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

MAY 1 0 2011

Rodney Beeler
[redacted]

Dear Mr. Beeler:

This is in response to your letter of January 13, 2011 requesting a clarification of the application of 14 C.F.R. § 135.265, flight time limitations and rest requirements for part 135 scheduled operators, as it relates to rest requirements and in particular, the "24 hour look-back" provisions of § 135.265(b).

To summarize your described scenario, you begin Day 1 on Sunday at 0545 after a 24 hour rest period with a schedule calling for nine legs and 8 hours of flying. Due to weather, several legs are cancelled and you are eventually relieved from duty at 2145. The cancellation of the legs causes a change in the original scheduled flying to less than 8 hours.

Day 2 begins at 0900 on Monday after being on rest for 11 hours and 15 minutes. The schedule calls for 6 legs and 5.5 hours of flight time. After two legs, the weather again causes delays resulting in a scheduled departure at 2300 and scheduled completion at 0100 on Tuesday. At that point, you questioned whether you would have been able to look back and find the required rest to complete that flight as scheduled. After discussion, you were then released at 2230.

You return on Day 3 at 0630 with a schedule calling for 1 leg and 1.5 hours of flying and you are then released at 1100 upon completion of that one leg for a 24 hour rest period.

In looking at Day 1, § 135.265(b)(1) requires that for a schedule of less than 8 hours, you would need to be able to look back 24 hours and find 9 consecutive hours of rest. With a start time of 0545 and a release time of 2145, you received only 8 consecutive hours of rest. However, § 135.265(c)(1) allows for reducing the amount of rest required in § 135.265(b)(1) to 8 hours so long as a compensatory 10 hours of rest begins no later than 24 hours after the commencement of the reduced period.

On Day 2, you report for duty at 0900, resulting in a total rest period of 11 hours and 15 minutes. Since this period started no later than 24 hours after the commencement of the reduced rest period, it met the requirement for 10 hours of compensatory rest and you

were able to begin duty. After weather delays during the day, the carrier then readjusts the schedule for a planned release time of 0100 on Tuesday. You questioned whether that would be consistent with the regulation because you would not be able to look back 24 hours and find the 10 hours of "compensatory rest." Your letter states, "24 hour look back would produce only 8 hours of consecutive rest. Not legal."

This is not a correct reading of how the different sections of the regulation work together. Looking back from the readjusted 0100 Tuesday release would have resulted in finding 8 consecutive hours of rest as you state in your letter. Applying § 135.265(c)(1) again, this would have been allowable (8 hours of reduced rest counting back from 0100 Tuesday) assuming that the scheduled report time for Day 3 would have also been adjusted from 0630 to at least 0900 by the carrier and you were then scheduled for compensatory rest to begin no later than 24 hours after the beginning of the reduced rest period. "It is well settled that a carrier may not reduce a compensatory rest period." see Legal Interpretation to William Edmunds, Jr. from Donald P. Byrne, Acting Assistant Chief Counsel, Regulations and Enforcement Division (Nov. 9, 1990).

However, that is not the case in your scenario. Your compensatory rest period was not reduced – you received the compensatory rest required by the regulation prior to reporting for work the next day. The regulation does not prohibit applying the reduced rest requirements of § 135.265(c)(1) again as long as at least 8 consecutive hours of reduced rest are found (as would have been the case in your scenario above) and compensatory rest is scheduled to begin within 24 hours of the reduced rest period. The amount of compensatory rest required is not used in calculating the 24 hour look back required under §135.265(b)(1). Once the required compensatory rest is given, § 135.265(c)(1) is satisfied and subsequent scheduling would resume under § 135.265(b)(1) and § 135.265(c)(1) as appropriate.

We appreciate your patience and trust that the above responds to your concerns. If you require further assistance, please contact my staff at (202) 237-3073. This response was prepared by Robert Frenzel, Manager, Operations Law Branch of the Regulations Division of the Office of the Chief Counsel, and coordinated with the General Aviation and Commercial Division of the Flight Standards Service.

Sincerely,

Michael Chase

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