June 25, 1996

Mr. R.C. McCormick

[redacted]

Dear Mr. McCormick:

This is in response to your request for an interpretation regarding rest requirements for reserve flight crews under 14 C.F.R. § 121.471(b). That section provides:

> No domestic air carrier may schedule a flight crewmember and no flight crewmember may accept an assignment for flight time during the 24 consecutive hours preceding the scheduled completion of any fight segment without a scheduled rest period during the 24 hours of at least the following: (1) 9 consecutive hours of rest for less than 8 hours of scheduled flight time. (2) 10 consecutive hours of rest for 8 or more but less than 9 hours of scheduled flight time. (3) 11 consecutive hours of rest for 9 or more hours of scheduled flight time.

The FAA has consistently interpreted the rest required by § 121.471(b) as a continuous period of time, determined prospectively, during which the crewmember is free from all restraint by the certificate holder. Rest is defined as relief from all work for the certificate holder, including relief from a present responsibility for work should the occasion arise. Consequently, if the reserve pilot is not free from a present responsibility for work should the occasion arise, then the pilot is not receiving the rest period contemplated by regulation.

When a reserve pilot is assigned duty involving flight time, the 24-hour period prior to the scheduled completion of the assigned duty time must include the required 9, 10, or 11 hour continuous rest period, as applicable. Reserve duty time (time during which the pilot has a present responsibility for work should the occasion arise) does not count toward required rest time.

At the same time, reserve duty is not the same as duty that includes flight time. Section 121.471(b) pertains to "assignment for flight time." Continuous reserve status without ever being scheduled for flight time does not violate § 121.471(b).

Accordingly, the United Airlines Crew Duty Policies you describe in your letter do not necessarily violate § 121.471(b). To remain within the rule, the reserve pilot who will be assigned duty including flight time must be released from reserve or any other duty in sufficient time to allow for the required rest in the 24 hours preceding the completion of the newly assigned duty. For example, § 121.471(b) is violated when a reserve pilot is called out to fly at 1700, and released at midnight after flying less than eight hours. The reserve duty preceding flight cannot be counted toward the required rest period. On the other hand, if the pilot were relieved of all duty, including reserve, by 0800, the flight assignment at 1700 could be accepted since the schedule would allow for a continuous and prospective nine hours of rest prior to flying.

This interpretation was written by Roy D. Brenner under the supervision of Joseph A. Conte, Manager, Operations Law Branch. It has been coordinated with the Air Transportation Division of the Flight Standards Service. We hope it clarifies this issue for you.

Sincerely,
Donald P. Byrne
Assistant Chief Counsel