December 9, 1999

Mr. James R. Knight II
Aviation Technical Specialist
Aviation Services Department
Aircraft Owners and Pilots
Association 421 Aviation Way
Frederick, MD 21701-4798

Dear Mr. Knight:

Thank you for your letter dated September 8, 1999, to the Office of the Chief Counsel, Federal Aviation
Administration (FAA), concerning rest requirements under 14 CFR section 135.263(b). Specifically, you ask, "During the crew rest period, may the certificate holder initiate contact with the crew to assign a trip, which is scheduled to begin “after” the crews rest period?" The answer to your question is discussed below.

14 CFR section 135.263(b) states that no certificate holder may assign any flight crewmember to any duty with the certificate holder during any required rest period.

The FAA has consistently interpreted its "rest" requirements to be satisfied only if the rest time is determined prospectively, is continuous, is free from all duty and restraint, and is free from the responsibility for work should the occasion arise. A period of time during which a pilot has a present responsibility for work should the occasion arise, does not qualify as a rest period. The question you ask, however, concerns the situation where the pilot does not have a present responsibility to do anything for the air carrier, not even to answer the telephone or a pager. This pilot, when contacted, is merely being notified of a flight assignment to take place at the conclusion of his or her rest period. The pilot, during the rest period, was not obligated to be available to answer the telephone or a pager. Accordingly, a certificate holder may attempt to initiate contact with a flight crewmember to assign a trip scheduled to begin after the required rest

period without violating 14 CFR Section 135.263(b). If the air carrier successfully contacts the pilot in such a situation, that contact, which the crewmember did not have to make her or him available for, would not interrupt the continuous rest provision of 14 CFR Section 135.263(b).

We hope this satisfactorily answers your question.

Sincerely,

Donald P. Byrne
Assistant Chief Counsel
Regulations Division