

Re: Docket No. FAA-2026-3840; Summary Notice No. 2026-16
Petitioner: NetJets Aviation, Inc.
Sections Affected: 14 CFR 135.269(b)(2), (b)(3), and (b)(4)
Comment Deadline: July 2, 2026

June 16th, 2026

Federal Aviation Administration
Docket Operations, M-30
U.S. Department of Transportation
1200 New Jersey Avenue SE
Room W12-140, West Building Ground Floor
Washington, DC 20590
Submitted via [Regulations.gov](https://www.regulations.gov)

Comment of the Private Aviation Safety Alliance

The Private Aviation Safety Alliance (PASA) respectfully submits these comments in response to NetJets Aviation, Inc.'s petition for exemption from 14 CFR 135.269(b)(2), (b)(3), and (b)(4) for BD-700-2A12 operations. The petition seeks relief that would allow flights up to the maximum endurance of the aircraft, described as between 16 and 17 hours, with four pilots assigned, and would further allow a one-hour duty extension to a maximum of 21 hours to accommodate the extended flight time.

PASA is a nonprofit private aviation consumer advocacy organization funded solely by consumer donations and subscriptions. We do not accept funding or advertising revenue from Part 135 operators that our organization complies safety reports for, and our perspectives are independent of industry influence.

PASA opposes the petition as submitted. The request asks the FAA to alter fundamental fatigue-related guardrails in Part 135 for a single operator through an individualized exemption rather than through transparent, generally applicable policy or rulemaking. If the FAA determines that a four-pilot BD-700-2A12 operation may safely exceed the existing limits in §§ 135.269(b)(2), (b)(3), and (b)(4), then the agency should establish a clear, equally available pathway for all similarly situated certificate holders that can satisfy the same safety criteria. If the FAA cannot make that showing on a generally applicable basis, then the petition should be denied.

Critically, **PASA submits that safety should never be treated as proprietary.** If a petitioner has developed data, methods, mitigations, scheduling practices, crew-rest protocols, or fatigue-management findings that materially enhance safety, the FAA should encourage disclosure of those safety-enhancing findings so they may inform broader industry practice, rather than allowing them to be retained as a private business advantage in support of an operator-specific exemption.

Multiple Aviation Rulemaking Committees have contributed valuable research and recommendations to the FAA to allow for the modernization of Rest & Duty limits which have not been implemented, including the most recent report submitted in 2021. These recommendations include many alternatives to the specific exemption Netjets seeks relief from to accommodate technological advancements in aircraft time aloft, as well as recommendations to accommodate other missions that require longer duty periods and **identifies critical deficiencies in the FAA's enforcement and oversight of existing flight and duty regulations.**

Link to ARC Report:

https://www.faa.gov/regulations_policies/rulemaking/committees/documents/media/Part%20135%20Pilot%20Rest%20and%20Duty%20ARC%20Recommendation%20Report.pdf

Existing Regulatory Limits

The current text of 14 CFR 135.269 establishes specific limits for assignments involving crews of three or four pilots. As relevant here, no certificate holder may assign a pilot to a crew of three or four pilots unless the assignment provides, among other things, no more than 8 hours of flight deck duty, no more than 20 duty hours for a four-pilot crew in any 24 consecutive hours, and no more than 16 hours of flight time for a four-pilot crew in any 24 consecutive hours. These are not incidental administrative provisions. They are core fatigue-mitigation limits designed to cap exposure to cumulative duty, extended wakefulness, and the operational risks associated with ultra-long duty periods in unscheduled passenger-carrying operations.

The Petition Seeks a Material Change to Those Limits

The petition asks the FAA to allow a BD-700-2A12 four-pilot operation to fly beyond the current 16-hour flight-time ceiling to the aircraft's maximum endurance, identified in the notice as between 16 and 17 hours, and to extend the current 20-hour duty limit by an additional hour to 21 hours. That request would effectively create an operator-specific alternate fatigue framework for one company's ultra-long-range operations.

Because the petition goes directly to the maximum permissible duty period and maximum permissible flight time aloft for a four-pilot Part 135 assignment, the issue presented is broader than NetJets alone. Other Part 135 operators either currently conduct, or may seek to conduct, comparable long-range operations with similar aircraft capabilities, and the safety and policy issues are therefore industry-wide rather than company-specific.

Prior ARC Work Addressed These Questions in Detail

This petition arises in an area where the FAA has already convened an industry rulemaking body to develop findings and recommendations. The FAA's Part 135 Pilot Rest and Duty Rules Aviation Rulemaking Committee was chartered to review and develop findings and recommendations regarding pilot rest and duty rules under 14 CFR Part 135. The FAA committee page identifies

both the committee's purpose and the existence of a formal report from the Part 135 Rest and Duty Rules ARC, posted January 11, 2023.

