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

Office of the Chief Counsel

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

DEC - 4 2017

Captain Don Wykoff
Chairman, Flight Time Duty Time Committee
Air Line Pilots Association, International
535 Herndon Parkway
Herndon, VA 20170

Re: Request for Legal Interpretation of 14 CFR § 117.19(a)(1) and (2)

Dear Captain Wykoff:

This letter responds to your August 7, 2017, request by electronic mail for an interpretation of 14 CFR § 117.19(a)(1) and (2) concerning the requirement that an extension of the Flight Duty Period (FDP) of more than 30 minutes may occur only once prior to receiving a rest period. Your letter provides two scenarios:

1. A certificate holder requested and the pilot in command (PIC) agreed to a 45-minute extension. However, before take-off, it was determined that the flight segment could not be completed with a 45-minute extension and an additional 45-minute extension was requested.

2. A certificate holder requested and the PIC agreed to a 45-minute extension for Flight 3900. However, before takeoff, the certificate holder changed the destination of Flight 3900 and requested an additional 45-minute extension. The certificate holder believes that if the flight number does not change, additional extensions up to two hours may be requested and can be accepted by the PIC if the pilot was fit for the additional duty period.

You seek clarification on whether the pilot, if he or she was otherwise fit for duty, could accept the second extension without receiving a 30-hour rest as required by § 117.25(b), when the total time of the two extensions would be less than two hours. Your view is that because the certificate holder is asking for two extensions prior to receiving a 30-hour rest period, both scenarios would violate § 117.19(a)(2).

As you correctly state in your letter, 14 CFR § 117.19 provides, in relevant part, that:

> (a) For augmented and unaugmented operations, if unforeseen operational circumstances arise prior to takeoff:
>
> (1) The pilot in command and the certificate holder may extend the maximum flight duty period permitted in Tables B or C of this part up to 2 hours. The pilot in command and the certificate holder may also extend the maximum combined flight duty period and reserve availability period limits specified in § 117.21(c)(3) and (4) of this part up to 2 hours.
>
> (2) An extension in the flight duty period under paragraph (a)(1) of this section of more than 30 minutes may occur only once prior to receiving a rest period described in § 117.25(b).

The regulatory text states that an FDP extension of more than 30 minutes may "occur" only once.[1] Under a plain reading of § 117.19(a)(2), it requires actual use of a more than 30 minute FDP extension to trigger the requirements in (a)(2), rather than a mere request for an FDP extension of over 30 minutes. This understanding is consistent with the FAA's 2013 Clarification[2] of the regulation which states:

> A4A, Alaska Air, and AE posed a scenario in which a flightcrew that has already used their over-30-minute FDP extension discovers, after takeoff, that they will need to again extend more than 30 minutes. The commenters asked whether the flightcrew in this scenario would need to divert in order to comply with the pertinent FDP limits. Under § 117.19(a)(2) and (b)(2), an FDP extension of greater than 30 minutes can only be taken once before a flightcrew member is provided with 30 hours of rest pursuant to § 117.25(b)....Accordingly, once a flightcrew member uses up their FDP extension the FAA strongly recommends that the certificate holder: (1) adds buffers to that crewmember's schedule to account for possible unexpected events; and (2) provides the crewmember with a 30-hour rest period as soon as possible in order to rest the FDP extension.

The 2013 Clarification provides that the requirements in § 117.19(a)(2) are triggered when an over 30-minute FDP extension has been "used," "use[d] up," or "taken."[3] In contrast, the scenarios provided in your letter refer to extensions that have only been agreed upon and have not yet "occurred," been "used," "use[d] up," or "taken," because the flight has not yet been conducted. Multiple FDP extensions up to 2 hours may be

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[1] 14 CFR § 117.19(a)(2).

[2] *Clarification of Flight, Duty, and Rest Requirements*, 78 FR 14166, 14174 (Mar. 5, 2013).

[3] *Id.*

requested prior to takeoff. If an extension of more than 30 minutes actually occurs, the rest period requirement in 14 CFR § 117.19(a)(2) comes into effect.

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 Sarah Yousaf, 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

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August 7, 2017

Via Email at Lorelei.Peter@faa.gov
and First Class Mail

Ms. Lorelei Peter
Assistant Chief Counsel for Regulations, AGC-200
Federal Aviation Administration
800 Independence Ave., SW
Washington, DC 20591

Dear Ms. Peter:

This is to request a clarification of FAR 117.19(a)(1) and (2) which provides:

> **§ 117.19 Flight duty period extensions.**
> (a) For augmented and unaugmented operations, if unforeseen operational circumstances arise prior to takeoff:
>
> (1) The pilot in command and the certificate holder may extend the maximum flight duty period permitted in Tables B or C of this part up to 2 hours. The pilot in command and the certificate holder may also extend the maximum combined flight duty period and reserve availability period limits specified in § 117.21(c) (3) and (4) of this part up to 2 hours.
>
> (2) An extension in the flight duty period under paragraph (a)(1) of this section of more than 30 minutes may occur only once prior to receiving a rest period described in § 117.25(b).

The following two scenarios are the basis for this request:

1. A certificate holder requested and the pilot in command agreed to a 45-minute extension. However, before take-off, it was determined the flight segment could not be completed with a 45-minute extension and an additional 45-minute extension was requested. If the pilot was otherwise fit for duty, could he accept the second extension even though the total time was less than two hours without receiving a 30-hour rest as required by FAR 117.25(b)?

2. A certificate holder requested and the pilot in command agreed to a 45-minute extension for Flight 3900. However, before takeoff, the certificate holder changed the destination of Flight 3900 and requested an additional 45-minute extension. The certificate holder believes that if the flight number does not change, additional extensions up to two hours may be requested and can be accepted by the pilot in command if the pilot was fit for the additional duty period.

We believe that in the preamble to the final rule, the FAA was clear that "an extension of the FDP of 30 minutes or more may occur only once prior to receiving a rest period described in Part 117.25(b) (FR Vol 77, No. 2, pg. 370, January 4, 2012).

In the scenarios above, the certificate holder is clearly asking for two extensions prior to receiving a 30-hour rest period. In our view, an acceptance of the second 45-minute extension in both scenarios would be a violation of Part 117.19(2).

We would appreciate a prompt response.

Sincerely,

Captain Don Wykoff
Chairman, Flight Time Duty Time Committee
Air Line Pilots Association, International

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