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

Office of the Chief Counsel

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

AUG - 5 2016

Ms. Michelle Amaya
10950 SW 63rd Ter.
Miami, FL 33173

Re: Rest requirements under 14 C.F.R. § 117.25 and pilot-in-command (PIC) responsibility with regard to other crewmember violations.

Dear Ms. Amaya:

In your letter dated January 21, 2016, you pose two questions related to rest and duty limitations found in part 117 and part 121 of the Federal Aviation Regulations. Our answers to your questions are set out below

1. FDP Extensions and § 117.25(b)-required rest.

For your first question, you provided the following scenario. A pilot operated a sequence of flights over five (5) consecutive days. The pilot's duty period was scheduled to terminate by the time she reached 138 hours within a 168 hour period. You further state the pilot was asked to extend her duty period by two (2) hours due to unforeseen circumstances.

Based on the scenario you provided, you asked whether the flight duty extension of two (2) hours due to unforeseen circumstances was sufficient to set aside the provisions of Subsection 117.25(b).

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." As the emphasized portion of Subsection 117.25(b) indicates, the 30-hour rest requirement must be satisfied at the beginning of any flight duty period (FDP). The FAA further emphasized this point in a clarification document stating that "the point of reference for the 168-hour period specified in § 117.25(b) is the beginning of an FDP."[1] Thus, if the rest requirement of § 117.25(b) is satisfied at the moment that the FDP commences, it cannot subsequently be violated by extending the FDP longer than originally anticipated.[2]

2. PIC Responsibility with regard to violations committed by other crewmembers.

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[1] *Clarification of Flight, Duty, and Rest Requirements*, 78 FR 14166, 14177 (Mar. 5, 2013).

[2] We note that our analysis is limited to the provisions of § 117.25(b). Your scenario could raise other issues, such as whether the unanticipated FDP extension is compliant with the cumulative limits of § 117.23. However, your letter did not ask us about § 117.23 and it also did not provide us with sufficient information to independently evaluate the impact of other regulations on your scenario.

For your second question, you provided the following scenario and question. Where the pilot-in-command (PIC) of a part 121 operation has knowledge that the flight attendant crew has exceeded the duty time limits prescribed in Section 121.467, is the PIC is liable for the flight attendant crew's violation of Section 121.467.

Your second question was previously addressed in a Letter from Donald T. Byrne, Assistant Chief Counsel, Regulations Division, to James W. Johnson (February 13, 1997). We previously found that the PIC of the specific flight cannot be charged with a violation of Section 121.467 itself. However, a PIC is responsible for the overall safety of his flight, including passengers, crewmembers, cargo and the aircraft, and for making sure the flight is in compliance with all applicable regulations. (*See* Section 91.13, 121.533(d), 121.535(d)(f), and 121.537(d)(f)).Thus, the PIC cannot initiate an aircraft operation if the PIC knows that certain safety regulations, including flight attendant duty and rest rules, would be violated. *id* at 1.

Once a PIC is aware of a flight attendant's noncompliance with Section 121.467, or the possibility of noncompliance with this Section, the PIC does have a responsibility to be proactive and make sure that the PIC's flight is in compliance with all applicable regulations. If the PIC fails to do so, the PIC could be charged under one of the applicable regulations cited above.

We trust this letter is responsive to your inquiry. The response was prepared by Scott Reygers, Attorney, Office of Chief Counsel, and coordinated with the Air Transportation Division of Flight Standards Service.

Sincerely,

Lorelei Peter
Assistant Chief Counsel for Regulations, AGC-200

January 21, 2016

To whom this may concern:

Office of the Chief Counsel
800 Independence Avenue SW
Washington, DC 20591

Re: request for interpretation of 117.25 and 121.467

I have two questions that I need answers too, which are not address in FAR's ; CFR 14. These particular situations have presented themselves several times. I presently work as Pilot In Command for a 121 supplemental passenger air carrier operating its pilots under FAR 117 rest and duty rules.

1. I operated a sequence of flights over 5 days consecutively that was suppose to terminate by the time I reached 138 hours within a 168 hour period FAR 117.25 (B). However as the nature of aviation is unpredictable, I was delayed due to unforeseen circumstances on my last leg. The air carrier ask me to agree to a flight duty extension of two hours in accordance with the provision of FAR 117. However this extension would have placed me in the position of having work 141 hours within a 168 hour period.

Are flight duty extensions of two hour due to unforeseen circumstances applicable in order to set aside the provisions in FAR 117. 25 A & B?

2. The same Air carrier mention above willfully operates its flight attendants in violation of the provisions in § 121.467 as stated in the General Operations Manual. My question is, if I operate a flight knowing full well as Pilot In Command that the Flight Attendants are exceeding their duty time limits, am I culpable in the violation committed by the air carrier?

Sincerely,

Michele Amaya
10950 SW 63 Ter

Miami, FL. 33173