March 27, 1992

Mr. Brendan Twomey 7767

[redacted]

Dear Mr. Twomey:

We have received your letter of March 20, 1992, concerning Federal Aviation Regulation (FAR) 135.265(d). As we understand the facts, a pilot performs duty aloft in scheduled air transportation on each of seven consecutive days without receiving relief from all duty for at least 24 consecutive hours. You ask whether this is permitted by FAR 135.265(d) which reads:

> (d) Each certificate holder shall relieve each flight crewmember engaged in scheduled air transportation from all further duty for at least 24 consecutive hours during any 7 consecutive days.

Under this regulation, the word "day" means "Calendar day" i.e., commencing at 12:01 a.m. and ending 24 hours later at 12 midnight. Thus, a period of seven consecutive days begins at 12:01 a.m. on the first day and ends at 12 midnight of the seventh day. FAR 135.265(d) is substantively the same as FAR 121.471(d). The interpretation of "day" and "7 consecutive days" articulated above has been followed consistently by the Agency for many years in respect to FAR 121.471(d). We interpret FAR 135.265(d) in the same manner.

In light of the discussion, we conclude that the schedule you described does not comply with FAR 135.265(d). You are correct that 24 hours relief from all duty should be given on the seventh day.

It appears that the certificate holder may be treating 168 consecutive hours the same as 7 consecutive days. Under that theory, which would require relief by way of exemption to implement, the 4:00 p.m. commencement of duty on the first day would have started a period of time of 7 consecutive 24-hour periods. The sixth such period would end at 3:59 p.m. on the seventh day. The certificate holder presumably would relieve the pilot from all further duty for 24 consecutive hours beginning at that point. However, as stated, FAR 135.265(d) is not written or interpreted in that manner and the certificate holder would have to justify and obtain an exemption in order to apply the regulation in that manner.

We trust this information will be helpful. This interpretation has received the concurrence of the Air Transportation Division of the Flight Standards Service.

Sincerely,

Donald P. Byrne
Assistant Chief Counsel
Regulations and Enforcement Division