

June 8, 2001

The Honorable Frank R. Wolf
House of Representatives
Washington, DC 20515

Dear Representative Wolf:

This letter is in response to your request that we review air carriers' compliance with the Federal Aviation Administration's (FAA) pilot rest regulations.

In a January 17, 2001 letter to you, we reported that the current regulations do not clearly establish a method for determining maximum duty time for pilots. We also reported that in November 2000 FAA's Deputy Chief Counsel clarified the agency's interpretation of the flight time limitation and rest requirement regulations. FAA's November 2000 letter provided specific examples of how to calculate rest and duty hours. According to the Allied Pilots Association, FAA's clarification provided an interpretation that will prevent the practice of airlines requiring pilots to remain on duty indefinitely during flight delays, because the delay period is now recognized as part of the duty hour limitation. This was an important step in the right direction since the agency has been working since 1994 on developing new standards for flight time limitation and rest requirements, but has not been successful in issuing a final rule.

In addition, we advised you that FAA found one major air carrier's reserve crew¹ scheduling system was not in compliance with the rest requirement regulations for the period of January 1 to August 31, 2000. FAA was in the process of assessing the air carrier a civil penalty.

FAA has been slow in addressing all of these issues as described in the following paragraphs.

¹ A reserve flight crewmember is required to be available to an air carrier (away from the airport) for assignment to a flight duty period. Flight crewmembers on reserve status provide air carriers a critical operational element flexibility and the opportunity to meet unanticipated needs.

Enforcement of Duty Time and Rest Requirements Clarification Was Delayed

In a November 20, 2000 letter to the Allied Pilots Association, the FAA Deputy Chief Counsel clarified the agency's interpretation of the flight time limitations and rest requirement regulations. The interpretation bases the maximum duty time on actual instead of scheduled duty time. Since the regulations require at least 8 hours of rest during a 24-hour period, the maximum duty time was determined to be 16 hours.

To inform the aviation industry of this important interpretation, FAA decided to issue its interpretation as a Federal Register Notice. However, FAA delayed issuing the Federal Register Notice until May 17, 2001, and in the notice stated its intent to allow air carriers a 6-month grace period, until November 2001, to comply with the interpretation. According to FAA officials, a strict enforcement campaign including supplemental reviews by headquarters personnel will begin at the end of the grace period. Although the Allied Pilots Association supports FAA's interpretation, the Association was disappointed that FAA enforcement will not begin until more than one year after the Allied Pilots Association requested the interpretation.

New Flight Time, Duty Time and Rest Regulations Continue to Be Delayed

FAA is still working on its new rulemaking on hours of service and rest. According to FAA officials, the agency planned to submit its Supplemental Notice of Proposed Rulemaking for new flight time, duty time and rest standards to the Secretary in February 2001. FAA missed this date, and the rulemaking is still in the FAA's internal review process while the aviation industry waits for new standards that have not been substantively updated since 1985. The agency recently established a target date of September 2001 to publish this important rulemaking. This is over a 1-year slippage from FAA's prior target date of July 2000.

In our January 18, 2001 Top 10 Management Issues report, we identified timely rulemaking as one of the key issues FAA must address to improve the effectiveness of its aviation safety oversight. We reported that FAA should place emphasis on issuing the long overdue rulemaking for hours of service and rest to establish new standards for flight time, duty time and rest requirements.

FAA Plans to Levy a Fine Against a Major Air Carrier for Violating Reserve Crew Rest Regulations

Flight crew members and their unions raised concerns that scheduling processes by some air carriers may not ensure compliance with flight time restrictions and rest requirements when a flight crew member is on reserve duty. After complaints

by pilot unions about the lack of required rest periods for reserve pilots and inconsistent enforcement by FAA, the agency responded with more stringent enforcement of air carrier compliance with flight time limitations and rest requirements. In a June 15, 1999 Federal Register Notice, the agency stated its intent to rigorously enforce existing regulations concerning flight time limitations and rest requirements.

As you may recall from our January 17, 2001 letter, a civil penalty was imminent against one major air carrier for its April 2000 violations of reserve crew rest regulations. According to FAA, on June 4, 2001, the agency mailed a notice of the proposed fine to the air carrier.

In view of the long unsettled history of regulating hours of service and rest, we intend to continue monitoring this issue, including FAA enforcement actions. If I can answer any questions or be of further assistance, please feel free to contact me at (202) 366-1959, or my Acting Deputy, Todd J. Zinser, at (202) 366-6767.

Sincerely,

A handwritten signature in black ink, appearing to read "K. M. Mead". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Kenneth M. Mead
Inspector General