U.S. Department
of Transportation
Federal Aviation Administration

Office of the Chief Counsel

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

JUN 16 2014

Charles Tutt
[redacted]

Dear Mr. Tutt,

This letter responds to a request you sent to the FAA Flight Standards Service for an interpretation of 14. C.F.R. part 117 as it applies to the assignment of additional flying to an un-augmented flightcrew member that 1.) has finished all previously scheduled flying but is still on duty, and 2.) has finished all previously scheduled flying *and* duty, but is making a request to pick up the additional assignment.[1] You present three scenarios for consideration. We first address Scenario 1 and then combine Scenarios 2 and 3 for the second analysis.

Scenario 1

A pilot has operated a single round trip (two flights) from his/her base. Upon blocking in from the last flight the pilot the pilot goes out to lunch. While at lunch the pilot, using his/her mobile device, identifies an open trip that he/she would like to pick up. The open trip report time is two hours after the previous flight blocked in. The open trip would be completed within the FDP time allowed by Table B for un-augmented operations using the original report time from earlier in the day. The pilot certifies that he/she is fit for duty. Can the pilot fly the open trip at his/her request?

Yes, the pilot may fly the open trip at his/her request. In a recent interpretation, the FAA clarified that "if a certificate holder does not have an affirmative intent for no further aircraft movement at the conclusion of a flightcrew member's last-scheduled segment, then that flightcrew member's FDP has not ended. Until the FDP ends, the certificate holder can assign the flightcrew member additional flight segments as long as the flightcrew member's FDP does not exceed the pertinent FDP limits of part 117."[2] In your scenario, the flightcrew member went to lunch after the first round trip. For

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[1] In each case, your letter assumes that the additional flying would meet the flight time and Flight Duty Period (FDP) limits in part 117, Tables A and B based upon the flightcrew member's original report time. Your letter also assumes that the flightcrew member would meet all cumulative limits and has made the fitness for duty certification under § 117.5.

[2] Letter of Interpretation to Marc Anderson from Mark W. Bury, Assistant Chief Counsel for International Law, Legislation and Regulations (May 13, 2014)

purposes of this interpretation, we will presume that the flightcrew member's FDP has not ended and, therefore, the flightcrew member's FDP clock continues to run at that point. Therefore, since you stated that the open trip could be completed within the FDP limits using the original report time and that the pilot would certify that he/she is fit for duty, the flightcrew member could fly the open trip. This would be the case whether the certificate holder assigned a flight or whether the flightcrew member asked for the assignment.

Scenario 2

A pilot (Captain) is scheduled to end the day with a company deadhead back to his/her base. Upon blocking in from the flight that he/she operated two hours later he/she reports to the gate for the deadhead flight. The pilot learns that the Captain scheduled to operate the deadhead has called in sick. At this time the pilot asks to operate the deadhead flight (qualified to do so). If the pilot operates the flight it is still within Table B limits using the original report time that the pilot started with earlier in the day. The pilot certifies that he/she is fit for duty. Can the pilot operate this flight at his/her request?

Scenario 3:

Is a repeat of scenario two. In this case the carrier has requested that the pilot operate flight. The pilot agrees and certifies that he/she is fit for duty. Can the pilot operate this flight at the carrier's request?

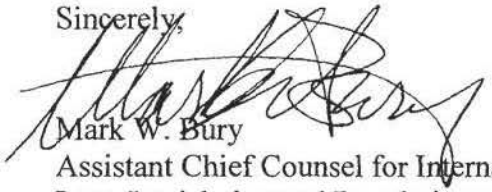
Yes, the pilot would be able to operate the flight at his/her request or as scheduled by the certificate holder. As in Scenario #1, the controlling issue is whether any additional flight assignments (by the certificate holder *or* at the request of a flightcrew member) can be operated within the flight time and FDP limits, using the original report time and making the necessary adjustments for changes in the number of segments. In another recent interpretation, the FAA elaborated that "if the certificate holder intends or may intend to use the flightcrew member for another flight or further aircraft movement, the certificate holder may do so by holding the pilot on duty with the FDP clock running, making necessary adjustments based on any assignments to ensure that the pertinent FDP limits are not violated."[3] In this case involving a deadhead, so long as the FDP clock is considered running from the original report time, the additional flying falls within the applicable flight time and FDP limits and the § 117.5 fitness for duty certification is made, the flightcrew member would be able to operate the flight in either scenario.

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 letter has been prepared by Robert H. Frenzel, Manager, Operations Law Branch, Office of the Chief

[3] Letter to Don Wykoff & Douglas Mullen from Mark W. Bury, Assistant Chief Counsel for International Law, Legislation and Regulations, at 4-5 (Mar. 20, 2014).

Counsel and coordinated with the Air Transportation Division of Flight Standards Service.

Sincerely,



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