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

Office of the Chief Counsel

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

JUN 4 2008

Mr. Bobby Hedlund
Manager, Southwest Airlines CMO
Federal Aviation Administration
Freeport Office Center III
8700 Freeport Office Parkway
Suite 250
Irving, TX 75063

Dear Mr. Hedlund,

The following analysis is in response to your May 23, 2008, request for a legal interpretation on behalf of Southwest Airlines regarding the meaning of "intermediate stop" in relation to 14 C.F.R. § 121.391 and Exemption 9382.

The definition of intermediate stop, as set forth in the preamble to a 1982 amendment to § 121.391, is a stop "where passengers remain on board and proceed on that aircraft to another destination. [These stops] are usually of short duration." 47 Fed. Reg. 56460. This definition is consistent with legal interpretations which describe an intermediate stop as "a stop where passengers remain on board." *See* Letter from Donald P. Byrne, Assistant Chief Counsel, Regulations, to Gregory Michael, Manager, Air Transportation Division, FAA Flight Standards Service, May 8, 2001 (answering request for legal interpretation of §121.391 and defining intermediate stop as a stop where passengers remain on board); Legal Interpretation 1988-3 (Mar. 5, 1988) (defining intermediate stop as a stop where passengers remain on board); Legal Interpretation 1979-31 (June 4, 1979) (referring to intermediate stop as a stop where passengers remain on board).

For almost 30 years, the FAA has consistently defined, and referenced, intermediate stops as those stops where passengers remain on board and proceed on that aircraft to another destination. The FAA has not redefined this term. Thus, in reviewing Exemption 9382, the term "intermediate stop" must be read in accordance with its definition and longstanding FAA interpretation as a "stop where passengers remain on board and proceed on that aircraft to another destination." 47 Fed. Reg. 56460.

This response has been coordinated with the Air Transportation Division of Flight Standards Service.

Sincerely,

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