June 19 1991

James W. Johnson, Esq.
Air Line Pilots Association
535 Herndon Parkway
P.O. Box 1169
Herndon, Virginia 22070

Dear Mr. Johnson:

This is in response to your letter of May 17, 1991, requesting an interpretation of § 121.481(b) of the Federal Aviation Regulations.

Question

Your question concerns the following air carrier schedule regarding flights between Mexico City and New York:

1600 - 2100	Flight time to Mexico City
2100 - 1000	Rest
1000 - 1445	Flight time to New York

In paraphrased form, your question is as follows: If the flight time exceeds the 5 hours scheduled, must the rest be twice the number of hours actually flown? I.e., if the flight time exceeds the scheduled time by one hour, must the rest be twelve hours?

Answer

Yes. If the flight exceeds the 5 hours scheduled, the rest must be twice the number of hours actually flown. Twice the number of scheduled hours would not suffice.

§ 121.481(b) provides in relevant part as follows:

> If a flag air carrier schedules a pilot to fly more than eight hours during any 24 consecutive hours, it shall give him an intervening rest period, at or before the end of eight scheduled hours of flight duty. This rest period must be at least twice the number of hours flown since the preceding rest period. but not less than eight hours. The air carrier shall relieve that pilot of all duty with it during the rest period.

We agree that the regulation is clear on its face; it requires "at least twice the number of hours flown" rather than twice the number of scheduled hours.

This interpretation was drafted by Sheila Skojec, an attorney in the Operations Law Branch; Richard C. Beitel, Manager. It was then coordinated with the Air Transportation Division of the Flight Standards Service at FAA Headquarters. We hope that it has satisfactorily answered your inquiry.

Sincerely,

Donald P. Byrne Assistant
Chief Counsel
Regulations and Enforcement Division