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

Office of the Chief Counsel

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

OCT 2 4 2018

Scott Dickson
[redacted]

Re: Request for Legal Interpretation of 14 CFR § 121.523(c)

Dear Mr. Dickson:

This letter responds to your April 4, 2018, request for an interpretation concerning the flight time limitations and rest requirements of 14 CFR § 121.523(c). We apologize for the delay.

Section 121.523(c) requires that:

> No certificate holder conducting supplemental operations may schedule any flight crewmember to be on continuous duty for more than 30 hours. Such a crewmember is considered to be on continuous duty from the time he reports for duty until the time he is released from duty for a rest period of at least 10 hours on the ground. If a flight crewmember is on continuous duty for more than 24 hours (whether scheduled or not) duty[1] any scheduled duty period, he must be given at least 16 hours for rest on the ground after completing the last flight scheduled for that scheduled duty period before being assigned any further flight duty.

Your letter provides the following two scenarios concerning an operator conducting supplemental international cargo operations with a four pilot crew:[2]

1) A crew reports for duty on the 1st of the month at 0100Z with a flight time at 0230Z. The crew flies multiple trip legs totaling 17 hours of flight time before

[1] *Sic*. "Duty" should be "during."

[2] For purposes of answering your question, we will assume that the pilots on the flightcrew are the only flightcrew members who are participating in the operation. We will also assume that the pilots in your hypothetical are not assigned to more than one type of flightcrew during any 30 consecutive days.

completing the flight. Then the crew completes their duty on the 2nd of the month, 30 hours after starting. During this time the crew has 17 hours of flight time, and a total duty time of 30 hours.

2) This scenario is the same as scenario one, except in this case the crew has over 24 hours of flight time and 30 hours of duty time.

You seek clarification on (1) whether the flight time limitations and rest requirements of § 121.523(c) apply only to flight time and not duty time; (2) whether § 121.523(c) applies to duty time over 24 hours regardless of the amount of flight time; and (3) how much rest time is required in the above two scenarios.

Normally, air carriers conducting all-cargo supplemental operations under part 121 must operate pursuant to the flight, duty, and rest provisions of §§ 121.503 through 121.511. However, supplemental air carriers conducting overseas and international all-cargo operations may elect, pursuant to § 121.513, to comply with the flight time limitations of § 121.515 and §§ 121.521 through 121.525 (commonly referred to as the "international rules").[3]

Section 121.523(c) is clear that the continuous duty limitations and rest requirements apply to duty time. The regulation states that if a flight crewmember is on *continuous duty* for more than 24 hours (whether scheduled or not) during any *scheduled duty period*, he or she must be given at least 16 hours for rest on the ground after completing the last flight scheduled for that *scheduled duty period.* In addition, § 121.523(c) defines continuous duty as occurring from the time a flight crewmember reports for *duty* until the time he or she is released from *duty* for a rest period of at least 10 hours on the ground. This includes, but is not limited to flight time.[4] In a previous interpretation, when another requester asked the maximum *flight deck* duty time for a three and four pilot flightcrew operating under § 121.523, the FAA responded that "Section 121.523 does not directly restrict *flight deck* duty time for pilots, but as discussed previously with regard to other flight, duty, and rest provisions, the other provisions of § 121.523 may indirectly limit the amount of *flight deck* duty time that is available to an airman."[5]

Therefore, the restrictions in § 121.523(c) do not limit flight time, although limiting duty time will necessarily limit flight time, since flight time is a subset of duty time.[6] Accordingly, the flightcrew members in both scenarios one and two must have 16 hours

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[3] *Interpretation of the Flight Time Limitations*, 80 FR 19251, 19251 (Apr. 10, 2015).
[4] 14 CFR § 117.3.
[5] Letter to Aaron Enzer from Lorelei D. Peter, Assistant Chief Counsel for Regulations (Aug. 24 2015), pp. 3-4 (emphasis added).
[6] We note that where this interpretation is inconsistent with footnote 4 in Letter to Scott Dickson from Lorelei D. Peter, Assistant Chief Counsel for Regulations (Aug. 24, 2015), the relevant part of the footnote is reversed.

of required rest before being assigned any further flight duty because they have been on continuous duty for more than 24 hours.

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

[redacted]

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April 4, 2018

Dear Ms Peter:

This is a request for legal interpretation of 14CFR 121.523(c), flight time limitations and rest requirements. The statute reads:

*"If a flight crewmember is on continuous duty for more than 24 hours (whether scheduled or not) duty any scheduled duty period, he must be given **at least 16 hours** for rest on the ground after completing the last flight scheduled for that scheduled duty period before being assigned any further flight duty.*

Here is a hypothetical situation of an operator conducting supplemental international cargo operations with a four pilot crew.

1) A crew reports for duty on the 1st of the month at 0100Z and flight time at 0230Z, an hour and a half later. The crew flies multiple trip legs totaling 17 hours flight time before the completing the flight. Then the crew completes their duty on the 2nd of the month, 30 hours after starting. During this time the crew has 17 hours of flight time, and a total duty time of 30 hours. How much rest time is required?
2) The same situation as the above example, however in this case the crew has over 24 hours of flight time and a total of 30 hours duty. Again, how much rest time is required?

Does the statute in 121.523(c) apply only to flight time and not duty time? (Ref. examples of 17 hours flight time v.s. 24 hours flight time)? Does the regulation apply to duty time over 24 hours, regardless of the amount of flight time?

Yours truly,

Scott Dickson
[redacted]