



Aviation Group Client Update

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FAA ISSUES NPRM PROHIBITING PERSONAL USE OF ELECTRONIC DEVICES ON THE FLIGHT DECK

Last month, the FAA published a notice of proposed rulemaking (NPRM) that would prohibit flightcrew members in operations under 14 CFR Part 121 from using a personal wireless communications device or laptop computer for personal use while at their duty station on the flight deck during all ground operations involving taxi, takeoff and landing, and all other flight operations. The proposed rule, which conforms FAA regulations with recent legislation, is intended to ensure that certain nonessential activities do not contribute to the challenge of task management on the flight deck or a loss of situational awareness due to attention to nonessential tasks.

The proposed rule does not prohibit the use of personal wireless communications devices or laptop computers if the purpose is directly related to operation of the aircraft, or for emergency, safety-related, or employment-related communications and the use is in accordance with air carrier procedures approved by the Administrator. The FAA further clarifies that:

- “Emergency” communications are those related to the safe operation of the aircraft and its occupants, not a flightcrew member’s personal emergency.
- “Employment related” communications are not at the discretion of the pilot but are part of FAA-approved operational procedures regarding the use of personal wireless communications devices or laptop computers.
- The provisions of the proposed rule do not require an “ownership” test regarding the laptop computer or personal wireless communications device. These devices can be owned by the air carrier or the flightcrew member. The provisions of the proposed rule require a “use” test. These devices (regardless of who owns them) may not be used for personal use (e.g. personal communications, personal emails, leisure activities, etc.) while the flightcrew member is at his or her duty station while the aircraft is being operated.

Comments on the proposed rule are **due on or before March 18, 2013**. Please contact our office for additional information or for assistance with the preparation or submission of comments.

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