assignment.

Scheduled Reserve:

Scheduled Reserve is a prospective schedule between the flight crewmember and the certificate holder. The flight crewmember is aware, in advance, when his or her Scheduled Reserve period will begin and end. For each flight crewmember, each period of assignment to scheduled reserve must be preceded by a rest period of at least 10 consecutive hours. A flight crewmember in scheduled reserve is subject to the control of the certificate holder and responsible for receiving the certificate holder's contact for assignment to a flight duty.

The flight crewmember will hold himself or herself fit to fly, remain within a certain response time of the aircraft (as agreed between the flight crew member and the certificate holder), and maintain a ready means whereby the flight crewmember may be contacted by the certificate holder for assignment to flight duty.

No period of scheduled reserve may exceed 14 hours in any 24-hour period. However, once a flight assignment is received, the time equal to duty period assignment plus the amount of elapsed scheduled reserve may extend to 20 hours. In cases where the duty period plus elapsed scheduled reserve exceeds 14 hours, the flight crewmember must receive a rest period of at least 12 consecutive hours following completion of the duty assignment.

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	Extended Reserve	Scheduled Reserve	Duty
What was the previous rest?	10 consecutive hours following a duty assignment	10 consecutive hours prior to entering Scheduled Reserve	10 consecutive hours following a duty assignment
Is this Rest?	no	no	no
Is this Duty?	no	no, but is limited to 14 hours per assignment	does not apply
May the certificate holder contact?	yes	yes	does not apply
Certificate holder expectation of availability for duty	generally, the crewmember is expected to accept duty if available and fit	crewmember is expected to accept duty	does not apply
Is Fatigue Countermeasures Program required?	yes	no	not a relevant issue
When does this period end?	crewmember assigned to duty -or- begins a rest period	14 hours after assigned to Scheduled Reserve	14 hours after duty began