That history matters. The FAA did not lack access to industry expertise on how to modernize Part 135 rest and duty rules; instead, it specifically assembled that expertise to evaluate the effectiveness and deficiencies of the current framework and to recommend changes. The appropriate response to identified deficiencies in the current rest-and-duty structure is not to create ad hoc operator-specific carve-outs, but to adopt a coherent framework through policy or rulemaking that can be applied consistently across the sector.

PASA is particularly concerned that the NetJets petition attempts to obtain through exemption what has not been adopted through the broader regulatory process. The long-range rest-and-duty "ARC" issues implicated by this petition were addressed in detail through committee work that considered fatigue science, operational variability, and the need for a modernized approach to Part 135 scheduling and augmentation. The FAA should not bypass that broader analytical effort by granting individualized relief to a single certificate holder.

The ARC Specifically Addressed Four-Pilot Augmented Operations and Did So Using a Science-Based Framework

The issues presented by NetJets' petition are not novel. The Part 135 Pilot Rest and Duty ARC expressly addressed **augmented operations with three- and four-pilot crews** and developed a dedicated framework for those operations in Section 7.6 and Table 13 of its report. That work was grounded in the ARC's broader scientific findings that fatigue is driven primarily by circadian rhythm and sleep drive, that fatigue risk increases with exposure to the window of circadian low ("WOCL"), that cumulative sleep loss degrades performance over successive days, and that self-assessment of fatigue is not a reliable indicator of actual alertness.

The ARC's scientific discussion emphasized that aircraft capability and crew augmentation alone do not resolve fatigue risk. Rather, fatigue risk in long-range operations depends on a multi-factor interaction among duty timing, sleep opportunity, circadian physiology, prior sleep debt, time-zone disruption, and operational context. For that reason, the ARC concluded that any framework for long-duty augmented operations must protect sleep opportunities, limit exposure to unmitigated WOCL duties, prevent cumulative fatigue, and pair increased operational flexibility with additional mitigations and monitoring through an Alertness Management Program ("AMP").

Consistent with that science, the ARC created a specific table for augmented operations with in-flight sleep opportunities and an AMP. For **four-pilot crews**, the ARC recommended a maximum duty period of **16 hours with a Class 3 rest facility, 18 hours with a Class 2 rest facility, and 19 hours with a Class 1 rest facility**, while setting maximum flight time at **17 hours**. The ARC further required **12 hours of pre-duty rest including one physiological night's rest, substantial post-duty rest of 14 hours after 14–16 hour duties and either 18 or 24 hours after duties of 16 hours or more, a limit of two augmented duties in any 168-hour period, and a**

minimum of four consecutive hours of total sleep opportunity for the flightcrew, with preference given to the landing crew.

The ARC also imposed operational protections that make clear these longer augmented duties were never intended to stand alone as a simple extension of the existing rule. Augmented duties were limited to **no more than three segments**, required **pre-flight risk assessments and an AMP**, required additional risk assessment for segments added after duty start, and did **not** allow flight-time extensions beyond the stated limits. Importantly, the report specifies that the increased limits for **four pilots** depend on the aircraft having **two sleep surfaces so that two pilots can rest simultaneously**, and that when aircraft have mixed classes of rest facilities, the limits associated with the lower class apply.

This ARC framework is important for the present petition for two reasons. First, it shows that the FAA and industry already examined the precise subject of four-pilot, ultra-long-range operations and did so through a detailed, science-based process rather than through ad hoc operator-specific relief. Second, it shows that where the ARC supported longer duties for augmented crews, it did so only as part of a tightly conditioned framework built around rest-facility quality, mandatory sleep opportunity, strict pre- and post-duty rest, frequency limits, and an AMP, not as an unqualified authorization for one certificate holder to extend duty and flight limits based primarily on aircraft endurance.

Accordingly, if the FAA believes that four-pilot BD-700-2A12 operations can safely be conducted beyond the default limits in 14 CFR 135.269, the agency should evaluate that question within the same science-based framework the ARC already developed for augmented operations and make any resulting pathway available on equal terms to all similarly situated operators that can meet those conditions. The FAA should not grant a bespoke exemption to a single operator while leaving the ARC's broader, transparent, and safety-focused framework unimplemented.

