

FAA Proposes to Increase Rest Periods for U.S. Airline Flight Attendants

The FAA has issued a notice of proposed rulemaking (NPRM) to require that flight attendants at large U.S. airlines receive a rest period of at least 10 consecutive hours between periods of duty lasting 14 hours or less. Under the FAA's current regulations (dating from 1994), a flight attendant who is scheduled for a duty period of 14 hours or less must be given a scheduled rest period of at least nine consecutive hours, which can be reduced to eight hours in some circumstances.

In 2018, Congress passed the FAA Reauthorization Act of 2018, which included a provision (section 335(a)) requiring that the FAA implement this change via regulation by November 4, 2018. Section 335(a) also prohibits any reduction in the rest period below 10 consecutive hours. At a recent hearing of the House Transportation and Infrastructure Committee, Chairman Peter DeFazio (D-Ore.) criticized the FAA for failing to timely respond to this legislative mandate. The FAA, in its defense, determined that the rule change was "economically significant," which obligated the FAA to issue an advance notice of proposed rulemaking (ANPRM) (which it did in 2019) and to examine and quantify the proposed rule change's costs and benefits.

The Association of Flight Attendants (AFA), which lobbied for congressional passage of section 335(a), has also criticized the FAA for not implementing the rule change more quickly. The AFA disputed that, as a procedural matter, the FAA needed to publish an ANPRM as a prelude to implementing this rule change proposal. Airlines, by contrast, have expressed concern about the costs associated with the rule change and how it may be implemented, including its potential to reduce schedule flexibility and increase irregular operations. They point out that they may need to hire additional flight attendants and schedule additional flight attendant hours in order to accommodate longer rest periods while maintaining existing flight schedules.

In the final rule, FAA addresses the "discrete, statutory mandate" in Section 335(a) and does not propose any additional amendments to flight attendant flight, duty, and rest rules, despite the urging of many commentators in response to the ANPRM. Though the FAA considered "conducting a comprehensive review and revision of the flight attendant rest and duty regulations," it decided against doing so because it did not have data indicating such an update was necessary.

Comments are due 60 days after the NPRM is published in the Federal Register. The FAA plans to make a final rule effective 30 days after its publication in the Federal Register.



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