U.S. Department
of Transportation
Federal Aviation Administration

Office of the Chief Counsel

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

JAN - 5 2017

Anthony Snieder
[redacted]

Dear Mr. Snieder:

This letter is in response to your August 25, 2016 request for a clarification of 14 C.F.R. § 117.17(c)(1) as it applies to the two-hour consecutive in-flight rest requirements for the flightcrew member flying the airplane during landing of augmented crew operations consisting of multiple flight segments. Specifically, you asked whether that regulation applies only to the final segment of a flight duty period ("FDP") comprised of two or three flight segments.

Section 117.17(c)(1) prohibits a certificate holder from assigning and a flightcrew member from accepting an augmented crew assignment unless, during the FDP, "[t]wo consecutive hours in the second half of the flight duty period are available for in-flight rest for the pilot flying the aircraft during landing." In context, the preamble to the final rule for part 117 makes clear that § 117.17(c)(1) is intended to apply only to the pilot making the landing on the final flight segment of an augmented flight. *See* 77 FR 363-367. Thus, in each of the three scenarios you posed, involving augmented flights with more than one scheduled landing within a single FDP, the two consecutive hours of in-flight rest in the second half of the FDP must be made available to the pilot flying the aircraft during the *final* landing.

You also asked whether the two-hour rest requirement in § 117.17(c)(1) applies only to the pilot at the controls on the last landing of the FDP. Section 117.17(c)(1) applies only to the pilot "at the controls"—that is, the flightcrew member who actually flies the aircraft during the final landing. In contrast, § 117.17(c)(2) requires that ninety (90) consecutive minutes of in-flight rest be made available for the flightcrew member who will be performing the secondary monitoring duties on the flight deck during the final landing. *See* 77 FR 367.

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 Richard Doan, Operations Law Branch, Office of the Chief Counsel and coordinated with the Air Transportation Division of Flight Standards Service.

Sincerely,

Lorelei Peter
Assistant Chief Counsel for Regulations, AGC-200

Anthony Snieder
[redacted]

Lorelei Peter, Acting Assistant Chief Counsel
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Re: Request for Interpretation of FAR 117.17(c)(1)

Dear Ms. Peter:

This is to request clarification of FAR 117.17(c)(1) as it applies to the below described examples:

In the "Nelson" Interpretation dated Sept. 3, 2015 you state:

"The answer is yes, for those flightcrew members who are flying the plane during landing. That flightcrew member would have to take the second break, although it would not have to be the full 6 hours and 30 minutes-only the two consecutive hours are required by the rule for the individual flying the plane during landing. If the flightcrew member is monitoring the aircraft during landing, ninety minutes are required during the course of the flight and the break could be taken at any point."

I believe the "Nelson" letter only addresses a single leg/segment augmented operation. My question is: How must rest occur on a multi-leg single Flight Duty Period augmented flight?

The following three examples of pairings are currently being flown under FAR 117.17 by United Airlines in the Guam base and consist of either two or three flights/segments during a single FDP in augmented operations. Pairing/ID G5012 below contains two scheduled landings in the FDP with the first landing occurring in the first half of the FDP. Pairing/ID G5024 has two of the three landings in the first half of the FDP. Pairing/ID G5025 has one landing in the first half of the FDP and the second and third scheduled landings occurring in the second half of the FDP. All of these flights/segments are operated in augmented operation with three crew members utilizing a Class 3 rest facility under Table C limits.

EQP FLT# DPT ARV DPTR ARVL GRND ML FTM ACM DTM IND D/C

EFF 11/06/15 THRU 11/27/15 ID G5012 - BASIC (PAC)
RPT: 0630
73Z 187 GUM CTS 0730 1125 1.00 B 4.55 4.55
73Z 188 CTS GUM 1225 1805 L 4.40 9.35 12.05 .00
RLS: 1835
DAYS- 1 CRD- 9.35* FTM- 9.35* TAFB- 12.05 INT- 9.35 NTE- .00 M$- 27.18 T/C- .00 .85*

EQP FLT# DPT ARV DPTR ARVL GRND ML FTM ACM DTM IND D/C

EFF 10/30/15 THRU 10/30/15 ID G5024 - BASIC (PAC)
RPT: 1745
73Z 193 GUM ROR 1845 1955 .55 2.10 2.10
73Z 193 ROR MNL 2050 2235 .55 2.45 4.55
73Z 184 MNL GUM 2330 0520 3.50 8.45 12.05
RLS: 0550
DAYS- 2 CRD- 8.45* FTM- 8.45* TAFB- 12.05 INT- 8.45 NTE- .00 M$- 27.18 T/C- .00 .11*

EQP FLT# DPT ARV DPTR ARVL GRND ML FTM ACM DTM IND D/C

EFF 10/30/15 THRU 10/30/15 ID G5025 - BASIC (PAC)
RPT: 1800
73U 183 GUM MNL 1900 2050 .55 3.50 3.50
73U 192 MNL ROR 2145 0140 .45 2.55 6.45
73U 192 ROR GUM 0225 0530 2.05 8.50 12.00
RLS: 0600
DAYS- 2 CRD- 8.50* FTM- 8.50* TAFB- 12.00 INT- 8.50 NTE- .00 M$- 27.00 T/C- .00 .11*

FAR 117.17 states that: *"Two consecutive hours in the second half of the flight duty period are available for in-flight rest for the pilot flying the aircraft during landing."* However, it does not define whether "landing" is the final landing of the FDP, any specific landings within the FDP or all landings that occurs within the augmented FDP. This raises the questions below for the operations currently being conducted at United Airlines in Guam.

1. On an FAR 117.17 augmented flight, if there are more than one scheduled landing contained within a single FDP:

a. Would the landing pilots on all of the landings be required to have their rest in the second half of the FDP as indicated in the Nelson interpretation dated September 3, 2015? If the answer is yes, how is that possible since the first landing occurs in the first half of the FDP? If the answer is no, when does the FAA expect the landing pilots on the first landing to obtain rest, if at all?

b. Would the landing pilots on segments 2 of 3 be required to have their rest in the second half of the FDP? If the answer is yes, how would the landing pilots obtain rest prior to landing 2 of 3 in these examples since there may not be two hours of time available in the second half of the FDP prior to the scheduled landing?

c. Does the 2-hour rest rule in the second half of the FDP only apply to the pilot at the controls on the last landing of the FDP?

Your prompt response is appreciated. If you need any additional information, please contact me.

Sincerely,

Anthony Snieder