

STATEMENT OF ANTHONY J. BRODERICK, ASSOCIATE ADMINISTRATOR FOR REGULATION AND CERTIFICATION, FEDERAL AVIATION ADMINISTRATION, BEFORE THE HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, SUBCOMMITTEE ON AVIATION, CONCERNING FLIGHT ATTENDANT DUTY TIME. MARCH 30, 1993.

Mr. Chairman and Members of the Subcommittee:

I welcome the opportunity to appear before the Subcommittee today on the topic of establishing flight attendant duty time limitations. This issue has been of longstanding interest to this Subcommittee, and has been one with which the FAA has grappled for some time.

Several years ago, in order to develop for the first time data on flight attendant work practices, we undertook a comprehensive industry-wide survey. We incorporated our findings in a report entitled Report on the Study of Current Industry Practice-Flight Attendant Flight, Duty and Rest Times. The study examined the work rules of major, national, regional, and supplemental air carriers.

From that study, we learned that the vast majority of flight attendants employed today are covered by labor agreements or company work rules that limit duty periods and require minimum rest periods. We found that, in most cases, industry practice is consistent with current

-2-

regulations governing flight crewmember flight duty and rest hours. We also found that there is considerable variation in scheduling practices within the industry as outlined in union contracts, company work rules, and company guidelines. Our study also showed that, in certain segments of the industry, there were examples of lengthy work days, inadequate rest periods, and a high number of consecutive days worked.

As a follow-up to the study, the FAA drafted an Advisory Circular (AC) that set forth guidelines for air carriers to use when scheduling flight attendant duty and rest periods. In the draft AC, we recommended that a scheduled duty period of 14 hours be followed by a minimum rest period of 9 hours. If a scheduled duty period was as much as 18-20 hours, a minimum rest period of 12 hours was recommended. In addition to maximum duty periods and minimum rest guidelines, the AC recommended that the number of flight attendants on duty should increase when scheduled duty periods extend beyond 14 hours. The draft AC was made available to the public for review and comment. We found little support for issuing a final AC, and have not yet done so.

We believe, however, that the basics of the draft AC provide the framework for a flight attendant duty and rest time regulation, and we have developed such a proposal that

-3-

is now in the final stages of executive review. Our proposal would codify the guidelines we proposed in the advisory circular. It would set limits on scheduled flight attendant duty time and would establish minimum rest requirements for the first time. The proposed rule is a preventive measure designed to address the potential safety problems that may occur if flight attendants are fatigued from working extended duty hours or receiving inadequate rest. We have the strong support of Secretary Peña for our proposal, and expect to be able to issue a notice of proposed rulemaking shortly.

It should be noted, however, that some air carriers may prefer the option of scheduling flight attendants using the same requirements that currently exist for pilots. We will ask for comments on this idea, and consider including that option in the final rule. There is some uncertainty concerning the financial impact of our proposed rules, particularly in the area of augmenting flight attendant staffing when duty periods are scheduled for more than 14 hours. Although using extra flight attendants is a common practice in today's operations, the proposed rule could require certain carriers to augment on a more frequent basis. Additionally, for all carriers there will be an

-4-

additional cost for recordkeeping. We estimate that over 15 years the proposed amendment could cost from \$11 million to \$32 million, discounted, in 1993 dollars, and will seek additional information on potential costs in our rulemaking proposal.

Before closing, I would like to address a concern that was raised by some flight attendants when commenting on the draft AC I mentioned earlier. They were concerned that FAA was proposing the use of "scheduled" duty periods instead of "actual" duty times. Briefly, this means that the proposed restrictions on duty for a flight attendant are established for the schedule that an air carrier sets rather than on the time a flight attendant actually works. This is an important distinction because weather or mechanical conditions may cause a flight to extend beyond its scheduled time. We must be able to account for these unavoidable delays, and a rule based on "actual" duty time does not do that. It is important to recognize also that the FAA has used scheduled times as the framework for the longstanding pilot flight time regulations. The concept of scheduled time is understood by the industry, and the FAA has extensive experience interpreting and enforcing that standard.

Our enforcement history with the pilot rules demonstrates that air carriers recognize the need to realistically

-5-

schedule flights or to be subjected to FAA enforcement sanctions. Unforeseen delays occur no matter how realistically a flight is scheduled, and our pilot rules are designed to recognize that reality. However, if a particular flight regularly exceeds its scheduled flight time, that is not in keeping with the intent of our rules. The establishment of duty time rules for flight attendants would require air carriers to maintain appropriate records on flight attendant work time. This would provide the FAA, as it currently does with pilots, an objective basis on which to take action against carriers who fail to adhere to our rules.

I can assure you that the FAA would aggressively enforce those rules. In fact, our enforcement of pilot rules in this area relies heavily on the pilots themselves alerting us to any problems. Similarly, we would expect flight attendants to actively police schedules and inform us of those that are unrealistic. As we have with pilots, we will take swift and strong action to correct any unrealistic scheduling.

In closing, Mr. Chairman, I would like to indicate that we look forward to receiving public input on our regulatory proposal. I believe that we have developed a proposal that appropriately balances the safety needs associated with

-6-

duty and rest restrictions for flight attendants with the potential costs to be imposed on the airlines from such a regulation.

That completes my prepared statement. I would be pleased to respond to any questions you may have at this time.