U.S. Department
of Transportation
Federal Aviation Administration

Office of the Chief Counsel

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Washington, D.C. 20591

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Joshua Breckeen
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2230 Calexico Way South
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Dear Mr. Breckeen,

This is in response to your May 29, 2014 letter asking about posing two questions about the flight, duty, and rest regulations of 14 C.F.R. part 117. Our responses to your questions are set out below.

1. Extending the short-call reserve limitations of § 117.21(c)

For your first question, you ask whether the short-call reserve limitations codified in § 117.21(c)(3) that govern unaugmented operations are extendable.

Part 117 contains a set of flight, duty, and rest regulations that apply to all part 121 passenger operations and certain part 91 operations.[1] Those regulations govern, among other things, the length of a flightcrew member's short-call reserve. Subsection 117.21(c)(3) limits the total amount of time that a flightcrew member can spend on a combined reserve availability period (RAP) and flight duty period (FDP). For an unaugmented operation, that time period is limited to:

> [T]he lesser of the maximum applicable flight duty period in Table B of [part 117] plus 4 hours, or 16 hours, as measured from the beginning of the reserve availability period.

The FDP+RAP limits specified in § 117.21(c) are, however, extendable. On February 6, 2013, the FAA issued a correction stating that "short-call reserve limits were not intended to be more stringent than flight duty period limits…"[2] Because FDP limits are extendable pursuant to the provisions of § 117.19 and § 117.29, the February 2013 correction corrected the regulatory text of § 117.19 and § 117.29 "to provide an extension for the short-call-reserve limits specified in § 117.21(c)(3) and (4)."

Thus, as written today, the regulatory text of § 117.19(a)(1) states, in pertinent part, that "[t]he pilot in command and the certificate holder may … extend the maximum combined flight duty period and reserve availability period limits specified in § 117.21(c)(3) and (4)

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[1] 14 C.F.R. § 117.1.
[2] *Flightcrew Member Duty and Rest Requirements; Technical Correction*, 78 FR 8361, 8362 (Feb. 6, 2013).

of this part up to 2 hours."[3] Subsection 117.29(b), as written today, also provides for an extension to the FDP+RAP limits of § 117.21(c) for emergency and government-contract operations. We emphasize, however, that any short-call reserve extension that is taken under the provisions of § 117.19 or § 117.29 must comply with the restrictions and requirements imposed by those provisions.

2. Rest provided between the end of an FDP and beginning of long-call reserve

For your next question, you provide a scenario in which a flightcrew member finishes an FDP and is then scheduled to go on long-call reserve. You ask when, during this period, does the flightcrew member have to be provided with rest and when can the flightcrew member be required to "return to phone liability" as part of long-call reserve.

Section 117.3 defines long-call reserve as: "prior to beginning the rest period required by § 117.25, the flightcrew member is notified by the certificate holder to report for a flight duty period following the completion of the rest period." Based on this definition, long-call reserve is broken up into three parts. First, a flightcrew member is assigned the duty of waiting for and receiving notice about an FDP assignment. Second, once the FDP is assigned, the flightcrew member is provided with a rest period. Finally, after completion of the rest period, the flightcrew member commences the assigned FDP.

Based on the definition of long-call reserve in § 117.3, a flightcrew member can be required to be on "phone liability" prior to receiving a rest period in the sense that an air carrier can require that flightcrew member to answer the phone in order to receive notice that he or she has been assigned an FDP and details about that FDP. However, after receiving this notice and before the beginning an FDP, the flightcrew member would have to be provided with a required rest period.

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, International Law, Legislation, and Regulations Division of the Office of the Chief Counsel, and coordinated with the Air Transportation Division of Flight Standards Service.

Sincerely,

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[3] We note that this extension can only be taken if there are unforeseen operational circumstances. *See* § 117.19(a).