U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

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

APR 14 2015

Mr. Michael Bonner
Manager of Compliance
Allegiant Travel Company
1201 N. Town Center Drive
Las Vegas, NV 89144

Re: Interpretation on Whether Drug and Alcohol Testing is Flight Duty Time under part 117

Dear Mr. Bonner:

This is in response to your email message dated December 17, 2014 requesting an interpretation of whether required Department of Transportation (DOT) drug and alcohol testing is considered "duty time" under 14 Code of Federal Regulations (14 CFR) part 117 – Flight and Duty Limitations and Rest Requirements: Flightcrew Members. This interpretation applies to all part 121 certificate holders conducting passenger-carrying operations and any part 121 certificate holders opting to apply the limits of part 117 to its all-cargo operations.

In the scenario presented in your email, a pilot returns from a 6 hour day, is met at the aircraft and informed that he/she has been randomly selected for drug and/or alcohol testing, and has 60 minutes to report to the drug testing facility. For purposes of this interpretation, we will assume that the 6 hours is the pilot's "flight duty period." The pilot is done flying for the day but has a flight scheduled the next day, 18 hours from the time he finishes his flight duty period. You ask whether the time the pilot spends driving to the testing facility, having the test performed, and then driving home is considered duty time.

Title 14 C.F.R. part 117 applies only to part 121 operations, and defines the terms flight duty period and rest period. The flight duty period, "begins when a flightcrew member is required to report for duty with the intention of conducting a flight, and ends when the aircraft is parked after the last flight. . ." Rest period is defined as, "a continuous period during which the flightcrew member is free from all restraint by the certificate holder. . ."

Considering the circumstances outlined in your request, looking at the part 117 definitions cited above, it is clear that the random drug and alcohol testing outlined in your scenario is not part of the flight duty period, because the flightcrew members were not assigned any additional flying to be conducted at the conclusion of at random drug and alcohol testing. It clearly cannot be part of the rest period, because the flightcrew member is not "free from all restraint by the certificate holder." Thus, the FAA considers drug and alcohol testing

conducted after flying has been concluded to be neither part of the flight duty period under part 117 nor part of the rest period.[1]

We trust that this response has been helpful to you. If you have further questions or need additional information, please do not hesitate to contact my staff at (202) 267-3073. This response was prepared by Neal O'Hara, an attorney in the Office of the Chief Counsel, Regulations Division, and coordinated with the Air Transportation Division of the Flight Standards Service.

Sincerely,

Mark W. Bury
Assistant Chief Counsel, Regulations Division

[1] This would not apply to random drug and/or alcohol testing prior to or between flight segments.