

Western New York Representatives Louise Slaughter (NY-28), Chris Lee (NY-26) and Brian Higgins (NY-27) today sent a letter to Federal Aviation Administration (FAA) Administrator Randy Babbitt urging him to implement much-needed guidelines on pilot fatigue and pilot commuting. During a recent Senate hearing the FAA Associate Administrator for Aviation Safety Peggy Gilligan announced that the FAA is pushing back its deadline for releasing pilot fatigue guidelines. Gilligan also testified that the FAA will not release any guidelines related to pilot commuting.

The National Transportation Safety Board (NTSB) hearings on Flight 3407 found that both the captain and first officer of Flight 3407 experienced various levels of fatigue. Flight 3407's captain slept in Newark's Liberty International Airport crew lounge the night before the flight, after commuting from Tampa, Florida. The first officer commuted overnight on a FedEx cargo flight from her parents' home in Seattle. Current FAA rules that govern flight crew rest have gone without a major overhaul for at least 40 years. In addition, the NTSB has listed these critical safety measures as one of its "most wanted" recommendations for nearly 20 years.

"If you shouldn't get behind the wheel of a car when you're tired, a pilot certainly shouldn't be stepping into the cockpit of a commercial airliner when they're exhausted," said Congresswoman Slaughter. "We've seen how serious the circumstances can be when pilot fatigue affects their ability to fly which is why it's so important that the FAA take pilot commuting into account when they implement their new guidelines."

"The time to act is now, yet the FAA's continued delay on important new safety rules puts passengers at risk." said Congressman Lee. "As was the case in the Flight 3407 tragedy, pilots are often making cross-country commutes and risking the lives of hundreds of their passengers on only a few short hours of rest. The FAA needs to set guidelines regarding long commutes."

"With each day that passes without stronger rules to protect passenger safety, lives are put at risk," said Congressman Higgins. "The FAA is asking for patience, but nearly nine months after the Flight 3407 tragedy devastated this community and nation our patience is fading fast. The public deserves a better, timelier response."

"Obviously if the FAA, the airlines, and the pilots are finally able to come together to revise pilot flight and duty time regulations that are over fifty years old, that will certainly be a positive to

come out of our horrible loss," stated Margie Brandquist of Leesburg, Virginia, who lost her sister Mary 'Belle' Pettys who was from West Seneca. "However, the fact that both pilots commuted significant distances from Seattle and Tampa in the twenty four hours prior to the flight certainly is a huge concern for us, and hopefully the FAA will re-think their decision to not address this issue in its rulemaking effort."

The Families of Flight 3407 have chosen to use their own personal tragedy to tirelessly advocate for improved aviation safety. Lee, Higgins, and Slaughter have worked with the Families of Flight 3407 to implement a number of long overdue reforms that address aviation safety and restore passenger confidence. Below please find the full text of the lawmakers letter to [view a signed PDF copy click here](#) .

December 3, 2009

Administrator J. Randolph Babbitt

Federal Aviation Administration

800 Independence Avenue, SW

Washington, D.C. 20591

Dear Administrator Babbitt:

We write to you today regarding the Federal Aviation Administration's delay in implementing much-needed guidelines on pilot fatigue and its refusal to address pilot commuting.

We represent Western New York in the House of Representatives, the location of the February 2009 crash of Continental Connection Flight 3407. This tragedy took the lives of 49 on board the aircraft and one person on the ground. We are troubled to learn that the new federal guidelines on pilot fatigue – which you pledged to complete by the end of this month – will not be implemented until early 2010. The recent testimony of FAA Associate Administrator for Aviation Safety Peggy Gilligan confirmed this new delay. An early 2010 release will lead to even further delays as other federal agencies review the new rules and as the possibility of an enforcement grace period is considered.

Americans cannot wait any longer for federal action to combat pilot fatigue. The National Transportation Safety Board has listed new pilot fatigue guidelines as one of its “most wanted” recommendations for nearly 20 years. This issue has played a serious role in a number of airline crashes, most notably with Flight 3407.

We know from the NTSB hearings that both the captain and first officer of Flight 3407 experienced various levels of fatigue. Flight 3407's captain slept in Newark's Liberty International Airport crew lounge the night before the flight, after commuting from Tampa, Florida. The first officer commuted overnight on a FedEx cargo flight from her parents' home in Seattle. It is only common sense that such arduous, cross-country commutes take a toll on pilot readiness and contribute to a dangerous level of fatigue.

The FAA rule-making committee, which has worked from July to September developing these recommendations, has chosen to overlook the correlation between these commutes and pilot fatigue. Associate Administrator Gilligan acknowledged in her testimony that pilot commuting could create a risk that pilots will step into a cockpit tired, yet she said that the FAA continues “to see that that as a pilot responsibility.” By overlooking long-distance commutes, the guidelines set forth by the FAA will not fully encompass all the contributing factors to pilot fatigue.

It has taken more than 40 years to overhaul rules governing flight crew rest and duty periods. It is time to act now without delay to ensure we are following the very best aviation safety practices. We appreciate your commitment to strengthening pilot fatigue guidelines and look forward to working with you further on these issues.

Sincerely,

Christopher J. Lee

Member of Congress

Brian Higgins

Member of Congress

Louise Slaughter

Member of Congress