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

Office of the Chief Counsel

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

JAN 29 2015

W L Fowler
[redacted]

Re: Reassignment of a Deadhead as a Flight Duty Period Under Part 117

Dear Mr. Fowler,

This letter responds to your question of whether a duty period that only consists of an assigned deadhead may be changed to a flight duty period (FDP) by a certificate holder. Your letter presents an example where a flightcrew member is assigned a trip sequence that has within it a duty period consisting of only a flight deadhead. Shortly after the scheduled sign in for the deadhead, the flightcrew member becomes aware that the certificate holder has changed the deadhead assignment to an FDP. The pilot is now scheduled to operate as a required flightcrew member. You assert that a certificate holder may not change a deadhead assignment to an FDP without providing for § 117.25(e) prospective rest between the point of notification of the change and the beginning of the FDP.

Under § 117.25(e), a flightcrew member may not begin an FDP or reserve period without having been provided a 10 hour rest period that includes an 8 hour sleep opportunity. In your example, the controlling issue becomes whether the rest was given prior to when the flightcrew member reported for the deadhead. When the certificate holder makes the reassignment, the FDP would start at the point the flightcrew member reported for the deadhead, not the point at which the flightcrew member was notified of the change or when the flight segment actually starts. Any duty performed by a flightcrew member prior to a flight segment or between flight segments, without a required intervening rest period, must be included as part of the FDP, as spelled out in the definition of an FDP in § 117.3. Your letter included a restatement of the definition.

So, in your example, when the certificate holder makes the reassignment, the FDP must be calculated under tables A and B using the original reporting time for the deadhead assignment if no intervening rest is given. In addition, the certificate holder and flightcrew member must be able to look back from the reporting time and find the rest required by § 117.25 prior to the start of the new FDP. If that rest has not been provided, the certificate holder may not assign and the flightcrew member cannot accept the flight assignment, until an intervening rest period is given. If the § 117.25(e) required rest had

been given prior to the original deadhead assignment, the certificate holder would not need to place the flightcrew member into another rest period before being able to use that flightcrew member for the flight assignment. A certificate holder is allowed to make changes to assignments so long as the applicable provisions of part 117 are met. *See*, Letter to Charles Tutt from Mark W. Bury, Assistant Chief Counsel for International Law, Legislation and Regulations (Jun. 16, 2014).

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

Sincerely,

Mark W. Bury
Assistant Chief Counsel for Regulations, AGC-200