U.S. Department
of Transportation
Federal Aviation Administration

Office of the Chief Counsel

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

NOV 26 2013

Captain Don Wykoff
Air Line Pilots Association, International
1625 Massachusetts Ave., NW
Washington, DC 20036

Douglas K. Mullen
Airlines for America
1301 Pennsylvania Ave., NW
Suite 1100
Washington, DC 20004

Dear Messrs. Wykoff and Mullen,

This letter is an initial response to your joint letter requesting clarification of a number of questions relating to the implementation of part 117. It specifically responds to the question relating to the cumulative limit "look back" provisions found in § 117.23. The FAA believes that our response to this question needs to be issued sooner in order to ensure clarity about how the cumulative limits will be handled during the implementation of part 117. The remaining questions will be the subject of a separate letter.

In your letter you specifically ask whether "the cumulative limits require a monthly and yearly look back for flight time limits and a weekly and monthly look back for flight duty period limits on January 4, 2014 (or effective Part 117 implementation date if different than January 4, 2014)." Part 117 is not retroactive. Thus, the look back provisions of 14 C.F.R. § 117.23 would not apply to flight time or duty periods that took place prior to January 4, 2014. Accordingly, the cumulative limits in § 117.23 will become effective as the flight times and flight duty periods for each cumulative limit are reached after the effective date of part 117.

We note, however, that some flightcrew members will switch to part 117 prior to January 4 pursuant to an FAA-issued exemption. For those flightcrew members, the look back provisions of § 117.23 will reach back to the date that the flightcrew member began operating under part 117.

If you need further assistance, please contact my staff at (202) 267-3073. This letter has been prepared by Robert H. Frenzel, Manager, Operations Law Branch, Office of the Chief Counsel and coordinated with the Air Transportation of Flight Standards Service.

Sincerely,

Mark W. Bury
Assistant Chief Counsel for International
Law, Legislation and Regulations, AGC-200