Federal Aviation Administration

Memorandum

Date: JUN 10 2014

To: Bruce L. Kalt, Inspector, Evaluations Branch, AFS-240

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

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Subject: Applicability of part 135 flight, duty, and rest rules to flight attendants assigned in addition to the minimally-required crew complement

This is in response to your July 6, 2011 memorandum requesting an interpretation as to the applicability of the flight, duty, and rest regulations of 14 C.F.R. § 135.273. In your memorandum, you state that some carriers operating under part 135 voluntarily add flight attendant personnel to flights in aircraft with 19 seats or less by assigning cabin safety procedures and responsibilities to those personnel.[1] You ask whether these voluntarily-added flight attendants are subject to the flight, duty, and rest regulations of § 135.273.

Subsection 135.273(a) contains a set of definitions that are used throughout § 135.273. This subsection defines a "flight attendant" as either:

(1) "an individual other than a flight crewmember, who is assigned by the certificate holder, in accordance with the required minimum crew complement under the certificate holder's operations specifications;" or
(2) an individual who is assigned to duty on an aircraft during flight time in addition to the minimum crew complement and "whose duties include but are not necessarily limited to cabin-safety-related responsibilities."

Thus, under the regulatory excerpt in number (2) above, an individual is a flight attendant if they are assigned to a flight and are assigned cabin-safety related responsibilities during flight time. For purposes of this provision, it is irrelevant that the individual is not required to be assigned to that flight, as this portion of the "flight attendant" definition encompasses individuals who are assigned to the flight in addition to the minimally-

[1] Flight attendants are not required for part 135 operations unless the aircraft has a passenger seating configuration of more than 19 people. *See* 14 C.F.R. § 135.107. However, this does not preclude an operator from voluntarily assigning flight attendants to a flight.

required crew. Thus, if an operator voluntarily assigns individuals to a crew on a part 135 operation and assigns cabin-safety-related responsibilities to those individuals during flight time, then those individuals are "flight attendants" for purposes of § 135.273.

Subsections 135.273(b) and (c) specify a set of flight, duty and rest rules that are applicable to flight attendants. These subsections do not distinguish between different types of flight attendants. Consequently, any individual on a part 135 operation who fits the flight-attendant definition of § 135.273(a) is subject to the flight, duty, and rest rules of § 135.273. This means that flight attendants who are assigned to a flight in addition to the minimum crew complement are subject to the flight, duty, and rest rules of § 135.273.[2]

[2] In a previous interpretation, the FAA also stated that flight attendants voluntarily added to a part 135 flight by an operator are subject to the flight attendant training and testing requirements of part 135. *See* Letter to Kevin F. Schehr from Rebecca MacPherson, Assistant Chief Counsel for Regulations (Sep. 22, 2008).