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

Office of the Chief Counsel

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

NOV 2 1 2011

Capt. Rodney C. Ennis
Director of Operations
Capital Cargo International Airlines
7100 TPC Drive, Suite 200
Orlando, FL 32822

Dear Captain Ennis:

This is in response to your October 10, 2011 letter, written on behalf of Capital Cargo International Airlines, regarding the application of 14 C.F.R. §§ 121.503(b) and 121.505(a) to the following factual scenario.

In the scenario set out in your letter, a supplemental flightcrew receives a flight assignment that results in 4.5 hours of flight time. That flightcrew then receives 9 hours of intervening rest. Immediately thereafter – and within the same 24 consecutive hour period – the flightcrew takes another assignment that results in another 4.5 hours of flight time. In your letter, you ask whether, at the conclusion of the second flight assignment, the flightcrew is required to have 16 hours of rest pursuant to 14 C.F.R. § 121.503(b). You assert that, because the 9 hours of intervening rest received by the flightcrew complies with § 121.505(a), that section relieves the flightcrew from the rest requirements of § 121.503(b).

The regulations in Subsection S of part 121 prescribe flight time limitations and rest requirements for supplemental operations conducted under part 121. Section 121.503(b) states that each pilot who has flown more than 8 hours during any 24 consecutive hour period must be given at least 16 hours of rest before being assigned to any further duty with the certificate holder. Section 121.505(a) states that if a certificate holder schedules a pilot to fly more than 8 hours during any 24 consecutive hour period, it shall give him an intervening rest period at or before the end of 8 scheduled hours of flight duty. This rest period must be at least twice the number of hours flown since the preceding rest period, but not less than 8 hours.

In previous interpretations, the FAA stated that the rest requirement in § 121.503(b) is independent of the rest requirement imposed by § 121.505(a).[1] The FAA emphasized that providing an intervening rest period, as required by § 121.505(a), "does not relieve an air carrier of the requirements of [s]ection 121.503(b) to give a 16 hour rest period to

[1] *See* Letter to Robert D. Gray from John H. Cassady, Assistant Chief Counsel for Regulations and Enforcement (Mar. 11, 1988); Letter to AGL-7 from John H. Cassady (June 25, 1987).

each pilot who has flown more than 8 hours before assigning that pilot to any further flight time in air transportation."[2]

In your letter, you describe a flightcrew that was scheduled to fly for a total of 9 hours in a 24 hour period. Because that flightcrew would have flown more than 8 hours in a 24 consecutive hour period, § 121.503(b) requires that the flightcrew be provided at least 16 hours of rest before being assigned to any further duty. The 9 hours of intervening rest that the flightcrew received, pursuant to § 121.505(a), during the course of their assignment does not relieve them from the 16-hour-rest requirement imposed by § 121.503(b) because the rest requirements of §§ 121.503(b) and 121.505(a) are independent of each other.

We appreciate your patience and trust that the above responds to your concerns. If you need further assistance, please contact my staff at (202) 267-3073. This response was prepared by Alex Zektser, Attorney, Regulations Division 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, AGC-200

[2] Letter to AGL-7 from John H. Cassady (June 25, 1987).