March 27, 1992

Mr. James W. Johnson
Staff Attorney
Air Line Pilots Association P.O. Box 1169
Herndon, VA 22070

Dear Mr. Johnson:

Thank you for your letter of May 29, 1991, in which you ask for an interpretation of section 121.471 (f) of the Federal Aviation Regulations (FAR). We apologize that the press of other matters, including safety rulemaking, exemptions, and requests for interpretations submitted prior to yours, has prevented us from answering your inquiry sooner.

In your letter you state that States West Airlines has declared John Wayne Airport (SNA) in Orange County and Los Angeles International Airport (LAX) to be "co-domiciles", meaning that flight crews can be assigned to duty at either airport. You say that this policy causes problems for flight crews because of the distance between the airports and the heavy automobile traffic, resulting in reduced rest periods. Neither airport has a layover facility, so crewmembers must drive home between flights.

You then ask if the time that crewmembers spend commuting between their homes, SNA, and LAX can be considered part of the rest period (you apparently meant to say duty time).

FAR 121.471(f), in pertinent part, says:

> 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 135.263(c) contains an identical provision. There are three qualifications which must be met before the regulation applies. The transportation cannot be local in character, it must be required of a flight crewmember, and it must be provided by the air carrier.

In the fact situation you give, the transportation is obviously required of a flight crewmember, but it is not provided by the air carrier. This alone might be enough to disqualify the transportation from the provisions of FAR 121.471(f), but we will also examine the last requirement, that the transportation be "not local in character".

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.

FAR 121.471(f) refers to what is commonly called "deadhead transportation", where a crewmember flies as a passenger on the air carrier's airplane to a destination where he is to begin service as a flight crewmember, or the reverse. This paragraph did not intend to, and does not apply this deadhead transportation rule to transportation from one's home to one's place of business or employment. So, to answer your question, the time that co-domiciled crewmembers spend commuting between these airports and home does not count as duty time.

This interpretation was prepared by Arthur E. Jacobson, Attorney, Operations Law Branch; Richard C. Beitel, Manager, and has been coordinated with the Manager, Air Transportation Division of the Flight Standards Service.

We hope this information satisfies your request.

Sincerely,

Donald P. Byrne Assistant
Chief Counsel
Regulations and Enforcement Division