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JUL 2 6 2005

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Dear Mr. Johnson:

This letter responds to your March 28, 2005, request about when a pilot must receive the 24-consecutive-hour rest period during any 7 consecutive days under sections 121.483 (b) and 121.503 (c).

Section 121.483 (b) states:
Flight time limitations: Two pilots and one additional flight crewmember.
(b) If a pilot has flown 20 or more hours during any 48 consecutive hours or 24 or more hours during any 72 consecutive hours, he must be given at least 18 hours of rest before being assigned to any duty with the air carrier. In any case, he must be given at least 24 consecutive hours of rest during any 7 consecutive days.. (Emphasis added.)

Section 503 (c) states:
Flight time limitations: Pilots; airplanes.
Each certificate holder conducting supplemental operations shall relieve each pilot from all duty for at least 24 consecutive hours at least once during any 7 consecutive days.

A recent interpretation involving the comparable provision of the flight attendant' rules addresses this issue. *See* April 29, 2005, letter to Mr. Edwards and Mr. Callison, from Rebecca B. MacPherson, Assistant Chief Counsel, Regulations Division (copy enclosed). That letter restated and relied on the rule in prior interpretations of the pilot rules that the 24-hour rest period must occur in every 7-consecutive-day period in which the pilot performs or will perform flight time under Part 121 or Part 135. In other words, one must be able to find this rest period when one looks back 7 consecutive days from midnight of the day of any planned Part 121 or Part 135 operation.

Your hypothetical example involves a pilot who is placed on reserve duty on Day 1 (we assume a calendar day of reserve duty, i.e., from 0001 hours to 24 hours), and is required to answer the phone and be available for a flight assignment for day 1. He is then

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Section 121.467(b)(13) of the flight attendant duty period limitations and rest requirements regulations states: Each certificate holder conducting domestic, flag, or supplemental operations must relieve each flight attendant engaged in air transportation and each commercial operator must relieve each flighty attendant engaged in air commerce from all further duty for at least 24 consecutive hours during any 7 consecutive calendar days.

scheduled for 6 days of flight duty. You seek confirmation that this example would violate section 121.483 (b) and section 121.503 (c) because the pilot did not receive 24 consecutive hours of rest in 7 consecutive days. Consistent with the rule restated above, if, in your example, one cannot find that rest period when one looks back 7 consecutive days from midnight of each day involving planned flight duty, the schedule would not be in compliance with section 121.483 (b) or section 121.503 (c). Since the reserve duty on Day 1 is not rest, it may not count as 24 consecutive hours of rest for any of the 6 days of flight duty.

Of course, if the pilot received a 24-hour rest period on the day before Day 1 (e.g., from 0001 hours to 2400 hours)[2] that period of time would satisfy the 24-hour lookback rest period that is required by section 121.483 (a) and section 121.503 (c). Thus, the pilot could be used in Part 121 service for Day 1 through Day 6. Again, however, if Day 1 is a reserve day and the carrier did not call the pilot into service on Day 1, the carrier can only use the pilot in Part 121 service for Day 2 through Day 6.

This letter was prepared by Constance M. Subadan, Attorney, Operations Law Branch; Joseph A. Conte, Manager. It was coordinated with the Flight Standards Service at FAA Headquarters.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel
Regulations Division

Enclosures

[2] Note that the phrase "24 consecutive hours" is not limited to a calendar day (i.e., 0001 hours to 2400 hours.). *See* Nov. 7, 1979 letter to John C. Lenahan, from Edward P. Faberman, Acting Assistant Chief Counsel, Regulations and Enforcement Division (1979-67) (copy enclosed). Thus, depending on the particular factual situation, "24 consecutive hours" could begin at 1500 hours on one calendar day and end at 1500 hours on the next calendar day.