

Docket Management System
U.S. Dept. of Transportation
Room Plaza 401
400 Seventh Street, SW
Washington DC 20590-0001

Reference: Docket No. FAA-2003-13923 Part 135/125 Aviation Rulemaking Committee

To Whom it May Concern:

As the current Chief Pilot of a charter and management company currently operating 35 aircraft, and as the former Chief Pilot of the largest charter and management company in the world (TAG Aviation), I would like to comment on Part135 Flight and Rest rules.

The current rules under Part 135 are vague and confusing enough that one of the largest categories of questions to the FAA General Counsel deal with only this issue.

As written, the rules deal only with flight time and rest time. Yet most operators, in an attempt to comply with the rules and still have a scheduling system that makes sense (especially when using software-based systems) speak in terms of duty time allowed and rest required.

A basic premise of this NPRM should be the adoption of industry best practices and equivalent levels of safety. The most complete and thorough body of information concerning crewmember fatigue and the effects of flight schedules on the human body come from the NASA studies on fatigue. (See NASA/TM-2000-209610, "Crew Factors in Flight Operations XIII: A Survey of Fatigue Factors in Corporate/Executive Operations) From this extensive body of knowledge compiled by NASA, the Flight Safety Foundation, in conjunction with NASA, developed recommended flight and duty limitations for General Aviation. These guidelines have, successfully and safely been utilized by Part 91 operators, for a number of years. This is especially true in this age of ultra-long range aircraft. (See Flight Safety Digest February 1997, "Principles and Guidelines For Duty and Rest Scheduling in Corporate Aviation").

A thorough examination of the current flight and rest requirements for Part 135 operations should be a part of the rulemaking committees priorities.

Adopting simplified rules that are based on the latest valid studies of fatigue issues, along with proven guidelines from the Flight Safety Foundation, and the experience of operators will allow operators, especially those involved in long-range international flights, the flexibility to utilize the capabilities of their aircraft. This will enhance safety since the rules will be based on the best data available on fatigue issues and not arbitrary limits.

I would welcome the opportunity to discuss these issues further with representatives of the FAA and members of the ARC committee if possible.

Regards,
Gary Tongate
Chief Pilot, ACM Aviation, Inc.
408-286-3832 ext. 117

