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

Office of the Chief Counsel

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

MAR 14 2008

Mr. Robert B. Thomas
Taughannock Aviation Corp.
66 Brown Rd.
Ithaca, NY 14850

Dear Mr. Thomas,

This is in response to your request for an interpretation regarding adequate sleeping facilities as prescribed by 14 C.F.R. §135.269(b)(5). You question whether a 1991 interpretation of "adequate sleeping quarters" is still in effect, as well as the current status of guidance material on this subject. Additionally, you have presented what you perceive as "adequate sleeping facilities" under §135.269(b)(5), currently in use on your Gulfstream aircraft in your part 135 operations.

The interpretation you question is still in effect. The FAA has consistently interpreted the phrase "adequate sleeping facilities on the aircraft" as generally meaning a bunk or berth, but not a reclining seat. Because this is a matter of safety policy, however, we consider each operator's means of compliance with this adequacy requirement on a case-by-case basis. *See* Letter to Daniel J. Wells, from Donald P. Byrne, Assistant Chief Counsel for Regulations (Sept. 22, 2003); Legal Interpretation 1991-8 (Mar. 20, 1991); Legal Interpretation; Legal Interpretation 1991-45 (June 24, 1991); Legal Interpretation 1986-14 (Apr. 22, 1986); *cf.* 50 Fed. Reg. 29317 (July 18, 1985) (noting that the word "approved" in proposed § 135.269(b)(5) was replaced with the word "adequate" for consistency with part 121 rest requirements).

Advisory Circular 121-31 (Sept. 30, 1994) contains the current guidance on this subject. As noted in this guidance material, if you wish to have a formal FAA determination on the adequacy of the sleeping facilities in use on your particular aircraft as described in your letter, please address your request to: FAA Long Beach Aircraft Evaluation Group; 3960 Paramount Blvd.; Lakewood, CA 90712.

We appreciate your patience and trust that the above responds your concerns. If you have any questions, please contact my staff at (202) 267-3073. This response was prepared by Anne Bechdolt, Attorney, reviewed by Joseph Conte, Manager, Operations Law Branch of the Office of the Chief Counsel, and coordinated with the Air Transportation Division of Flight Standards Service.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations