



FAR 117 *FastRead*

A Publication of the ARW MEC

January 21, 2013

Part 117 Implementation - Q&A

[Editor's note: This Q&A is being resent as the earlier version contained an error within the text and formatting. We apologize for any inconvenience this may have caused.]

We have now been doing the FAR 117 rules for about two weeks! Last week, the Company decided to start using the over 30-minute extension for crews. We were told by them for a long time that they were not going to use that extension, and it is their right to use it. This means that we have a lot more questions to answer for you and to ask of the FAA. It looks like some issues we are disagreeing with the Company on are going to continue for a little while longer. We ask you to please email us and file ASAP reports when you are given an over 30-minute extension (pre- or post- takeoff). We understand that we are asking you to contact us and file ASAPs on a lot of issues, but the FAA needs to know how companies are interpreting the new rules. We also want you to continue to contact us so we can answer questions and try to keep track of how the operation is working for you. We appreciate all the feedback you have been giving us, and your patience while some issues are being worked out.

Q: Do we need PIC approval for an extension under 30 minutes, or just over 30 minutes?

A: The FAA was asked in a joint ALPA, A4A letter on Nov. 4, 2013 and again on Jan. 6, 2014 for guidance on PIC concurrence for extensions up to 30 minutes, and we are waiting for a response. Although it seems that an extension up to 30 minutes does not require PIC concurrence, the pilot is always required to assert that he or she is fit for this extension, and if the pilot cannot do so, the carrier cannot then schedule it.

117.19 states that if unforeseen operational circumstances arise prior to takeoff:

The pilot in command and the certificate holder may extend the maximum flight period permitted in Tables B or C of this part up to 2 hours. The pilot in command and the certificate holder may also extend the maximum combined flight duty period and reserve availability

period limits specified in 117.21(c)(3) and (4) of this part up to two hours. Up to 2 hours doesn't always mean a 2 hour extension is needed or allowed. If the PIC decides that the most the crew can extend is 1 hour, then that should be done.

Although waiting on a clarification from the FAA, PIC approval is absolutely required for a pre-takeoff extension greater than 30 minutes.

It does not hurt to call Scheduling if you are going to use the under 30-minute extension. It is always good for both sides to be on the same page, especially if you already exceed a 30+ minute extension without a 30-hour rest period because they may not want you to take the up to 30-minute extension.

Q: *What is considered unforeseen operational circumstances?*

A: "Unforeseen operational circumstances" means an unplanned event of insufficient duration to allow for adjustments to schedules, including weather that has not been forecasted, an equipment malfunction, or an air traffic delay that is not reasonably expected.

Federal Register, Vol. 77. No. 2 states: "An event constitutes an unforeseen operational circumstance as long as it was unplanned and long enough that the issues associated with that event could not be resolved through minor scheduled adjustments."

The FAA notes the phrase "insufficient duration to allow for adjustments to schedules" is intended to exclude unplanned events of relatively short duration. For example, the FAA would not consider a five-minute air traffic delay as an unforeseen operational circumstance to justify the need for a two-hour FDP extension.

Q: *The Company is now doing 30+ minute extensions. What happens if I already did a 30+ minute extension and before I receive the required 30 hours of rest, it looks like I will again need a 30+ minute extension because of unforeseen operational circumstances in the air?*

A: If you go over the 30+ minute extension twice within a rolling 168 hours without the required 30 hour rest in between, **you need to file an ASAP report** because you can be violated. This is one of the reasons it is so important for flight crews to monitor their flight and rest times.

Q: *What does "RSC" mean on my schedule?*

A: "RSC" stands for Reserve Short Call. It has replaced "RSV" on your schedule.

Q: *What is this "wheels up" time Scheduling keeps telling me about?*

A: As a pilot group, we understand a “*wheels up*” time as an ATC phrase letting us know when the aircraft has to be airborne in order to flow correctly into the air traffic system. Crew schedulers are now using the same term to indicate a time trigger for a flight to get out “legally” before the need for an extension kicks in. We have asked the Company to consider using different terminology as this is confusing. The crew desk is attempting to provide a time that *might* create an after-takeoff 30+ minute extension; however, they continue to plan on the flight arriving without the need for a 30+ minute extension. It’s the very fine line of planning.

You can go into the less than 30-minute extension after takeoff without PIC approval, but if it exceeds 30 minutes, it still counts as a 30+ minute extension and the pilots will require 30 hours of rest before accepting another 30+ minute extension. In these scenarios, the crew desk and dispatch seem to be using planned flight time on the release plus 8 minutes taxi out and 4 minute taxi in. So, if you know you are in a situation where those times are too low (landing on the 9s in PHL or 36L/18R in CLT, doing an arrival that isn’t included in the flight plan, or any other operational factor on the ground or in the air), you need to inform the crew desk that a different “wheels up” time will be required because the flight is very likely to take longer than they are anticipating.

