U.S. Department
of Transportation
Federal Aviation Administration

Office of the Chief Counsel

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

SEP 18 2015

Oliver Duncan
[redacted]

Re: Calculating the rest provisions of 14 C.F.R. § 117.25(b) and § 117.25(g).

Dear Mr. Duncan,

This is in response to your letter posing several questions about the flightcrew member rest provisions of 14 C.F.R. § 117.25. Our answers to your questions are set out below.

1. Compensatory rest under § 117.25(g)

For your first question, you provide the following scenario. Beginning at 0601 (acclimated time), a pilot flies a flight duty period (FDP) that is 10 hours long. After the conclusion of the FDP, the pilot then immediately begins deadheading on a segment that is also 10 hours long. After the deadhead segment, the pilot is then provided with 10 hours of rest. You ask whether the appropriate rest period should have been 20 hours under § 117.25(g).

Part 117 contains a set of flight, duty, and rest regulations that apply to all part 121 passenger operations and certain part 91 operations.[1] The regulations of part 117 specify, among other things, minimum amounts of rest that must be provided to a flightcrew member.[2] Subsection 117.25(e) states that a flightcrew member must be provided with 10 hours of rest that includes an 8-hour uninterrupted sleep opportunity immediately prior to commencing a reserve or FDP. In addition, § 117.25(g) states that:

> If a flightcrew member engaged in deadhead transportation exceeds the applicable flight duty period in Table B of this part, the flightcrew member must be given a rest period equal to the length of the deadhead transportation but not less than the required rest in paragraph (e) of this section before beginning a flight duty period.

In the preamble to the final rule that created part 117, the FAA explained that the purpose of § 117.25(g) is to address a very specific situation. Specifically, the FAA stated that "if a flightcrew

---

[1] 14 C.F.R. § 117.1.

[2] We note that part 117 also limits the amount of time that a flightcrew member can spend on an FDP. *See* §§ 117.13 and 117.17. An FDP is defined to include duties, such as deadhead transportation, that occur before a flight segment or between flight segments without a required intervening rest period. *See* § 117.3 (definition of flight duty period). Thus, deadhead transportation that occurs before a flight segment or between flight segments without an intervening rest period would be part of a flightcrew member's FDP and subject to the FDP limits of part 117. However, in this case, the deadhead transportation would occur after the final flight segment, which means that the deadhead transportation would not be part of the flightcrew member's FDP.

member has engaged in deadhead transportation that exceeds the applicable flight duty period in Table B, the flightcrew member must be given a rest period equal to the length of the deadhead transportation but not less than 10 consecutive hours."[3]

Thus, the analysis under § 117.25(g) contains two steps. First, we look at whether the amount of deadhead transportation exceeds the limits of Table B.[4] Second, if the deadhead transportation exceeds the limits of Table B, then prior to beginning his or her next FDP, the flightcrew member must be provided an amount of compensatory rest equal to the amount of deadhead transportation but no less than the 10-hour rest period that is normally required by § 117.25(e).

We emphasize that, based on the regulatory text and regulatory history of § 117.25(g), this analysis is limited solely to examining the amount of deadhead transportation. Any FDP that took place prior to the deadhead transportation is irrelevant for purposes of § 117.25(g).

The flightcrew member in your scenario would begin a 10-hour FDP at 0601, which would end at 1601.[5] That flightcrew member would then immediately commence 10 hours of deadhead transportation at 1601. For deadhead that begins at 1601, the applicable limits in Table B range from 12 to 10.5 hours (depending on the number of flight segments). Because the amount of deadhead transportation in this case would be limited to 10 hours, the deadhead transportation in your scenario would not exceed the limits of Table B and as such, the flightcrew member would not be entitled to compensatory rest under § 117.25(g).

We also note that if the applicable limit of Table B had been lower in this case, the 10 hours of rest provided to the flightcrew member would still have been sufficient to comply with § 117.25(g). This is because § 117.25(g) states that if a flightcrew member engages in deadhead transportation that exceeds the applicable limit of Table B, then the flighcrew member must be provided with rest equal to the amount of the deadhead transportation but no less than the 10-hours of rest required by § 117.25(e). Here, the flightcrew member was engaged in only 10 hours of deadhead transportation. Thus, if that deadhead transportation exceeded the limits of Table B, then the amount of rest required by § 117.25(g) would only be 10 hours. Because a single rest period can satisfy multiple regulatory requirements, the 10-hour rest period provided in your scenario would satisfy both § 117.25(g) and § 117.25(e).

2. Beginning of deadhead for purposes of § 117.25(g)

For your next question, you state that, when engaging in deadhead transportation, a carrier requires a flightcrew member to be at the airport two hours prior to departure for international flights and one hour prior to departure for domestic flights. You ask whether, for purposes of § 117.25(g), deadhead transportation begins when the flightcrew member reports to the airport or when the flightcrew member actually boards the aircraft and that aircraft begins moving.

