October 13, 2023

Mr. David H. Boulter  
Acting Associate Administrator, Aviation Safety  
Federal Aviation Administration  
800 Independence Avenue SW  
Washington, D.C. 20591

RE: Request for Comments Regarding Revisions to the Regulatory Definitions of  
“On-Demand Operation,” “Supplemental Operation,” and “Scheduled Operation.” Docket  
FAA-2023-1857

Dear Associate Administrator Boulter:

The Association of Flight Attendants-CWA, AFL-CIO (AFA), the American Federation of Government Employees, AFL-CIO and the Association of Professional Flight Attendants (APFA) together represent 100,000 members at 20 U.S. commercial airlines and the Transportation Security Administration (TSA). As aviation workers responsible for maintaining safety and security at the airport and in the cabin, we are submitting comments to stop the dangerous attempt to create an airline business model based on the premise of skirting safety and security regulations put in place to keep commercial aviation safe and to ensure our planes can never again be used as weapons against our country or the people living and working in it.

The practice of airlines using Part 135 limited safety regulations to operate pre-scheduled public charter flights has grown over 1600% in the last nine years. This demonstrates the craven efforts to generate profits through compromise to our safety and security. This is a disaster waiting to happen. The threat to safety and security in aviation is well documented, written in blood, and a ripple of economic disaster for millions trailing in its wake. Our collective duty is to ensure careful mitigation factors remain in place to lower and eliminate risk in aviation safety and security.

The airlines attempting to capitalize on lower safety and security standards under Part 135 sell passenger tickets on flights that are pre-scheduled. They operate under a combination of rules: the safety rules of 14 CFR Part 135, the economic rules of 14 CFR Part 298 for commuter air carriers, and 14 CFR Part 380 for public charters. This loophole in the regulations allows these airlines to present themselves as the same as Part 121 carriers while skirting the safety and security regulations that government agencies enforce to keep commercial aviation safe and able to facilitate interstate commerce. If it "looks like a duck, quacks like a duck" it should be Part 121. Period.

Avoiding Part 121 Commercial aviation regulations undermines a significant set of safety and security protections for Americans and worldwide aviation:

**Security requirements:** There are interagency concerns here too. Part 135 airlines are not subject to the same security requirements as Part 121 airlines. This is despite the fact that Part 135 airlines may be flying the same types of aircraft and carrying the same number of passengers as Part 121 airlines.
One carrier, JSX, operating under the Part 380 exemption is marketing to passengers that they can bypass TSA security screening to save time at the airport. And it is true: JSX passengers are not subjected to trained TSA behavioral assessment, traditional TSA magnetometer and X-ray airport security checkpoints. The only security measure consistently taken is passengers are cross-checked against the TSA No Fly List. The federalized workforce and integrated security analysis made possible through TSA security requirements were implemented by Congress after the terrorist attacks of September 11, 2001. Security has evolved according to current threats and risk mitigation, only possible through federalized security with interagency intelligence and cooperation. This has been essential to maintaining the security of our nation’s aviation system and our homeland security. Failing to screen passengers or their bags threatens lives and introduces unacceptable risks. In the first 9 months of 2023, TSA detected 5,072 firearms at security checkpoints, on track to break the 2022 record of 6,542 firearms detected by TSA.  

Local county authorities at John Wayne Airport (SNA) and Westchester County Airport (HPN) are recognizing that JSX is operating outside of county FBO rules and must move to the main passenger terminals. So far, JSX has refused because it wants to “preserve” its “hop-on” service designed to avoid TSA screening.

**Pilot training and experience requirements**: Although pilots operating Part 135 flights must still be commercially rated, first officers only need 250 hours of total flight experience, while captains can fly with as few as 1,200 hours. It is perhaps no coincidence that the exponential growth of Part 135 flying with 380 authority for scheduled service only began in the year new pilot training and rest requirements went into effect. If the motive is to undermine safety and security, then it must be a non-starter within aviation regulation.

**Crew rest requirements**: After scientific studies have shown that crew member fatigue is a serious safety threat and proper rest is needed by Flight Attendants and pilots, Congress increased our collective rest requirements to 10 hours of minimum rest. However, Part 135 regulations allow flight crews consisting of flight crewmembers to have only 8 hours between rest periods.  

**Maintenance requirements**: Part 135 airlines are not subject to the same rigorous maintenance requirements as Part 121 airlines. This is despite the fact that Part 135 airlines may be flying the same types of aircraft and carrying the same number of passengers as Part 121 airlines.

**Conclusion**: Undermining training, rest, maintenance, and security is a non-starter. Government agencies should ensure air carriers may not operate under Part 135 in an effort to bypass the well-established safety and security rules of Part 121. These operations put our entire aviation system, passengers, crewmembers, and our communities vulnerable to deadly attack or catastrophic loss. It must be prohibited.

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1. [https://www.jsx.com/simpli-fly](https://www.jsx.com/simpli-fly)