Q: *The Company is telling me I must state I am fatigued if I do not accept the 30+ minute extension, is this true?*

A: Question #24 in the ALPA Guide to Part 117 Flight Time Limitations and Rest Requirements: “Can a flightcrew member’s FDP limit be extended; and if so, under what conditions would an extension be allowed.”

Answer: There are two ways to extend a flightcrew member’s FDP (1) pre-takeoff extension; and (2) post take-off extension. A pre-takeoff extension, because of unforeseen operational circumstances, of up to 2 hours, can be made if the pilot-in-command and the certificate holder agree that the crew is fit and the flight can be safely operated if the FDP is extended...

In our view, declining an extension does not require a PIC to state that anyone in the crew is “fatigued,” but rather the PIC must assert that they are not fit for continued flight duty - if you are in fact unfit to continue flying. Therefore, we believe that declining an extension is not a “fatigue call” and does not fall within the parameters of the Fatigue Risk Management Program (FRMP). Because operational issues have resulted in the pilot reaching his or her maximum flight duty period under Table B, this situation is no different than reaching your maximum duty day under pre-117 flight time limits and “timing out.” There should be no intimidation, loss of pay, or threat of discipline including an “unavailable” from the Company for asserting

your fitness as a professional aviator to do your job safely.

Please contact your local rep, the Scheduling Committee, or Grievance Committee immediately should a concerning situation arise. We also request that you complete an ASAP report in these instances.

Right now, the Company views this differently—they will take you out of your trip for a fatigue call, and you will get a minimum of 12 hours of rest. You will need to fill out a fatigue report.

Q: I am on reserve and the Company is telling me after I land on my last leg that they can hold me at the airport for 60 minutes, is this true?

A: Section 25.N.7.c. states: A reserve pilot must contact Crew Scheduling at the end of a flight assignment to determine whether he is being released for the purpose of obtaining rest or whether he is being kept available for additional duty. If the pilot is to remain on duty, he may not be required to remain at the airport longer than sixty (60) minutes without being given a specific flight assignment.

Contractually, yes they can do this. The union believes this is for non-flying duty only. Please tell the scheduler to change your duty off time for the new release time they are giving you. You should get paid per diem and duty rig until released from sitting at the airport or additional non-flying duty as assigned.

Q: I am on reserve and finished a trip in the morning then the Company told me I was going on rest so I could show tonight for a CDO, is this legal?

A: It is legal – even though it might not be a great staffing decision as it creates a risk that a pilot might not be able to achieve adequate rest prior to having to assert their fitness for flight that evening, it is legal under the regulations.

The Company needs to provide you 12 hours advance notice of the assignment instead of 10 hours because the flight assignment begins before and will operate into the window of circadian low (WOCL).

Please remember 117.15(f) states that the combined time of the flight duty period and the rest opportunity provided in this section does not exceed 14 hours. If you have a CDO on your schedule, CSS will now show your duty not being the same as TAFB. Please make sure your TAFB never exceeds 14 hours. The rule is still from check-in to parking brake set back at domicile, but on your schedule, they are breaking it up because you have a scheduled rest period.

Q: What is the scheduled “rest opportunity” for a CDO?

A: 0200 to 0500 is the designated “rest opportunity” for all Air Wisconsin CDOs. A CDO pairing may contain an “RST” code inside of the layover; however, this is simply a function of Sabre Crew Trac.

Q: ALPA booklet #98: Can the actual split duty rest be more than scheduled?

A: Yes. There is no prohibition in Part 117 against providing more rest than scheduled. If the actual split duty rest exceeds the scheduled rest period, then the portion of the actual rest that exceeds the scheduled rest would be considered part of the FDP. The FDP would remain subject to the 30 minute and 2 hour FDP extension provisions specified in Part 117.19 as long as the total rest and flight duty are within the 14-hour limit.

Q: My flight cancelled and my duty off time on CSS went back to the last leg I completed, why?

A: If you see your duty off time is not the same as when you were released from duty, you need to call Scheduling and have them change it manually. You are on duty until you finish your FDP or you are released from duty for the day. You were most likely sitting around the airport for weather or maintenance issues and you need to receive your per diem and any duty rigs you are entitled to.

If you have any additional questions, please email us at ARW117Questions@alpa.org. We will answer them on an individual basis, as well as compile the most frequently asked questions to send out to the pilot group via an ARW MEC FAR 117 *FastRead* and Facebook.