

January 24, 2011

Docket Operations M-30  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE.  
West Building Ground Floor  
Room W12-140  
Washington, DC 20590-0001

**Re: Docket No. FAA-2010-1259, Interpretation of Rest Requirements**

The National Business Aviation Association (NBAA) represents the interests of 8,000 Member companies that use general aviation aircraft to support their travel requirements or are involved directly as a business in aviation. We appreciate the ability to provide our feedback to the FAA on the Agency's proposed interpretation of rest requirements.

NBAA has been involved with the issue of flight time and duty limitations since 1995 when the FAA first proposed new regulations for on-demand Part 135 charter operations. Many subsequent attempts to update Part 135 flight and duty limitations have not produced any measureable regulatory improvements.

We must always keep safety first and foremost in our considerations on limiting the amount of duty for flight crews. However, we believe that the FAA's current proposal to effectively require a flight-by-flight determination of remaining duty time, a requirement not currently stated in Part 135.263, is too significant for implementation simply by a Notice of Proposed Interpretation.

A reinterpretation of this magnitude should not be buried in case law. NBAA believes that the FAA should apply this change via a formal rulemaking process to insure that operators have easy access to all of FAA's safety standards and that FAA has the ability to understand and analyze the impact of this change.

**Part 125/135 Aviation Rulemaking Committee**

In 2005, the Part 125/135 Aviation Rulemaking Committee (ARC) submitted a host of recommendations that covered a number of issues affecting Part 125 and Part 135. Key among them was a recommendation to overhaul flight time and duty limits for Part 135. NBAA believes that the flight and duty recommendations addressed many of the interpretation and implementation challenges facing the FAA and Part 135 industry.

Unfortunately, there has been little visible movement on the flight and duty recommendation yet we continue to see FAA efforts to address issues that the ARC

recommendations could have eliminated. NBAA recommends that the FAA suspend further action on this interpretation until the Agency outlines a plan for updating Part 135 duty and rest limitations.

NBAA appreciates the current regulatory burden facing the FAA and the limited resources able to help complete those efforts. However, the ARC recommendations not only addressed this specific issue, but they did so in light of updating a host of other flight and duty issues to produce a complete duty and rest recommendation. Addressing this single requirement absent the broader ARC recommendation appears to be “cherry-picking” the simple-to-implement items from the complete ARC flight and duty product. We encourage the FAA to take into account the broader list of very interconnected recommendations that formed the complete flight and duty package.

Thank you for providing us with this opportunity to comment. Please contact us if you require any additional information or perspectives.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas Carr". The signature is fluid and cursive, with the first name being more prominent.

Douglas Carr  
Vice President  
Safety & Regulation