U.S. Department
of Transportation
Federal Aviation
Administration

Office of the Chief Counsel

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

AUG 24 2015

Scott Dickson
[redacted]

Re: Flight time limits under 14 C.F.R. § 121.523.

Dear Mr. Dickson,

This is in response to your letter posing two questions about the flight, duty, and rest regulations applicable to a flightcrew in an all-cargo operation conducted under the international rules of Subpart S of 14 C.F.R. part 121.

Your letter posed the following hypothetical. A flightcrew is employed by a cargo airline that operates under the supplemental rules of part 121, Subpart S. This flightcrew works on a flight that originates in the United States at point A, goes internationally to point B, then returns to the United States at point C. In a subsequent email, you clarified that your question refers to a flightcrew consisting of four pilots.[1] You ask two questions about this itinerary. Our answers to your questions are set out below.

1. Applicable Flight Time Limits

First, you ask what is the maximum amount of flight-time that this four-pilot flightcrew can operate under Subpart S of part 121.

Normally, air carriers conducting all-cargo supplemental operations under part 121 must operate pursuant to the flight, duty, and rest provisions of §§ 121.503 through 121.509. However, supplemental air carriers conducting overseas and international all-cargo operations may elect, pursuant to § 121.513, to comply with the flight time limitations of § 121.515 and §§ 121.521 through 121.525 (commonly referred to as the "international rules").[2] For the purposes of answering your question, we will assume that the cargo air carrier in your hypothetical has made this election.

In a recently-issued interpretation to Aaron Enzer, the FAA clarified that a four-pilot all-cargo flightcrew operating under international rules is subject to the flight, duty, and rest rules of 14 C.F.R. § 121.523.[3] Subsection 121.523(c) prohibits a certificate holder from scheduling a flight

[1] For purposes of answering your question, we will assume that the pilots on the flightcrew are the only flightcrew members who are participating in the operation. We will also assume that the pilots in your hypothetical are not assigned to more than one type of flightcrew during any 30 consecutive days.
[2] 14 C.F.R. 121.513.
[3] A copy of the *Enzer* interpretation is attached.

crewmember from being on continuous duty for more than 30 hours. In addition, § 121.523(b) requires a certificate holder to provide "adequate sleeping quarters on the airplane whenever an airman is scheduled to be aloft as a flight crewmember for more than 12 hours during any 24 consecutive hours." Finally, § 121.523(f) prohibits an airman from being aloft as a flight crewmember for more than 350 hours during any 90 consecutive days.

To determine the applicable flight time limits under § 121.523(b), we first look at whether adequate sleeping quarters have been provided on the airplane. If adequate sleeping quarters have not been provided, then, under § 121.523(b), the four-pilot crew in your hypothetical cannot be scheduled to be aloft for more than 12 hours during any 24-consecutive-hour period. If adequate sleeping quarters have been provided on the airplane, then the four-pilot crew can be scheduled to be aloft for longer than 12 hours but they cannot be scheduled for more than 30 hours of flight time, as § 121.523(c) prohibits a certificate holder for scheduling a flight crewmember for more than 30 continuous hours of duty.[4] Finally, the flightcrew must also comply with the cumulative flight-time limit of § 121.523(f), which limits time aloft to 350 hours during any 90 consecutive days.

2. Ferry Flight Preceding a Part 121 Flight

For your second question, you ask us to assume that the first segment of the trip will be flown as a part 91 flight. You ask us how this change would affect the flight-time limits applicable to the four-pilot flightcrew under § 121.523.[5]

In previous interpretations, the FAA has explained that a part 91 flight segment preceding a part 121 flight segment is counted for the purposes of the daily part 121 flight time limits.[6] Because your question deals with a part 91 segment that would precede a part 121 flight segment, the part 91 segment would count for the purposes of the limits specified in § 121.523. Thus, conducting the first flight segment of the itinerary in your hypothetical under part 91 would not change the applicable flight-time analysis discussed in the preceding section.

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[4] We note that the restriction in § 121.523(c) is on flight time and not duty time. However, flight time is a subset of duty time, and as such, the amount of flight time cannot be greater than the total amount of duty time.

[5] For the purposes of answering this question, we will assume that there would be no intervening rest period between the first segment of the trip and subsequent segments.

[6] *See* Letter to James W. Johnson from Donald P. Byrne, Assistant Chief Counsel for Regulations (May 9, 2003) (collecting and explaining previously-issued FAA interpretations).

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

Sincerely,

Lorelei Peter
Acting Assistant Chief Counsel for Regulations, AGC-200
Enclosures