



CRITICALLY FLAWED FLIGHT DUTY AND REST REGULATIONS

Is it going to take a tragedy before we properly apply the new flight duty and rest rules?

The Federal Aviation Administration (FAA) recently released the new flight duty and rest regulations required by the Airline Safety and Federal FAA Extension Act of 2010. These long awaited regulations were on the National Transportation Safety Board's most wanted list for over twenty years and sought by airline labor groups for nearly as long. The FAA used all available science, convened an Aviation Rulemaking Committee and considered thousands of public comments to come up with the rules. When releasing the regulations the FAA acknowledged the following:

- *"the universality of factors that lead to fatigue"* - *"fatigue threatens aviation"*
 - *"naturally more tired at night than during the day"*
- *"severe performance degradation"* - *"insufficiently alert during takeoffs and landings"*
 - *"lapses in attention"* - *"delayed reaction"* - *"impaired logical reasoning"*

Despite these acknowledgements, the regulations were released with a critical flaw: the exclusion of mandatory compliance by all-cargo operations. A safety system is only as strong as its weakest link and that link is fatigue in primarily all-night cargo operators that were excluded from the rule. Roughly 15% of all departures in the United States are all-cargo, and these aircraft interact with passenger carriers throughout our aviation system. Cargo and passenger Aircraft interact during numerous critical phases of flight to include Precision Radar Monitored (PRM) approaches and Land and Hold Short Operations (LASHO). During PRM approaches aircraft fly approaches with absolute minimum separation, relying on each other to fly precise approaches. During LASHO operations aircraft are cleared to land and hold short of a crossing runway or taxiway where other aircraft are operating.

An exemption similar to this was attempted in the early 90's; TCAS was mandated for passenger carriers in 1992 while cargo carriers were exempt due to the **cost** of the system. Following fatal passenger/cargo midair in 1996, a near miss in 1997 (a UPS Boeing 747 and Air Force One) and two more near misses in 1999, TCAS was finally mandated for all cargo aircraft.

Until the new flight duty and rest regulations are applied to passenger carriers, all-cargo carriers and supplemental carriers we will never truly have one-level-of-safety, and we will never realize the true leap in safety these rules could provide.

Coalition of Airline Pilots Associations

World Headquarters 444 N. Capitol Street, Suite 532 • Washington, DC 20001

(202) 624-3535 • (202) 624-3536

www.capapilots.org • @CAPApilots