The ARC's treatment of four-pilot augmented operations demonstrates that this issue was already debated in detail and resolved through compromise among stakeholders with differing operational and labor perspectives. The resulting framework did not endorse a blanket extension of duty limits for one operator; it endorsed a tightly controlled, science-based structure with specific mitigations and hard boundaries. NetJets should not be permitted to bypass that work by seeking individualized relief untethered from the conditions, protections, and equal-access principles the ARC already developed.

Fairness, Competitive Equity, and Equal Access to Safety Standards

The FAA should not create a two-track system in which one large operator receives bespoke authority to exceed fatigue-related limits while other operators remain bound by the rule text. Safety standards of this kind must be transparent, reproducible, and available on equal terms to all operators able to satisfy the required mitigations.

If NetJets contends that its proposed operation is safe because of specific mitigations, scheduling assumptions, fatigue-monitoring methods, crew-rest accommodations, or other operational controls, then those elements should be articulated as objective conditions that any similarly situated Part 135 certificate holder may meet. If those claimed mitigations are instead unique, non-public, or effectively proprietary, then the FAA should be especially reluctant to use them as the basis for changing the practical effect of federal fatigue limits for one company alone.

Safety should never be proprietary. Where an operator claims to have developed methods, data, or operational practices that materially improve safety, the FAA should encourage those findings to be documented, scrutinized, and shared so that the entire industry may benefit. The agency should not incentivize petitioners to treat safety-enhancing knowledge as a market differentiator or business advantage that supports exclusive relief unavailable to competitors. In other words, if the proposed operation is safe, it should be safe for every operator that can meet the same standard. If it is not safe enough to support a generally applicable path, then it is not appropriate for a special exemption benefiting only NetJets.

Safety Concerns Require a Transparent, Science-Based Record

Extended flight and duty periods implicate well-known fatigue hazards. The current regulation reflects FAA judgments about the outer boundary of acceptable exposure for three- and four-pilot crews in unscheduled operations.

Aircraft endurance is not the same thing as human endurance. A modern ultra-long-range aircraft may be capable of remaining airborne for the proposed period, but the relevant regulatory question is whether the assigned crew can do so with an equivalent level of alertness and safety across the full duty cycle, including preflight, en route operations, arrival, and the cumulative burden imposed by schedule timing and circadian disruption.

PASA therefore urges the FAA to require a rigorous public showing addressing, at a minimum, circadian timing, opportunities for restorative sleep, actual in-flight rest quality, cumulative duty exposure, and the operational assumptions underlying any claimed mitigation strategy. To the extent any petitioner relies on safety-enhancing findings, PASA further urges the FAA to require those findings to be described with enough specificity that they may be evaluated by the public and, where validated, adopted more broadly across the Part 135 community. A petition that merely points to a four-pilot crew and a capable aircraft is not enough to justify reshaping the practical boundaries of §§ 135.269(b)(2), (b)(3), and (b)(4).

The Proper Vehicle Is Broad Policy or Rulemaking

The FAA has already recognized, through the creation of the Part 135 Pilot Rest and Duty Rules ARC, that the existing Part 135 framework merits systematic review. The existence of that committee and its report underscores that the agency has before it a broader regulatory question about how Part 135 rest and duty rules should evolve.

That question should be answered through a published, generally applicable framework, whether by notice-and-comment rulemaking, policy guidance, or a transparent means for operators to obtain approval under the same criteria. It should not be answered through piecemeal exemptions that functionally rewrite the same regulation for whichever operator seeks relief first or has the resources to pursue a bespoke petition.

Finally, the FAA should not expand operator-specific flexibility while leaving a known oversight failure unresolved. **The ARC identified that current Part 135 rest-and-duty compliance is not meaningfully enforceable without better recordkeeping and prospective documentation of rest and duty assignments. Congress reinforced that concern in the FAA Reauthorization Act of 2024 by directing the FAA to address ARC Part 135 rest-and-duty recommendations, yet the broader oversight gap remains.** Granting bespoke exemptions while failing to fix a recognized enforcement weakness is not a sound safety policy and is not fair to the operators who continue to comply under the existing rules.

Requested FAA Action

For these reasons, PASA respectfully urges the FAA to deny NetJets Aviation, Inc.'s petition as submitted. In the alternative, if the FAA believes there is merit to reconsidering the current limits for ultra-long-range Part 135 operations with augmented crews, the agency should defer action on this petition and instead initiate a broader process to evaluate such operations on terms equally available to all affected certificate holders.

Any future pathway should be based on transparent, science-based criteria developed from the FAA's broader Part 135 rest-and-duty work and should not confer a competitive or operational advantage on a single operator through individualized exemption relief. It should also encourage petitioners and participants to share validated safety findings so those findings may strengthen the entire Part 135 system rather than remain isolated within one company's operation.

Respectfully submitted,

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