

President's Message

Transport Canada Releases Summary of New Fatigue Management Regulations to be Published in CG1 for Comment in the Spring of 2017

Last month, Transport Canada provided a number of the Associations with an oral briefing on the content of new Flight & Duty Time regulations that they intend to publish for comment in *Canada Gazette I* in the Spring of 2017.

More recently, Transport Canada distributed the email below, as a summary of the regulations they are preparing to publish. Transport Canada has indicated that there will be a 60-day comment period for the new regulations – which is woefully inadequate to conduct a complete assessment of their impact. In some ways, the matrix raises more questions than answers - since it does not articulate key definitions and other important details associated with the new regulations - but at least it will provide commercial air operators with a sense for the impact of the new rules in advance of the Canada Gazette publication. It will also provide an opportunity for HAC to join with other like-minded associations to formulate a formal response and to coordinate an advocacy campaign in opposition to the thorniest parts of new regulations. Transport Canada will not be accepting comments on the new regulations until they are formally published in Canada Gazette I.

The new regulations will be published in *Canada Gazette I* in the Spring of 2017, with a 60-day comment period – and then Transport Canada will have to do a *Disposition of Comments* received (requiring 4-6 months) - where they will need to make adjustments to the regulation in response to the comment(s) or justify their rejection - before proceeding to publication in Canada Gazette II. Once published in CGII, for helicopter operators it will be 48 months later before they come in to force. As I wrote in a previous Newsletter “Bad news never gets better with time”, so your Association is giving this issue the highest priority.

This information in the matrix will be helpful as we formulate our Advocacy campaign in the run-up to the *Canada Gazette I* formal consultation process, and we are seeking some clarification on issues identified in the summary. HAC intends to work collaboratively with other like-minded associations to find or forge consensus around issues of common interest, and we will be enlisting your support again as part of a comprehensive advocacy campaign, aimed at bringing Transport Canada to their senses.

Dear CARAC members:

Thank you for attending last month's briefing on flight crew fatigue management. Further to our meeting and our latest communication to stakeholders on this file on June 22, 2016, the following is a summary of the changes to be reflected in the proposed regulations on flight crew fatigue management.

Please note that this summary is for information purposes only. Transport Canada will only be considering written submissions received following the publication of these proposed regulations in the *Canada Gazette*, Part I, in 2017. CARAC members will be notified at the time of publication of the proposed regulations.

The proposed implementation period for Subpart 705 air operators will be 12 months from the date of publication in *Canada Gazette*, Part II and for the Subparts 704 and 703 air operators, 48 months from the *Canada Gazette*, Part II publication.

Areas for adjustment	Current	TC Proposal
1. Flight Time Limitations	40 / 60 hrs/7 days 120 hrs/30 days 300 hrs/90 days 1200 hrs/365 days	112 hrs/28 days 300 hrs/90 days 1000 hrs/365 days
2. Flight Duty Period	Max 13 hrs 45 mins or 14 hrs	Max 9-13 hrs based on start time of day/sectors flown

Table 1 - Maximum Daily FDP				
		Columns		
		A	B	C
		Number of Sectors		
		1-4	5 - 6	7+
Rows	Start of FDP	Maximum FDP (hours)		
1	0000-0359	9.0	9.0	9.0
2	0400-0459	10.0	9.0	9.0
3	0500-0559	11.0	10.0	9.0
4	0600-0659	12.0	11.0	10.0
5	0700-1259	13.0	12.0	11.0
6	1300-1659	12.5	11.5	10.5
7	1700-2159	12.0	11.0	10.0
8	2200-2259	11.0	10.0	9.0
9	2300-2359	10.0	9.0	9.0

3. Cumulative Duty Hour Limitations	Nil		Hours/Per 7 days	Hours/Per 28 days	Hours/Per 365 days
		Option 1	60	192	2400
		Option 2	70	192	2400
		Option 3	70	210	2400
4. Time Free From Duty	36 hrs/7 days; or 3 days / 17 days; or 3 periods x 24 hours / month; and 13x24 hrs per quarter; or 42 days on / 5 off	Option 1	33.5 hrs / 8 days (over 2 nights) x 4 per month;		
		Option 2	5 days off/21 days on;		
		Option 3	5 days off / 28 days on		
5. Rest Periods	8 hrs plus time for travel, meals and hygiene (TMH)	At home 12 hrs or 11 hrs plus time for TMH Away from home 10 hrs plus time for TMH			

Additional Rest Periods(ARP)	NIL			ARP due to	Local nights rest required	
				Night duties	1	
				Disruptive Schedules	1	
				Time zone difference	1 or 2 or 3	
6. Positioning	1/2 of time in excess of maximum flight duty time is calculated into the following rest period			<p>If Positioning hours <3, then rest period equal to duty period (e.g.: Max FDP plus 3 hrs of positioning = 13 hrs + 3 positioning = 16 hr rest);</p> <p>If Positioning hours >3, then rest period equal to duty period plus time spent positioning (e.g.: Max FDP plus 4 hrs of positioning = 13 hrs + 4hr + 4 hr = 21 hr rest)</p> <p>More than 7 hours of positioning FRMS required</p>		
7. Consecutive nights and early duty	NIL			3 in a row or 5 in a row with a split duty (applies to all operators)		
8. Extension of FDP Due to In-Flight Rest	pilots	Seat (Class 3)	Bunk (Class 1 or 2)	pilots	1 more	2 more
	1 more	17 hrs	20 hrs	Class 3	14hrs	15.25hrs
				Class 2	15hrs	16.5hrs
				Class 1	15hrs	18hrs
	>18 hrs extension requires FRMS					
9. Unaugmented Long Range Flights				<p>Removed flight duration greater than 10 hours (forced augmentation)</p> <p>Kept no additional sector following a > 7 hour flight infringing on the WOCL</p>		

10. Standby	Currently ³ reserve ² to be replaced by Standby	Standby (similar to today ¹ s reserve) Airport standby (similar to today ¹ s standby) Deployed standby- a new concept
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