October 14, 1992

Mr. Charles G. Raines [redacted]

Dear Mr. Raines:

Thank you for your letter of August 10, 1992, in which you request the agency's interpretation of FAR Part 121 regarding flight time limitations and rest requirements. 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.

You describe the following hypothetical situation:

> A crew consisting of two pilots and one additional flight crewmember operates a scheduled domestic flight from Los Angeles (LAX) to Portland (PDX) with a flight time of 1 hour 30 minutes. After 7 hours on the ground (not considered a rest period), the same crew operates another scheduled domestic flight from Portland (PDX) back to Los Angeles (LAX) for another 1 hour 30 minutes flight time. The crew then operates a scheduled flag flight to Panama City (MPTO) and back to Los Angeles (LAX) for a total flight time of 8 additional hours.
>
> Total domestic flight time (segments 1 and 2) is 3 hours. Total flag flight time (segments 3 and 4) is 8 hours. Total combined flight time is 11 hours. Flight time did not exceed scheduled time. Total time between rest periods is 23 hours.

You state that if either the domestic or flag portions of this flight were conducted separately, both would apparently be in compliance with their respective FAR Subparts. You ask, when all the flights are combined has this crew conducted a legal flight?

Yes, given the flights in the hypothetical, all flights were flown in accordance with applicable FARs pertaining to flight time limitations and rest requirements. We assume for purposes of answering this question that the air carrier holds both a domestic and flag air carrier operating certificate.

The applicable sections of the FARS state, in pertinent part:

121.471 Flight time limitations and rest requirements: All flight crewmembers.

(a) No domestic air carrier may schedule any flight crewmember and no flight crewmember may accept an assignment for flight time in scheduled air transportation or in other commercial flying if that crewmember's total flight times in all commercial flying will exceed-

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(4) 8 hours between required rest periods.

121.483 Flight time limitations: Two pilots and one additional flight crewmember.

(a) No flag carrier may schedule a pilot to fly, in an airplane that has a crew of two pilots and at least one additional flight crewmember, for a total of more than 12 hours during any 24 consecutive hours.

The domestic limitations apply to domestic operations and the flag limitations apply to the flag operations. FAR 121.471 governs domestic operations, while FAR 121.483 governs flag operations. In the case of combined operations the domestic regulations apply to the domestic portions of the trip while the flag limitations apply to the flag operations.

To illustrate, where a scheduled carrier has certificate authority to fly from a point outside the continental United States to a point inside the United States, enplane passengers or cargo, and then proceed to a final destination in the continental United States, the flag air carrier flight time limitations apply to the first leg of the flight while the domestic air carrier flight time limitations govern the leg within the United States. Conversely, where scheduled carriers has authority to operate from a point in the continental United States to another point in the United States, deplane passengers or cargo, and then proceed to a final destination outside the United States, the domestic air carrier rules govern the first leg and the flag rules govern the international leg.

Under the hypothetical situation you describe, the first two segments, Los Angeles (LAX) to Portland (PDX) and return, are domestic flights. The total flight time limitation under FAR 121.471(a) (4) is 8 hours between required rest periods.

The total domestic flight time in our facts is 3 hours. Similarly, the third and fourth segments, to Panama City (MPTO) and back to Los Angeles (LAX), are flag flights. The total flight time limitation under FAR 121.483(a) is 12 hours in 24 consecutive hours. The total flight time, domestic and flag, in your facts is 11 hours in 23 consecutive hours. Therefore, the hypothetical situation you describe is consistent with the flight time limitations and rest requirements for domestic and flag operations under FARs 121.471 and 121.483.

This response was 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 this information satisfies your request.

Sincerely,

Donald P. Byrne Assistant Chief Counsel
Regulations and Enforcement Division