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

Office of the Chief Counsel

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

JUL 10 2018

Captain Jeremiah Dewey
Hawaiian Airlines
59-435 Alapio Road
Haleiwa, Hawaii 96712

Re: Request for Legal Interpretation of 14 CFR part 117 flight time and FDP limits for Mixed Augmented and Unaugmented FDP Schedule

Dear Captain Dewey:

This letter responds to your March 9, 2018, request for an interpretation concerning the application of 14 CFR Part 117 flight time and FDP limits for a flight crewmember's mixed augmented and unaugmented FDP schedule. You ask how to determine flight time and flight duty period (FDP) when a pilot's schedule is changed from unaugmented to augmented flight assignments after his or her FDP starts but before any unaugmented flight time occurred.

> Section 117.11(a)(1) requires that no certificate holder may schedule and no flightcrew member may accept an assignment or continue an assigned flight duty period if the total flight time: will exceed the limits specified in Table A of this part if the operation is conducted with the minimum required flightcrew.
>
> Section 117.13(a) requires that except as provided for in § 117.15, no certificate holder may assign and no flightcrew member may accept an assignment for an unaugmented flight operation if the scheduled flight duty period will exceed the limits in Table B of this part.
>
> Section 117.17(a) requires that for flight operations conducted with an acclimated augmented flightcrew, no certificate holder may assign and no flightcrew member may accept an assignment if the scheduled flight duty period will exceed the limits specified in Table C of this part.

Your letter provides the following scenario:

A flight crewmember is scheduled for an unaugmented flight assignment. The pilot's schedule changes after commencing FDP, but prior to the unaugmented flight segment. The pilot is reassigned to an augmented flight crew that will complete 2 augmented flights. Each augmented flight is scheduled to last 5 hours, resulting in 10 hours scheduled flight time.

You seek clarification on (1) whether the pilot is restricted by the unaugmented maximum flight time in Table A to part 117; and (2) whether the pilot is restricted by the unaugmented or augmented maximum FDP time in Tables B or C to part 117.

Question One

Section 1.1 defines flight time as pilot time that commences when an aircraft moves under its own power for the purposes of flight and ends when the aircraft comes to rest after landing.[1] Section 117.111(a)(1) applies the flight time limits specified in Table A to flights conducted with the minimum required flightcrew.

The FAA has previously clarified that if a schedule consists of both augmented and unaugmented flights, the flight crewmember is subject to the unaugmented flight time limits set out in Table A.[2] The FAA reasoned that a flightcrew member who works on an unaugmented flight does not obtain the fatigue-mitigation benefits of an augmented flight – having additional flight crewmembers and at least one onboard rest facility, which allows flight crewmembers to work in shifts and sleep during the flight.

However, in this scenario, the pilot's schedule changed prior to conducting an unaugmented flight. The only flight time the pilot will conduct in this scenario is augmented flight time, where the pilot can take advantage of the fatigue-mitigating provisions of working in shifts and sleeping during the flight. Consequently, the maximum flight time limits for unaugmented operations in Table A do not apply.

Question Two

Section 117.3 defines FDP as a period that begins when a flightcrew member is required to report for duty with the intention of conducting a flight, a series of flights, or positioning or ferrying flights, and ends when the aircraft is parked after the last flight and there is no intention for further aircraft movement by the same flightcrew member. A flight duty period includes the duties performed by the flightcrew member on behalf of the certificate holder that occur before a flight segment.[3]

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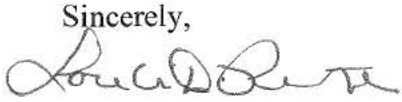
[1] 14 CFR § 1.1.
[2] *Flightcrew Member Duty and Rest Requirements*, 77 FR 330, 368 (Jan. 4, 2012).
[3] 14 CFR § 117.3.

The FAA has previously taken the position that in a mixed operation of both augmented and unaugmented flights, the unaugmented FDP limits set out in Table B apply.[4] As discussed above, the FAA reasoned the unaugmented flight within the mixed operation FDP lacked the fatigue-mitigation benefits of the augmented flight. However, this is not a true mixed operation since the only flights conducted during the pilot's FDP were augmented. Therefore, the maximum FDP for augmented operations under Table C applies.

An FDP limit applies to the individual flightcrew member, not the crew as a whole. Therefore, within a crew, each flightcrew member could have a different maximum FDP limit. In the given scenario, the pilot already accrued an unspecified amount of FDP time prior to being rescheduled to the augmented flight assignment. That FDP time must be added to the pilot's total FDP time for calculating the pilot's maximum FDP under Table C. As a result, the pilot will reach his or her FDP limit under Table C before the rest of the flight crew if they started their FDP when this pilot was reassigned.

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 D. Peter
Assistant Chief Counsel for Regulations, AGC-200

[4] *Clarification of Flight, Duty, and Rest Requirements*, 78 FR 14166, 14172 (Mar. 5, 2013) (citing 77 FR at 368).

March 9, 2018

Charles M. Trippe, Jr.
Office of The Chief Counsel

FAX (202) 267-3227

My name is Jeremiah Dewey and I am a pilot at Hawaiian Airlines. I am requesting clarification on how to correctly determine the Flight Time and Flight Duty Period (FDP) limitations when a flight crew member experiences a schedule change from an unaugmented crew to an augmented crew after the scheduled start of their FDP.

Here is the specific example in question:

A flight crew member is scheduled for an unaugmented FDP consisting of one flight segment (scheduled flight time 5 hours). The pilots schedule is changed after commencing the FDP, but prior to the flight segment. The flight crew member is reassigned to an augmented crew that will complete two augmented flights in the FDP. Each augmented flight is scheduled to last 5 hours, resulting in 10 hours of scheduled flight time.

Questions:

1. Is the flight crew member restricted by the unaugmented maximum flight time limits (Table A)?

2. Is the flight crew member restricted by unaugmented or augmented maximum FDP hour limits (Table B or C)?

If you need any clarification please don't hesitate to contact me. Thank you for your assistance.

Sincerely,

Captain Jeremiah Dewey
Hawaiian Airlines

Cell: (808) 222-2342
email: deweyland@me.com
Mailing Address: 59-435 Alapio Road, Haleiwa, HI, 96712