---

[3] *Flightcrew Member Duty and Rest Requirements*, 77 FR 330, 386 (Jan. 4, 2012).

[4] We emphasize that Table B would not actually limit the amount of deadhead transportation that is permitted in this case because Table B only applies to FDPs and the deadhead transportation in this scenario would not be considered an FDP. Our analysis of Table B in this instance is limited solely to determining whether the compensatory rest requirements of § 117.25(g) are triggered.

[5] For purposes of analysis, we will assume that the flightcrew member would not change theaters during the FDP, and thus would remain acclimated at the end of the FDP.

Section 117.3 defines deadhead transportation as "transportation of a flightcrew member as a passenger or non-operating flightcrew member, by any mode of transportation, as required by a certificate holder, excluding transportation to or from a suitable accommodation." The Merriam-Webster dictionary defines transportation as "the act or process of moving people or things from one place to another."

For purposes of § 117.25(g), deadhead transportation that is conducted solely by aircraft would not begin until the flightcrew member boards the aircraft and the aircraft begins moving because that is when the flightcrew member actually begins moving from one place to another. The deadhead transportation would end once the flightcrew member exits the aircraft at his or her ultimate destination as that would conclude the process of moving the flightcrew member from one place to another. Thus, in your scenario, the requirement to be at the airport a certain amount of time prior to aircraft boarding would not constitute deadhead transportation for purposes of § 117.25(g).

3. Number of flight segments used for calculating § 117.25(g)

For your next question, you ask how to calculate the number of flight segments that are used to determine the applicable Table B limit for purposes of § 117.25(g). The applicable limit of Table B is determined using two pieces of information: (1) the scheduled time of start (acclimated time); and (2) the number of flight segments. As discussed in the preceding answer, deadhead transportation that is conducted solely by aircraft commences once the flightcrew member boards the aircraft and the aircraft begins moving and ends once the flightcrew member exits the aircraft at his or her ultimate destination. This process could take multiple flight segments and as such, the applicable number of segments for the purpose of determining the Table B limit under § 117.25(g) would be the number of segments that a flightcrew member flies on during the deadhead transportation.[6]

4. Beginning of rest period

For your next question, you provide the following scenario. A pilot who is on his or her final flight segment lands the aircraft at its final destination. After landing, the aircraft must be towed via a ground vehicle to a new location at the airport. You ask whether the pilot's rest period begins when he or she lands the aircraft or after the aircraft has been towed to its final destination and the pilot is able exit the aircraft.

Section 117.3 defines rest period as "a continuous period determined prospectively during which the flightcrew member is free from all restraint by the certificate holder, including freedom from present responsibility for work should the occasion arise." Section 117.3 also defines duty as "any task that a flightcrew member performs as required by the certificate holder." The § 117.3 definition of duty provides several examples of activities that constitute duty, which include "aircraft positioning on the ground" and "post-flight duties."

---

[6] We note that the definition of "deadhead transportation" in § 117.3 states that "[f]or purposes of determining the maximum flight duty period in Table B of this part, deadhead transportation is not considered a flight segment." However, the analysis in § 117.25(g) is not used to actually calculate an FDP; as mentioned in an earlier footnote, the deadhead transportation at issue here is not part of an FDP. Thus, deadhead transportation would count as a flight segment solely for the purposes of the analysis conducted under § 117.25(g).

The pilot in your scenario would be required to remain on an aircraft while that aircraft is towed. Because this is a task that would presumably be required by the certificate holder, this task constitutes duty and not rest. Thus, the pilot's rest period would not begin until he or she exits the aircraft, completes any post-flight duties, and there is no further duty assigned by the certificate holder.

5. Rest period prior to conducting training or deadheading

For your final question, you ask whether the 30-hour rest period required by § 117.25(b) must be provided prior to a pilot commencing deadheading or training. Subsection 117.25(b) states that "*[b]efore beginning any reserve or flight duty period* a flightcrew member must be given at least 30 consecutive hours free from all duty within the past 168 consecutive hour period."[7] As indicated by the emphasized portions of § 117.25(b), the requirements of § 117.25(b) must be satisfied only prior to a reserve or an FDP. Thus, § 117.25(b) does not apply to a flightcrew member who does not conduct reserve or FDP assignment.

The pilot in your scenario would be assigned duty in the form of training or deadheading. As long as this duty is not part of a reserve or FDP, the pilot in your scenario would not need to satisfy the requirements of § 117.25(b) prior to commencing duty. We emphasize, however, that if that pilot is eventually assigned to conduct a reserve or an FDP, the requirements of § 117.25(b) would need to be satisfied before the pilot commences the reserve or FDP assignment.

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

[7] § 117.25(b) (emphasis added).