November 24, 1992

Mr. George Reich
[redacted]

Dear Mr. Reich:

This is in response to your facsimile of September 16, 1992, in which you request the agency's interpretation of Federal Aviation Regulations (FAR) 121.471(a) and (g) 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 ask for responses to the following questions:

1. If a domestic air carrier, 2-person crew is scheduled to fly 8 hours or less in a 24 hour period, when would they be allowed to fly over that time and when are they not allowed to fly over that time? Example: a crew is scheduled to fly from A to B, block to block time of 2 hours, then B to C, 4 hours, then from C to D, 1:45 hours, for a total scheduled time of 7:45 hours. If there is a delay because of weather going from A to B and the actual flight time is 3 hours, are the crewmembers allowed to complete their flight schedule from B to C and C to D?

2. If a crewmember is scheduled to fly a 4-day trip with a 28-hour flight time, is he allowed to finish the trip if he gets delays and more hours on the first few days of the trip which would make the last few flights go over 30 hours in a 7-day period?

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

> 121.471(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 time in all commercial flying will exceed -
>
> (1) 1,000 hours in any calendar year;
>
> (2) 100 hours in any calendar month;
> (3) 30 hours in any 7 consecutive days;

(4) 8 hours between required rest periods.

121.471(g) A flight crewmember is not considered to be scheduled in excess of flight time limitations if the flights to which he is assigned are scheduled and normally terminate within the limitations, but due to circumstances beyond the control of the air carrier (such as adverse weather conditions), are not at the time of departure expected to reach their destination within the scheduled time.

In response to your first question the flight crewmembers would be able to complete the scheduled flights. If, due to circumstances beyond the control of the air carrier, such as delays due to weather, the flight crewmember exceeds the time he was originally scheduled for that day, the flight crewmember is not considered to be scheduled for duty in excess of flight time limitations.

In response to your second question we have attached a prior interpretation to Captain Lloyd W. Barry, dated September 9, 1987, that discusses the "30 in 7" rule. Briefly stated, the FAA has consistently interpreted compliance with the "30 in 7" flight time limitation to be based primarily on a flight crewmember's actual flight hours. A correct interpretation of the "30 in 7" limitation, together with the flexibility provision of subparagraph (g), results in a requirement to add a flight crewmember's actual flight time accumulated in the previous days to the flight time scheduled to be flown on the current day. If this total is less than 30 hours, the flight crewmember may begin and complete the day's scheduled flying even if events beyond the control of the air carrier cause total actual flight time to exceed 30 hours. The same process is repeated for each successive day of flying for the 7 consecutive days.

Given your facts, if the scheduled flight time for the fourth day when added to the actual accumulated flight time for the previous 3 days exceeds 30 hours then the flight crewmember's total flight time would be in excess of that allowed under FAR 121.471(a).

This response was prepared by Francis C. Heil, Attorney, Operations Law Branch; Arthur E. Jacobson, Acting 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