July 14, 1992

Mr. James W. Johnson, Esq.
Air Line Pilots Association
535 Herndon Parkway
P.Q. Box 1169
Herndon, VA 22070

Dear Mr. Johnson:

Thank you for your letter of May 13, 1992, in which you request the agency's interpretation of Federal Aviation Regulations (FAR) 121.471(f) and 135.263(c). We apologize that the press of other matters, including safety rulemaking, petitions for exemptions, and requests for interpretations received prior to yours, has prevented us from answering sooner.

In your letter you state that some carriers now assign crewmembers co-domiciles, which may be located in two different cities and can be a considerable distance apart. As an example, you state that some carriers dispatch crewmembers from Washington Dulles International Airport and terminate them at Baltimore-Washington International Airport. You point out that the crewmembers must then travel back to Washington Dulles International Airport, their originating domicile, to retrieve their automobile. Travel time between these co-domiciles may at times exceed one hour.

You ask whether the time spent traveling to the originating co-domicile from the terminating co-domicile may be considered rest?

FAR 121.471(f) states, in pertinent part, that

> Time spent in transportation, not local in character, that an air carrier requires of a flight crewmember and provides to transport the crewmember to an airport at which he is to serve on a flight as a crewmember, or from an airport at which he was relieved from duty to return to his home station, is not considered part of a rest period.

FAR 121.471(f) refers to what is commonly called "deadhead transportation", frequently where crewmembers fly as passengers on the air carrier's airplane to a destination where they are to begin service as flight crewmembers, or the reverse. While such crewmembers are being deadheaded they could not at the same time be considered relieved from all duty with the air carrier for the purpose of satisfying FARs 121.471(f) and 135.263(c). This interpretation would apply regardless of whether the crewmembers accomplished the deadhead portion of the trip on a company airplane, an airplane of another carrier, or by ground transportation. This paragraph did not intend to, and does not apply the deadhead transportation rule to transportation from one's home to one's place of business or employment.

Section 135.263(c) contains an identical provision. Under both FARs, three qualifications must be met before the regulation applies. First, the transportation cannot be local in character; second, it must be required of a flight crewmember by the air carrier; and third, it must be provided by the air carrier.

The second and third qualifier is met under your facts. The transportation is obviously required of a flight crewmember by the carrier. During a phone conversation on July 1, 1992, you confirmed that the ground transportation was provided by the air carrier from Baltimore-Washington International Airport to Washington Dulles International Airport. The first qualifier however, that the transportation be "not local in character", requires further discussion.

The FAA previously has taken the position that "local transportation" is travel to and from one's residence to one's place of business, or from a hotel or motel to an airport. The time a pilot spends in traveling between his residence and an airport out of which he is to operate, or from that airport to his residence, is time spent in "local transportation" and is counted as part of a rest period. Further, in a previous interpretation request regarding FAR 121.471(f) and 135.263(c), the FAA stated that local

transportation includes travel by crewmembers between their residences and co-domicile airports. The co-domicile airports were Los Angeles International and John Wayne Airport, and transit times sometimes exceeded 1.5 hours.

While we recognize that the previous FAA interpretations dealt with local transportation between airports and crewmember's residences, we believe it is reasonable to include the travel between co-domicile airports within the meaning of "local in character." Co-domicile airports are generally within a relatively close geographic location to one another. The designation of airports as co-domiciles by air carriers means that flight crewmembers can reasonably be expected to be assigned to duty at either airport. It is reasonable to assume that crewmembers dispatched from one co-domicile airport might terminate at the other. The very nature of co-domicile airports lends itself to such operations. As such, we believe it is reasonable for transportation between co-domicile airports such as Baltimore-Washington International Airport and Washington Dulles International Airport to be considered "local in character". Thus, under your facts, ground transportation between co-domicile airports could not be considered deadheading and therefore could be considered rest.

This interpretation has been prepared by Francis C. Heil, Attorney, Operations Law Branch; Richard C. Beitel, Manager, and has been coordinated with the Air Transportation Division of the Flight Standards Service at FAA Headquarters. We hope it satisfies your request.

Sincerely,

Donald P. Byrne

Assistant Chief Counsel
Regulations and Enforcement Division