

Support One Level Safety by Supporting the Safe Skies Act (S. 826 or H.R. 5170)

Challenge

For decades, ALPA has advocated for one level of safety for the simple reason that all pilots and airline operations should be treated equally regardless of payload or flight mission. While the 2011 FAA flight- and duty-time rules and minimum rest requirements (FAR 117) are a significant improvement over the previous antiquated rules established nearly six decades ago, the “cargo carveout” threatens the safety of air transportation. The rules only addressed passenger airlines and *excluded all-cargo airline operations* from mandatory compliance.

The FAA and DOT strongly believed during the rulemaking process that all-cargo operations should be included as part of the policy. In fact, the proposed rule said, “The FAA has decided against proposing special rules for all-cargo operations because there are no physiological differences between pilots who fly cargo planes and pilots who fly passenger planes.” However, the two organizations reversed course after a decision was made by the Obama administration to carve out cargo carriers. This political determination was based on a biased, faulty, cost-benefit rationale by the Office of Management and Budget (OMB) rather than scientific fact.

As then-National Transportation Safety Board Chairman Deborah Hersman said, expressing her disappointment on the exclusion of cargo operations after the final rule was released, “A tired pilot is a tired pilot, whether there are 10 paying customers on board or 100, whether the payload is passengers or pallets.”

Why Legislative Action Is Needed Now

By exempting cargo airline operations from mandatory compliance with science-based pilot fatigue rules included in FAR 117, the traveling public is placed at greater risk. Cargo pilots fly the same routes, in the same airspace, and into the same airports as pilots of passenger airlines. Moreover, cargo operations often take place at night or in the early morning hours for express delivery of packages, potentially disrupting circadian rhythms and increasing pilot fatigue. It doesn't make sense for the United States, as the world leader in airline safety, to exclude cargo operations from science-based rules.

The Safe Skies Act will mandate that cargo operations meet the same standards of safety as airline passenger operations under FAR 117 by simply requiring the DOT to ensure that the flight, duty, and rest requirements apply to all-cargo operations in the same manner as they apply to passenger operations.

Congress mandated updated, science-based rest rules for *all* airline pilots when it passed the Airline Safety and Federal Aviation Administration Extension Act of 2010 (P.L. 111-216). The Safe Skies Act will fulfill Congress's intent to provide one level of safety for *all* air carrier operations.

Please consider cosponsoring S. 826 or H.R. 5170 and support One Level of Safety.

Background

Among the most fundamental flaws in the cost-benefit analysis was the failure to apply a predictive, risk-based approach to system safety. Because recent all-cargo airline accidents had not resulted in a heavy loss of life to airline passengers, or harmed individuals or property on the ground in the United States, the OMB concluded that such air disasters were unlikely to occur here.

The same could not be said for several other notable locations. In 2002, 71 individuals, including 45 teenagers on their way to Spain, died when an all-cargo B-757 collided in midair with their airliner. In 1992, an El Al all-cargo B-747 freighter on its way from New York's John F. Kennedy International Airport crashed when the crew lost control of the aircraft, following a stopover in the Netherlands. First responders approached a rapidly spreading fire, which consumed all 10 floors of an Amsterdam apartment building. There were no survivors at the crash site and at least 43 additional individuals died in the fire, 26 were injured, and hundreds were left homeless.

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An all-cargo Airbus aircraft crashed in 2013 just short of the runway in Birmingham, Ala., narrowly missing a residential area, destroying the aircraft and killing both pilots. Similarly, in February 2019, an all-cargo B-767 crashed near Houston, Tex., while approaching George Bush Intercontinental Airport, killing all aboard. Despite these examples, the OMB could not envision an all-cargo aircraft accident in a populated American community, so it didn't include for the possibility in its analysis.

Supporting Data

Cargo accident rates are higher than their passenger-carrier counterparts

- The all-cargo segment of the airline industry continues to operate under less strenuous safety regulations which threatens the safety of the U.S. aviation system and all those who utilize and rely on it.
- In the past 20-plus years, the accident rate in all-cargo operations has diverged from passenger operations. According to the Bureau of Transportation Statistics, all-cargo operations make up 6 to 7 percent of all 14 CFR Part 121 operations (based on number of departures) within the United States, and according to the Commercial Aviation Safety Team (CAST) the all-cargo carrier major accident rate is more than seven times higher than the rate for passenger airlines over the past 10-20 years.
- Historically in the United States, if all-cargo operations experienced the same accident rate as passenger airline operations (0.14 accidents per million departures), all-cargo carriers would have had only *one* major accident in the decade from 2004–2013. In fact, there have been *12* during that period (2004–2013) and *seven* in the last 10 years (2009–2019).
- Conversely, if passenger airlines experienced the same accident rate as all-cargo operations (2.72 accidents per million departures), passenger carriers would have had 277 major accidents in those same 10 years—amounting to 2.3 accidents per month.

All-cargo crews typically operate more fatigued

- While all-cargo pilots may only have one to two flights per duty period, they often have extended waits during sort operations (loading and unloading planes).
- A high percentage of domestic all-cargo operations are at night when fatigue is most prevalent. Pilots in all-cargo operations fly more frequently during the “window of circadian low” (2 a.m.–6 a.m.) frequently cross more time zones and are subject to more frequent route changes that affect flight and landing familiarity.

NTSB supports one rule

- For two decades, the NTSB has identified fatigue as one of the most dangerous issues in transportation.
- The NTSB had asked Congress to update fatigue rules dating back to 1972.
- The NTSB wrote to the FAA administrator (Huerta), formally opposing the “cargo carveout” because of the frequency of accidents and the time of day that cargo flights occur.

Cargo airlines may suggest that their pilots “fly fewer hours”

- This can be true, but the point of the rule isn't to fly fewer hours per se; it's to fly *safer* hours.
- The problem is that cargo pilots often fly overnight operations.
- Total hours are not the issue; the issue is the *type* of flights flown.

Cargo accidents continue to occur

- Since 2000, there have been 16 all-cargo accidents; and out of those 16, four were directly attributed to fatigue. Most recently, UPS Flight 1354 in Birmingham, Ala., on Aug. 14, 2013.
- What is and was blatantly ignored by cargo airlines, as well as by the White House at the time, is the potential for a cargo accident to occur over a populated area or to have a collision with a passenger airplane, which could result in significant fatalities. Cargo airlines stated in their comments on the rule, “While a passenger operation accident can result in numerous fatalities, an all-cargo accident would consist primarily of property damage.”
- While all-cargo does operate primarily at night, there are many passenger flights that share the same airspace on overnight flights which could be impacted by fatigued cargo pilots.

The cargo companies *do not* reflect or represent the pilots' view

- ALPA, the Independent Pilots Association, and the International Brotherhood of Teamsters all support the FAR 117 standard. ALPA conducted a vote of its FedEx Express pilots in July 2019 on the matter.

Application of FAR 117 to all-cargo pilots will not impede cargo operations

- Implementation of FAR 117 hasn't had a detrimental economic impact on passenger airlines.
- There is no evidence to indicate seamless, efficient operations couldn't be expected for all-cargo operations.



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