August 24, 1999

James W. Johnson
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Dear Mr. Johnson:
This responds to your letter dated May 28, 1997 requesting an interpretation of the flight and duty provisions of the Federal Aviation Regulations as set forth in 14 C.F.R. §§ 121.481 and 121.483. We apologize for the delay in responding to your interpretation request. You have indicated that Delta Air Lines was planning on operating a B-767 two-crewmember aircraft under the following schedule:

Day 1 — Atlanta to Sao Paulo for a total flight time of 9 hours and 40 minutes; Day 2 – Sao Paulo to Rio de Janeiro for a total flight time of 55 minutes; and

Day 3 – Rio de Janeiro to Sao Paulo for a total flight time of 1 hour; and Sao Paulo to Atlanta for a total flight time of 9 hours and 50 minutes.

Delta proposes to operate with two pilots and a relief pilot in compliance with §121.483 (two pilots and one additional flight crewmember) on Day 1 and for the second flight segment on Day 3. It then would operate on Day 2 and for the first flight segment of Day 3 (Rio de Janeiro to Sao Paulo) with a two-pilot crew in compliance with §121.481 (One- or two-pilot crews). You have inquired as to whether Delta can operate on Day 3 with a two-pilot crew (under §121.481) for the first segment (Rio de Janeiro to Sao Paulo) and then have a third pilot join the two-pilot crew for the second segment (Sao Paulo to Atlanta), to bring the operation under the less restrictive flight time limitations provided for in §121.483. For purposes of this interpretation, we are assuming that the pilots at issue have just completed a valid 24-hour rest period and are starting a new seven day cycle.

As discussed below, once a carrier conducting flag operations has scheduled a pilot to fly under §121.481 and the pilot completes the flight time, it cannot then schedule that pilot to fly under §121.483 without providing the required rest period, as set forth in §121.481(b). The pertinent regulations are set forth below:
Section 121.481 states in relevant part:

(a) A certificate holder conducting flag operations may schedule a pilot to fly in an airplane that has a crew of one or two pilots for eight hours or less during any 24 consecutive hours without a rest period during these eight hours.
(b) If a certificate holder conducting flag operations schedules a pilot to fly more than eight hours during any 24 consecutive hours, it shall give him an intervening rest period at or before the end of eight scheduled hours of flight duty. This rest period must be at least twice the number of hours flown since the preceding rest period, but not less than eight hours. The certificate holder shall relieve that pilot of all duty with it during that rest period.

Section 121.483 provides in relevant part:

(a) No certificate holder conducting flag operations 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.

Section 121.481 is triggered when a certificate holder conducts flag operations and schedules one or two pilot crews for an aircraft. [1]Under this section, a certificate holder may not schedule a pilot to fly more than eight hours within any twenty-four hour period without providing an intervening rest period. This rest period must begin, at the latest, at the completion of eight hours of scheduled flight time; however, it may begin earlier. The length of the rest period is governed by §121.481(b). Under §121.483 a certificate holder conducting flag operations may not schedule a crew consisting of two pilots and one additional flight crewmember for more than twelve hours in any consecutive twenty-four hour period.

[1] This interpretation assumes that the flight crew scheduling is appropriate for the aircraft and in accordance with aircraft specifications.

The flight time limitations are more restrictive for operations under §121.481 than §121.483 because the crew size is smaller and thus each pilot must assume responsibility for more in-flight duties. Consequently, to prevent fatigue, pilots scheduled under §121.481 must have a rest period after completion of eight hours of flight time in a consecutive twenty-four hour period. In contrast, when a three-man crew operates under §121.483, the in-flight duties are divided up among more crewmembers and so the overall burden on any one person is reduced. Thus, the permitted flight time within any twenty-four hour period is longer (12 hours).

In this instance, the certificate holder cannot conduct flag operations under §121.481 for the first flight segment from Rio de Janeiro to Sao Paulo using two pilots, and then add a third pilot at Sao Paulo so that the flight can operate under §121.483 for the final segment from Sao Paulo to Atlanta. To allow such a conversion would enable the certificate holder to defeat the rest requirement provisions in §121.481.

We hope this has been responsive to your inquiry. This response was prepared by Carol Moors Toth, Attorney, Operations Law Branch and coordinated with the Air Transportation Division of the Flight Standards Service at FAA Headquarters.

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Regulations