U.S. Department
of Transportation
Federal Aviation Administration

Office of the Chief Counsel

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

JAN 13 2011

Ms. Candace K. Kolander
Association of Flight Attendants
501 Third Street, N.W.
Washington, DC 20001

Dear Ms. Kolander,

This letter is in response to your request for a legal interpretation received on July 19, 2010 regarding the flight attendant duty period limitations and crew augmentation requirements in 14 C.F.R. § 121.467. Your question regards a United Airlines' policy which does not require the augmented crew to be onboard during boarding and deplaning. You question whether by assigning an augmented crew to the flight, section 121.467 requires all of the flight attendants, including the augmented crew, to be on board the aircraft during boarding and deplaning in order to be in compliance with the duty and rest requirements.

The FAA finds the United Airlines' policy is compliant with section 121.467. Section 121.467 requires that flight attendants be assigned to duty periods of 14 hours or less, unless flight attendants in addition to the minimum required under section 121.391[1] are assigned to the flight or flights in that duty period. A certificate holder may assign a flight attendant to a scheduled duty period of more than 14 hours (but no longer than 20 hours) provided the certificate holder has augmented the flight attendant crew for the flight or flights in that duty period and scheduled the appropriate extended rest period following the duty period in accordance with section 121.467(b)(4), (b)(5), or (b)(6). This issue focuses on whether the assignment of the augmented crew "to the flight or flights in that duty period" includes the time for boarding and deplaning passengers.

Section 121.467 does not require the operator to augment the flight attendant crew for that flight attendant's entire duty period, but rather only for the flight or flights in that duty period. The FAA notes that the definition of "duty period" is distinct from the definition of "flight or flights in that duty period." For the purposes of assignments that include a flight segment, a duty period is the period of elapsed time between reporting for an assignment involving flight time and release from that assignment by the certificate holder. *See* Legal Interpretation to Scott Morris from Rebecca MacPherson, Assistant Chief Counsel for Regulations (April 29, 2005); *see also* 58 Fed. Reg. 17,027 (Mar. 31, 1993). The definition of duty period includes, but is not necessarily limited to, flight time (i.e., serving on a flight segment and release from such segment). *See* Legal Interpretation to Scott Morris from Rebecca MacPherson, Assistant Chief Counsel for Regulations (April 29, 2005). Time

[1] Section 121.391, which specifies the minimum number of flight attendants who must be on board a passenger-carrying airplane, requires those flight attendants required by 121.391 to be on board during the boarding and deplaning process.

spent by any crewmember conducting passenger boarding or deplaning duties is also considered duty time. *See* Legal Interpretation to Brent Harper from Rebecca B. MacPherson, Assistant Chief Counsel for Regulations (August 12, 2008). Flight attendant duties include numerous pre and post-flight safety-related duties. Pre-flight safety duties include emergency equipment checks and passenger boarding. Post-flight safety duties include the safe deplaning of passengers. *See* Legal Interpretation to Scott Morris from Rebecca MacPherson, Assistant Chief Counsel for Regulations (April 29, 2005); *see also* 58 Fed. Reg. 17,027 (Mar. 31, 1993). Boarding and deplaning are pre- and post-flight duties.

Preambles of the final rule and the notice of proposed rulemaking describe the intent of section 121.467. "Duty period limitations are established to enhance the safety of the flying public by ensuring that flight attendants do not become overly fatigued during flight assignments." See 59 Fed. Reg. 42,977-78 (Aug. 19, 1994). The rule also provides scheduling flexibility and may accommodate operational requirements, such as long-range international flights. *See* 59 FR 42983 (Aug. 19, 1994). The augmented crew provisions are designed to reduce fatigue by decreasing flight attendant work load on a flight assignment and by providing an extended rest period following a long duty day when 14 hour duty period limitations are exceeded. *See* 59 FR 42,983 (Aug. 19, 1994). Assigning the augmented crew for the flight or flights in that duty period satisfies the intent of the rule by providing additional crewmembers to decrease flight attendant work load and reduce overall fatigue during flights.

We appreciate your patience and trust that the above responds to your concerns. This response was prepared by Nancy Sanchez, an attorney in the Regulations Division of the Office of the Chief Counsel, and was coordinated with the Air Transportation Division of Flight Standards Service. Please contact us at (202) 267-3073 if we can be of further assistance.

Sincerely,

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

Cc: Christopher J. Witkowski