

in command. A requirement of 500 hours should also be established for a single-engine aircraft pilot in command. AOPA states that accepting these recommendations would also require the FAA to alter the flight crewmember flight and duty time, training requirements and other areas of subpart K as appropriate.

An individual commenter notes that since the flights are not considered commercial operations and are not held out to access by the public, requiring the PIC to have an airline transport license (ATP) and a first class medical certificate would cause undue hardship. Many of the owners of fractional aircraft are pilots in their own right, and would not be able to fly their own aircraft unless they held an ATP and first class medical.

According to this commenter, requiring 1500 hours for a commercial license, an instrument rating, and a type rating (if the aircraft required a type rating) should be sufficient for this type of operation as it is much more restrictive than the current minimums for part 91 non-commercial operation in large turbine powered multi-engine aircraft (currently a private pilot certificate with a type rating and an instrument rating for non-commercial operations). According to the commenter, although some relief is provided by the proposed regulation, it is up to the local FAA FSDO offices to issue the relief, which, in practice, would be time consuming and nationally non-uniform.

Another individual commenter suggests changing the language in § 91.1053(a)(2) from "multi-engine turbine-powered" to "multi-engine turbojet powered." The current wording would require operators of light twin turbine-engine aircraft such as Beech KingAirs and Cessna Conquests to use ATP pilots, which is much more restrictive than the current part 91 requirements. Light turboprop aircraft should be included under the requirements in paragraph (a)(3). This word change would make many requests for deviations unnecessary.

FAA Response: While the flight time requirements for PIC's and SIC's in § 91.1053(a)(1) are the same for all sizes of aircraft, paragraphs (a)(2) and (a)(3) make a distinction between the certification and rating requirements for multi-engine turbine-powered fixed-wing and powered-lift aircraft and the certification and rating requirements for all other aircraft. In addition § 91.1053(b) provides for deviations from paragraph (a), depending on the size and scope of the operation. Although these experience requirements

are more restrictive than the current part 91 requirements, the FOARC endorsed this level of safety. The FAA believes that any person piloting a fractionally owned aircraft, whether they are a professional pilot employed by the management company or a fractional owner/pilot, must meet the requirements of § 91.1053 unless the size and scope of the operation warrant a deviation. When a person becomes a fractional owner of an aircraft that is part of a large and complex program, he or she has a responsibility to the other fractional owners to assure the safe operation of that aircraft. This is in contrast to a person who owns and operates his or her own aircraft or perhaps shares the ownership with a few other people. As explained above under "Owner-piloted Multiple-owner Aircraft," a fractional ownership program under subpart K is probably not the appropriate type of shared ownership for persons who wish to pilot their own aircraft.

Section 91.1055 Pilot Operating Limitations and Pairing Requirement

EJA believes that, as used in § 91.1055, the terms "program flight" and "program flight time" are ambiguous and not defined. The intent of the NRPM appears to require that the pilot in command and second in command have obtained the requisite 75 hours flying for the program manager that currently employs them, rather than for a previous program manager.

EJA also believes the term "type aircraft" is confusing because of the use of the term in connection with airmen and aircraft certification. EJA suggests that the final rule should clarify that the pilot must have obtained the required flight time in the make and model of that aircraft assigned, and, if a type rating is required, in that type aircraft.

FAA Response: The FAA agrees that the required hours of flight time should be clarified. The term "program flight time" has been changed to "flight time" to clarify that the hours may be obtained in that make and model or type aircraft (in operations under part 91, 121, 125, or 135), and are not limited to program flights (i.e., flights where the fractional owner has designated the passengers or property on board) or flights for a particular program manager. Also, as suggested by EJA, the rule language has been changed to tie the number of hours to particular make and model aircraft or to a type aircraft, if a type rating is required for that aircraft.

Rest and Duty Issues: General

NBAA, NATA and Flexjet fully support the proposed flight, duty and

rest time requirements for all pilots operating fractional program aircraft. NBAA believes that this proposal provides a balanced approach for limiting pilot duty and flight times while providing maximum flexibility for aircraft and crew scheduling. NATA and Flexjet believe that these requirements should be issued by the FAA independent of any other requirements imposed by the FAA on other segments of the aviation community. They believe the resolution of those matters should not impact the regulation of fractionally-owned aircraft operated under part 91. They do not believe that the FAA should create a "one size fits all" flight, duty, and rest regulation to cover the diverse types of aircraft operations conducted under the regulations. NATA adds that because fractional ownership operations are private aircraft operations, it would not be appropriate to hold these operations to the same flight and duty-time regulations that commercial aviation operations are subject to. NATA also points out that the proposal has more restrictive rest requirements than part 121. Proposed subpart K requires 10 hours of rest with no reduction.

The EJA Master Executive Council Chairman believes that collective bargaining agreements have provided some part 121 pilots with the most sensible duty and rest conditions in the entire industry. These agreements, combined with recommendations from leading researchers in the field could form the basis of a new comprehensive set of duty and rest guidelines for all pilots regardless of the type of equipment they fly or under which regulations they operate. This should be of the very highest priority for the FAA.

The Teamsters and NWJ mention that the regulations as written do not address rest and duty issues from a crew member's perspective. One commenter notes that the current job responsibilities of a fractional crew are far different from any airline or corporate flight position, resulting in greater fatigue, pressures, and responsibilities. Fractional pilots are subject to multiple legs across different time zones, loading and unloading bags multiple times, and customer service issues, resulting in minimum (real) rest. Several time zone changes with very little consideration of their effect on the pilot combined with multiple days, bad weather, unknown airports, special airport procedures, and international flights further close the window of safety.

FAA Response: The FAA agrees that there are many similarities between fractional ownership operations and