2004

Charles E. Marcum

Re: Rest Requirements under 14 CFR § 121.471

Dear Mr. Marcum:

This letter responds to your request for clarification of the rest requirements applicable to domestic operations under the Federal Aviation Regulations in Title 14 of the Code of Federal Regulations (14 CFR).

You reference the Federal Aviation Administration's (FAA) November 7, 2003, letter of interpretation to James W. Johnson of ALPA. It is our opinion that the November 7 letter addresses the issues you raise. Specifically, the FAA has consistently stated that "rest" under the Federal Aviation Regulations is a continuous period of time during which the crewmember is free from all restraint by the certificate holder, including freedom from work or freedom from present responsibility for work should the occasion arise. Thus, the period of time that a pilot under reserve status is obligated to answer a carrier's phone call or page is not considered part of a rest period.'

The other questions you pose relate to 14 CFR § 121.471(f). Under §121.471(0 a rest period does not include any "time spent in transportation, *not local in character, that* a certificate holder requires of a flight crewmember and provides to transport the crewmember to an airport at which he is to serve on a flight as a crewmember, or from an airport at which he was relieved from duty to return to his home station." Conversely then, time spent in transportation that is local in character may be counted towards a rest period. To summarize the analysis provided under Section B. of the November 7 letter, a carrier must ensure that any travel time, which includes the time between the pilot's conclusion of a flight assignment and arrival at a location where the pilot can obtain sleep, is reasonably brief if the air carrier intends to count that time as part of the required rest period.

We trust this letter is responsive to your inquiry.

Sincerely,

Rebecca B. MacPhearson

Assistant Chief Counsel, Regulations

See also Letter to John Moran from FAA Assistant Chief Counsel Byrne, dated December 13, 1993 ("... a pilot ... on reserve duty is able to engage in leisure activities and is not required to be in uniform, but he or she must carry a pager and be able to report for duty within two hours of being called. ... [T]hat pilot is not free from restraint and, consequently, is not receiving the rest specified in the regulations.").