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

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

JUL 16 2008

Captain Tim Riley
[redacted]

Dear Captain Riley,

This is in response to your March 17, 2008, request for a legal interpretation. You presented several scenarios in your request, many of which require additional information before we may issue a response. However, the following is in response to the first question you presented: whether an overnight diversion in the United States at the end of an international flight sequence allows for the continuation of the flight sequence the next day under the flag rules for flight time limitations and rest requirements.

In your first scenario, you note that you completed an international trip and arrived at your home base at approximately 2 p.m. You were then given 12 hours and 30 minutes of rest, and placed back on reserve at 3:00 a.m. At 4:30 a.m., you received a call informing you to report to the airport at 6:30 a.m. for a 7:30 a.m. departure from IAD to LGA, with a subsequent scheduled trip from LGA to MIA, after which you would deadhead back to DCA. This flight had started as an international sequence the night before, but due to weather, the crew diverted to IAD for the night. The scheduler informed you that the trip sequence you were assigned was constructed as an international sequence due to the previous night's diversion and that you were thus legal to fly, despite the domestic nature of the sequence. You question whether this trip should have been conducted under the domestic rules for flight time limitations and rest requirements. For the purposes of this analysis, we assume that new revenue passengers or cargo, in addition to the passengers continuing from the international flight the night before, boarded the airplane prior to your departure from IAD.

The FAA must evaluate the nature of the operation to determine which flight time limitation and rest requirements apply to a particular flight sequence. In this instance, the fact that you are classified as a "reserve international" pilot is not relevant. Rather, the flight sequence dictates the rules that you, and your air carrier, must comply with. We have consistently determined that on a flight originating overseas that enplanes and deplanes passengers at a domestic airport before proceeding to is final domestic destination, the domestic flight time limitations apply on the last leg of the flight. *See* Interpretation 1979-5 (Mar. 2, 1979); Interpretation 1977-35 (July 7, 1977). In this case, based on the facts outlined above, despite the overnight diversion to IAD, your assigned flight sequence was entirely domestic. Based on our assumption that new passengers or cargo were aboard the aircraft prior to your

departure, the flight time limitation and rest requirements for domestic operations should have been applied to determine whether you could legally conduct these flights.

We regret that we are unable to provide you with a response regarding your other scenarios. This interpretation is limited to the facts presented in your request for legal interpretation as outlined above. If you wish to provide us with additional information regarding your other scenarios so we may provide you with a more detailed response, please feel free to contact us at (202) 267-3073. This response was prepared by Anne Bechdolt, an Attorney in the Regulations Division of the Office of Chief Counsel, and was coordinated with the Air Transportation Division of Flight Standards Service.

Sincerely,

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