Attachment 13

to Operational Factors Group Chairman's Factual Report

ERA12MA122

NPTRS REST RULES FAA FOLLOW UP LETTER

02/02/2012 NPTRS QUERY SYSTEM SMYPTDTL DETAIL FORMAT 14:04:55 ANONYMOUS

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Section I - Rec Id : S015201010317 Insp Code

Designator : E7LA Affil DESIG : OTNA Office : Arcrft Reg #: Depart Point: Arriv Point : Flight #: Complaint #: MMS Occurrence # : Sim/Dev ID : Incident #: Insp Unit : 1 Insp Type : ASI EIR # : Accident #:

Last DO Update : 01/28/2010

Down Office : Process Date : 01/28/2010

Related Record ID: Orig Insp

Non-Cert Act Name/Company:

Airman #/Name: FOREIGN #: N

Examiner #/Name: Appl #/Name: RI #/Name:

Exam Kind :
Misc :
Regn Use :
Travel Time: 0 Pass/Fail : 8430-13 # : Tracking : Num Misc : Local Use : Natl Use : Act Time : 0 Trav Cost : 0.00

Geographic : N Triggers : Foreign :

SECTION IV - COMMENTS

Record ID: S015201010317

CMNT Code: A617I

01/27/10: CONTACTED BY CHIEF PILOT WITH CONCERNS ABOUT THE OWNER/DIR OF OPS, AND HIS THOUGHTS FLIGHT AND DUTY TIMES, SAFETY, AND FAR REQUIREMENTS. FWD COPY OF FAA LEGAL INTERPRETATION OF 14 CFR 135.267(F) (SUBPART F), TO HELP CHIEF PILOT SELL SAFETY AND COMPLIANCE TO THE OWNER; 01/27/10: FOLLOW UP LETTER; DUE TO A RECENT LEGAL INTERPRETATION BY OUR REGIONAL COUNCIL, I FEEL IT IS NECESSARY TO SEND A LETTER TO ALL OF AIR CARRIERS WHICH I AM ASSIGNED, TO REVIEW 135.267, REF: FLIGHT TIME LIMITATIONS AND REST REQUIREMENTS. THE FAR DOES NOT REGULATE WHAT AN INDIVIDUAL DOES WITH HIS/HER TIME DURING A REQUIRED REST PERIOD; ALTHOUGH, WE WOULD ENCOURAGE A PILOT TO REST DURING THIS PERIOD. REST MUST BE 1) CONTINUOUS, 2) DETERMINED PROSPECTIVELY (I.E., KNOWN IN ADVANCE), AND 3) FREE FROM ALL RESTRAINT BY THE CERTIFICATE HOLDER, INCLUDING FREEDOM FROM WORK, OR FREEDOM THE PRESENT RESPONSIBILITY FOR WORK, SHOULD THE OCCASION

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ARISE. DUTY PERIOD MEANS THE PERIOD OF ELAPSED TIME BETWEEN REPORTING FOR AN ASSIGNMENT INVOLVING FLIGHT TIME AND RELEASE FROM THAT ASSIGNMENT BY THE CERTIFICATE HOLDER; THIS IS NOT TO BE CONFUSED WITH 135.267(C). REGULARLY ASSIGNED DUTY PERIOD PERTAINS TO A DAY-TO-DAY SCHEDULE, DOCUMENTED BY THE CERTIFICATE HOLDER THROUGH WRITTEN MEMORANDA OR OTHER FORMALIZED DOCUMENT, AND ACCEPTED BY THE PRINCIPAL OPERATIONS INSPECTOR (POI). IF A CREW OR CREWMEMBER IS OPERATING ON-DEMAND, UNDER 135.267(B), THE CERTIFICATE HOLDER CANNOT ASSIGN A CREW TO A DUTY PERIOD (I.E., ATTEND TRAINING, OFFICE WORK, ON-CALL), AND THEN ASSIGN THAT CREW OR CREWMEMBER TO A FLIGHT; UNLESS, THE CERTIFICATE HOLDER IS ABLE TO SHOW 10 HOURS OF REST FOR THAT CREW, DURING THE 24-HOUR PERIOD THAT PRECEDES THE PLANNED COMPLETION OF THE ASSIGNMENT. PLEASE BE REMINDED, THAT IT IS A VIOLATION FOR A CERTIFICATE HOLDER TO SCHEDULE A CREW OR CREWMEMBER TO A DUTY, DURING A REQUIRED REST PERIOD, AND, IT IS A VIOLATION IF THE CERTIFICATE HOLDER AUTHORIZES A CREWMEMBER TO OPERATE AN AIRCRAFT, KNOWING THAT THE CREWMEMBER'S FATIGUE MAY ENDANGER OTHERS.