

its highest level." This would detract from the preparation already given the pilot and have a negative impact on safety.

Alaska Airlines states that § 121.438(a)(2)(iii) is too restrictive. Paragraph (a)(2)(iii) requires a PIC to make the takeoff and landing if the runway has water, snow, slush, or similar conditions that may adversely affect airplane performance. Alaska Airlines says that this limitation would force the airlines's PICs to make all landings during the months between September and April or May. This commenter says that proposed § 121.438(a)(2)(iv) which sets forth operating limitations based on the level of braking action on runways would adequately cover the issue of poor runway conditions. Alaska Airlines also points out that the task force originally recommended that "runway braking action of less than 'good' be the limiting factor in determining when a PIC must make the landing."

#### *FAA Response*

If the SIC has more than 100 hours in the type airplane, the restrictions do not apply. The rule will not restrict SICs from gaining experience at special airports or under certain adverse conditions after they have 100 hours of experience in the type airplane; however, the rule will restrict SICs from gaining that experience within the first 100 hours under circumstances that could compromise safety.

The FAA has determined that requiring PICs to make takeoffs and landings at special airports even though the assigned SIC may have more operational experience in the aircraft is consistent with the operational responsibilities of the PIC. The PIC, by designation, is always in control of the aircraft. If a PIC is too fatigued to make a takeoff or landing, the PIC should not be on duty.

#### *Section 121.438(b)—75-hour Limit (Pairing Limitations)*

This new rule requires that either a PIC or SIC have at least 75 hours of line operating flight time for that type airplane in order to be assigned to the same flightcrew. In the NPRM preamble the FAA specifically requested comments on whether the 75-hour limit should be increased to 100 hours as recommended by ALPA. The FAA also requested comments on how this requirement should be applied. The FAA explained in the NPRM preamble that the committee recommendation applies these crew pairing restrictions only to PICs and SICs who are qualifying for those positions for the

first time in the airplane, i.e., initial PICs and SICs. The committee recommendation does not apply the restrictions if a pilot is upgrading from SIC to PIC on the same airplane type or is transitioning from one airplane type to another. Under the committee recommendation, a new PIC in a particular type airplane with only 25 hours of operating experience in that airplane could be paired with an SIC who has transitioned from another airplane type and who has only 15 hours of operating experience in the airplane type. This is in contrast to the ALPA recommendation that the restrictions also apply to transitioning pilots.

The FAA proposed in the NPRM that the 75-hour minimum crew pairing restrictions also apply to transitioning pilots.

The rule also provides for authorizing deviations (in paragraphs (b)(1) through (b)(3)) when: (1) A new certificate holder does not employ any pilots who meet the minimum requirements of this paragraph; (2) an existing certificate holder adds to its fleet a type airplane not before proven for use in its operations; or (3) an existing certificate holder establishes a new domicile to which it assigns pilots who will be required to become qualified on the airplanes operated from that domicile.

Eleven comments were received on this subject. Five of these commenters, including United, RAA, and ATA, believe that the 75-hour requirement is sufficient and that it should not be increased to 100 hours as recommended. Supporters of the proposed rule say that any additional hours would increase the burden on air carriers and complicate the crew scheduling process by extending the number of months necessary to complete the required number of hours. RAA says that any of the three components of the entire proposed rule (consolidation, operating limitations, and crew pairing) would achieve what the FAA is seeking since none of these constraints currently exist; thus, additional hourly requirements related to crew pairing are unnecessary. Finally, United, ATA, and RAA say that 75 hours may be an arbitrary number but that it will achieve the FAA's objective without being overly burdensome.

Three commenters are against the 75-hour requirement and recommend using a 100-hour requirement. ALPA says that these hours should apply to crew position and airplane type and that the hours should begin after supervised operating experience. ALPA also states that previous time in another crew position in the same airplane type

should not be counted in the 100 hours. ALPA concludes that 100 hours would more realistically allow a crewmember to become comfortable in the aircraft without concerns for the experience level of other crewmembers.

Similarly, the NTSB believes that 75 hours is insufficient for a crewmember to become comfortable and experienced enough with the airplane type to safely handle a problem if one arises. NTSB recommends that an initial PIC and initial SIC each have at least 100 hours in their respective positions on the airplane in which they have most recently qualified.

The International Federation of Air Line Pilots' Associations believes that the 75-hour requirement should be increased to at least 100 hours post-supervision time for PICs and SICs on airplane type.

Alaska Airlines Expresses concern that 75 hours seems arbitrary and asks whether lengthening the period would improve safety. This commenter further says that "the longer the period of the pairing restriction, the greater the number of reserve pilots that will be required in order to insure sufficient pilots are available to staff every possible pairing."

Horizon Air supports the 75-hour requirement but recommends that if it is issued as a final rule, the consolidation requirement in § 121.434(g) be dropped. Horizon estimates that up to 20 percent of its pilots would not complete their consolidation in the requisite time, resulting in refresher training which would be very costly.

Five commenters address the issue of including transitioning pilots in the proposed crew pairing requirement. United Airlines does not object to the requirement applying to all pilots, including transitioning and upgrading pilots although it currently applies pairing restrictions only to initial training pilots.

Similarly, the NTSB believes that crew pairing restrictions (of 100 hours) should apply to upgrading and transitioning pilots. NTSB says that including upgrading pilots would provide PICs with additional seasoning experience before being paired with an inexperienced SIC; and that including transitioning pilots would ensure that they receive the operating experience they need in the newer glass cockpit, automated airplanes before being paired with an inexperienced PIC or SIC.

RAA does not support the inclusion of transitioning pilots and says that "the event which have been used as a basis for issuing this rule have involved only crewmembers following initial training for their position." RAA adds that