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

October 15, 2007

Mr. Timothy Ritter
[redacted]

Dear Mr. Ritter,

This responds to your letter dated June 26, 2007, in which you question whether the following scenario is a legal assignment under the flight time and rest requirements of part 135:

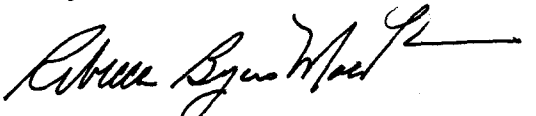
> A pilot is scheduled for a three-hour flight, departing at 6:00am, due to arrive at 9:00am. Upon arrival at the destination, the pilot is released from obligations until 6:00pm, when he or she must return and prepare for the three-hour return flight, which is scheduled to depart at 7:00pm and arrive at the destination at 10:00 pm.

You do not state whether the carrier conducts its operations under section 14 C.F.R. § 135.267(b) or 14 C.F.R. § 135.267(c). Nonetheless, in either case, the carrier and the pilot must ensure that the pilot has at least 10 hours of consecutive rest (1) before a regularly assigned duty period of no more than 14 hours [14 C.F.R. § 135.267(c)(1)], or (2) during the 24-hour period that precedes the planned completion time of the assignment.

Although it is not clear what you mean when you write that the pilot is "released from obligations," even assuming that the pilot was free from 9:00am to 6:00pm to conduct his own affairs and was not under any obligation to the company (e.g., waiting on passengers or cargo), we agree that the 9-hour period does not meet the required 10 hours of rest as set forth in 14 C.F.R. § 135.267(c)(1), nor does it meet the requirements of 14 C.F.R. § 135.267(d). If this rest period were extended to 10 hours, a new duty day would be triggered prior to the 7:00pm return flight and the operation would be permitted under 14 C.F.R. § 135.267.

We trust this interpretation has answered your questions. This response was prepared by Anne Bechdolt, Attorney, and reviewed by Joseph Conte, Manager, Operations Law Branch of the Office of the Chief Counsel. Should you have any additional questions, please contact us at (202) 267-3073.

Sincerely,



Rebecca B. MacPherson
Assistant Chief Counsel for Regulations
Office of the Chief Counsel, AGC-200