

## FAR PART 135 FLIGHT DUTY & REST RULES CONVENING AN INCLUSIVE PART 135 ARC

### SUMMARY

With revisions to the FAR Part 121 Flight Duty and Rest Rules scheduled to be released in the short term, industry regulators are expected to turn their attention to the same rules for FAR Part 135 operators. Using the revised Part 121 regulations as a framework for modifying Part 135 is certainly appropriate, helping pave the way for one level of safety across all sectors of the aviation industry. However, regulators would be wise to exercise caution in this regard as achieving consistency across all flight operations cannot be realized using a one-size-fits-all approach. While some overlap is expected and prudent, the unique nature and needs of each sector require regulatory guidance be customized.

Although a flight duty and rest panel was convened in 2005 to recommend modifications to related Part 135 provisions, the group's work is most assuredly outdated and fails to reflect the changed nature of fractional ownership programs in the post-recession era. What's more, the NTSB, among others, has questioned the work of ARCs who have lacked an appropriate representation from interested Part 135 parties. Indeed, the FAA has been criticized for failing to assemble a balanced cross section of stakeholders in discussions that would have a tremendous impact on the guidelines and standards with which professional pilots, in particular, would be expected to perform daily job duties.

To develop the most effective, relevant modification proposals to flight duty and rest rules for Part 135 operators, the FAA should immediately convene a new ARC that gives all stakeholders – operators, management teams, labor groups and regulators – a seat at the table. NJASAP, representing the majority of pilots employed in fractional aviation, offers an in-the-trenches perspective of how current and proposed regulations have and could work in practice. Inarguably, labor groups should be extended an invitation to serve as part of the ARC.

### ABOUT NETJETS & NJASAP

Commanding more than 60 percent of the market, Netjets is the global leader in fractional ownership programs, and its pilots have an intimate understanding of how flight duty and rest rules impact operational safety. Given the dynamic nature of one of aviation's most challenging unscheduled flying environments, careful, comprehensive consideration is necessary not only to ensure the interests of all stakeholders – employers, employees and customers – are served, but also the industry as a whole moves closer to the goal of one level of safety. NJASAP, the independent organization responsible for representing the professional interests of Netjets pilots, is uniquely positioned to offer the kind of input that can help achieve these objectives. Each year, NJASAP allocates a significant portion of its annual budget to its Union Safety Committee, enabling its members to engage in extensive collaborative efforts with their Netjets counterparts to maintain the highest standards of operational safety. From industry seminars and training workshops to academic exercises and emergency event preparedness, NJASAP recognizes and has made the commitment of human and financial resources necessary to serve as a vital resource in the realm of flight safety.

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### A CASE FOR INCLUSION

- **One Level of Safety** Recommendations crafted by the FAR Part 121 ARC and ultimately included in the resulting regulations have set the stage for the industry to come closer to achieving one level of safety than at any other time in its history. Indeed, the potential exists for consistent standards to be mandated across the industry so long as the recommendations on which the regulations will be based are developed by a balanced panel that gives equal consideration to labor and business interests. We will fail to realize this unique opportunity if labor's voice is snuffed out by a business-centric group who may view safety in terms of dollars and cents as opposed to human lives.
- **The Time is Now** Allowing current Part 135 flight duty and rest provisions to remain makes our sector of the industry vulnerable to the same tragic events experienced by our Part 121 counterparts. The FAA has the ability to diminish the potential for accidents attributed to pilot fatigue by immediately convening a Part 135 ARC to develop research-based, common sense suggestions that strike an appropriate balance between economic and operational safety considerations. The *No-fault Fatigue Policy* negotiated by Netjets and NJASAP in 2007 is an excellent example of how labor and management groups can work together to develop industry-leading policies that serve every stakeholder's interests. NJASAP is keen to share that knowledge as part of an ARC.
- **Striking a Balance** Air transportation providers did not escape the global financial crisis unscathed. This is especially true of fractional ownership and charter operations whose clientele pay a premium for these services. For many, cutting costs to recoup profit margins has been a principal focus, and while this is understandable, it must not come at the expense of safety programs, protocols, policies and practices. By including labor advocates on a Part 135 ARC, the FAA can ensure an appropriate balance is struck between economic concerns and safety considerations.
- **A Demonstrated Commitment to Safety** Maintaining the highest standards of operational safety requires a significant investment of an air transportation provider's human and financial resources. The same is true of aviation labor advocates: One of our principal responsibilities is to ensure our employer maintains the programs, develops the policies and complies with the practices that support a safe flight operation. It is for this reason NJASAP has unreservedly committed the resources to help support the tri-party Aviation Safety Action Program (ASAP) as well as to assist in the development of other safety programs like Flight Operational Quality Assurance (FOQA) and Safety Management Systems (SMS). It is in this same spirit of cooperation and collaboration that we seek to lend our expertise to an FAR Part 135 ARC.

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