



VIA OVERNIGHT LETTER

January 20, 2012

Captain Scott Stratton
Air Line Pilots Association, International
1770 Kirby Parkway, Ste. 300
Memphis, TN 38138

Dear Captain Stratton:

Thank you for your recent letter regarding FAA's issuance of new Flight and Duty Time rules to be codified in Part 117 of the FARs. I'd like to share my thoughts on this, as well as provide you with an update about our involvement in this matter.

The safety of our crew force and of our all our flight operations continues to be our top priority. As you point out, FedEx has consistently sought to improve safety. That will continue to be the case. In fact, I believe we have reached a new era of cooperation and effectiveness in that regard. Our recent agreements in ASAP, FOQA, LOSA and Data Collection demonstrate our shared interest and actions, and I expect those programs will be successful in meeting their objectives.

Consistent with that focus on safety, our company and our pilots have worked together to develop what we believe is the world's leading program for mitigating pilot fatigue. The International Grid, Anchor Zone, Day/Night/Critical duty limits, International Buffers, and the industry-leading amount of pilot input we take into the crew planning process through the SIG and PSIT (and the related pairing construction parameters) distinguish us from other airlines.

These innovative fatigue mitigations were developed voluntarily in the collective bargaining process, where we worked together with ALPA to develop solutions customized to our operations. As an example of our ongoing commitment to ensure alertness, we are building 129 more sleep rooms in Memphis over the course of the next 18 months and we are looking at possibilities for creating rest areas and/or sleep rooms at other locations where it is feasible. This reflects our continued priority of crew force safety, and aligns with modern sleep science which uniformly indicates that quality rest is the best way to prevent fatigue. That is also why our hotel selection leads the industry—we want pilots to get the best possible sleep. Our major competitor is years behind us in most of these areas.

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In the process that led to the new Part 117 rules, FedEx never argued for a cargo exemption, publicly or privately. We argued strongly against portions of the NPRM, some of which carried through to Part 117. Several important aspects of the Part 117 rules do not have science-based relevance to our operations, and would create unnecessary problems – including some degradation to safety. As one example, the Part 117 rules would increase the average number of departures per line thereby increasing the number of first night duty periods. As FedEx pilots know, the first duty period on a night pairing is the most challenging from a safety standpoint and so the new rules are counterproductive in this regard. In addition, the Part 117 rules fail to capitalize on the fact that different types of operations create different opportunities for fatigue mitigation. For instance, the FedEx flight operation requires more day of ops flexibility, but it also affords greater rest opportunities, both on layovers and mid-duty period (e.g., sleep rooms). Because of differences such as this, the high level of safety to which we both aspire can (and in some cases, must) be reached in different ways depending on the unique type of underlying operation. In fact, Randy Babbit, the recent FAA Administrator and former ALPA National President, made exactly that point when he said, in the 2009 ALPA Safety Conference, that, *“In rulemaking, not only does one size not fit all, but it’s unsafe to think that it can.”* In keeping with that sentiment, FAA’s decision to exempt cargo carriers from Part 117 rules was a better course than imposing passenger centric flight and duty time regulations on the all-cargo industry.

As you know, Secretary LaHood announced his intention to speak with cargo airlines about the new Part 117 rules, and we plan to attend. Consequently, we have not made a final decision.

We intend to continue our cooperative work with ALPA to find ways to further improve the safety of our crew force that are effective and relevant to our pilots’ circumstances and our business. Our goal is to pursue science-based safety innovations that consider the important and unique details of our operation. That has been our consistent approach to fatigue mitigation, and we are proud of what we’ve accomplished together. Taking a science-based and cooperative approach, we are now industry leaders in this important area of crew safety.

Please let me know if you have any questions.

Sincerely,



Captain James L. Bowman
Vice President, Flight Operations

Cc: Captain Paul E. Cassel
Captain William W. McDonald

JLB/smd