U.S. Department
of Transportation
**Federal Aviation
Administration**

DEC 11 2006

Captain Dave Earnest
Continental Master Executive Council
Air Line Pilots Association International
3808A World Houston Parkway
Houston, Texas 77032-2475

Dear Mr. Earnest:

By letter dated July 6, 2006, you requested interpretations of sections 121.471(b) and 121.471(c) of the federal aviation regulations regarding the start of a compensatory rest period after receiving a reduced rest period. Our response assumes that minimum look back rest has been provided.

You ask, after receiving a reduced rest period, within how many hours must a compensatory rest period begin?

Answer 1.

After a flight crewmember receives a reduced rest period under 121.471(c), the compensatory rest period must begin not later than 24 hours after the start of the reduced rest period.

Assumptions for questions 2a and 2b.

You ask us to assume that a flight crewmember, who is scheduled to operate multiple flight segments in the duty period after receiving a reduced rest period, was scheduled or projected to complete all of those flight segments prior to the start time of the compensatory rest period.

Question 2a.

You ask is the crewmember legal to complete all of those flight segments in that duty period even if at some time during the series of flight segments both the airline and flight crewmember are aware the compensatory rest period will not begin at the required time? You state that this concept is "legal to start, legal to finish."

Answer 2a.

As stated in prior interpretations, a pilot, who knows prior to the departure of a flight segment, which he will not arrive and be released so he can begin compensatory rest no later than 24 hours after a reduced rest begins, may not depart on that segment. According to

your facts, the certificate holder also realizes that prior to the departure of a flight segment that the compensatory rest period will not begin at the required time even though the flight segments and rest were legal at the time of scheduling. In those circumstances, the certificate holder may not assign flight time to a crewmember without meeting the rest requirements. See 121.471(e). This was fully discussed in the so-called "Whitlow letter" and affirmed by the U.S. Court of Appeals for the D.C. Circuit.

Question 2b.

What type of circumstances would allow delaying the start of a compensatory rest period?

Answer 2b.

We have enclosed a prior interpretation on this subject, Nov. 20,2000 letter to Captain Richard Rubin, as well as Air Transp. Ass'n of America v. FAA, 291 F.3d 49 (D.C. Cir. 2002).

Question 3.

You ask if a flight crewmember questions the legality of a flight, or a series of flights, under the relevant federal aviation regulations, and the FAA-approved computer scheduling system, or the flight crew scheduler, or the chief pilot, states that the crewmember is legal for the flight is the crewmember legal to continue?

Answer 3.

If the flight crewmember knows that it is not legal for the crewmember to continue, then he or she may not continue with the flight.

Question 4.

You ask if a review of the facts set out in question 3 above discloses that the flights were not in compliance with the flight and or duty time regulations could a flight crewmember be subject to enforcement action?

Answer 4.

Yes, a crewmember could be subject to enforcement action.

This response was prepared by Cecile O'Connor, Attorney in the Regulations Division of the Office of the Chief Counsel and has been coordinated with the Office of the Flight Standards Service. If you have additional questions regarding this matter, please contact us at your convenience at (202) 267-3073.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel
Regulations Division (AGC-200)