U.S. Department
of Transportation
Federal Aviation Administration

Office of the Chief Counsel

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

MAY - 4 2018

Captain Rodney C. Ennis
Director of Operations
6012 W. Campus Circle Drive
Suite 240
Irving, TX 75063

Re: Request for Legal Interpretation of 14 CFR § 117.25(d) and Mixed Type Operations

Dear Captain Ennis:

This letter responds to your December 26, 2017, request for an interpretation concerning the application of 14 CFR § 117.25(d) rest period requirements to mixed type (passenger-carrying and all-cargo) operations.

Section 117.25(d) requires that:

> A flightcrew member must be given a minimum of 56 consecutive hours rest upon return to home base if the flightcrew member: (1) Travels more than 60° longitude during a flight duty period or a series of flight duty period, and (2) is away from home base for more than 168 consecutive hours during this travel. The 56 hours of rest specified in this section must encompass three physiological nights' rest based on local time.

Your letter provides the following scenario:

A flightcrew member is away from base for over 168 consecutive hours. Following the assignment,[1] the crewmember travels more than 60 degrees longitude into a cargo only part 121 assignment. The crewmember does not return to home base until after the cargo-only assignment is completed.

[1] It is assumed this is a passenger-carrying assignment using the part 117 flight and duty requirements.

You seek clarification on (1) whether the crewmember should receive 56 hours of rest prior to the 121 assignment or whether it is legal for the crewmember to receive only part 121 rest prior to reporting for duty; and (2) whether if it is legal for the crewmember to receive part 121 rest prior to reporting for duty, the 56-hour rest period is required once the part 121 assignment is complete and the crewmember returns to home base.

Question One

When 14 CFR part 117 went into effect, it replaced the flight time and rest requirements contained in part 121 for passenger-carrying operations.[2] Flight time limitations and rest requirements for all-cargo operations remained in subparts Q, R, and S of part 121.[3] Certificate holders had the option, but were not required, to apply the part 117 flightcrew member flight time and duty limitations to all-cargo operations.[4]

The flight time and duty limitations of part 117 apply to the flightcrew member's passenger-carrying assignment. However, the requirement for the rest period in § 117.25(d) is not triggered until the flightcrew member has returned to home base. In your scenario, the flightcrew member does not return to home base after completing the passenger-carrying assignment. Consequently, the requirements of § 117.25(d) do not apply and the flightcrew member is not required to receive 56 hours of rest prior to the all-cargo assignment. The flightcrew member must comply with the rest requirements of part 121 subparts Q, R, or S, as appropriate, prior to reporting for duty for the all-cargo assignment.

Question Two

Your second question asks if the 56-hour rest period in § 117.25(d) is required once the all-cargo assignment is complete and the crewmember returns to home base.

As previously stated, part 117 flight and duty limitations apply to passenger-carrying operations, while part 121 flight time and rest limitations apply to all-cargo operations, unless the certificate holder has opted to apply part 117 to its all-cargo operations. Since the flightcrew member is conducting the last assignment under part 121 flight time and rest requirements, the part 117 flight and duty limitations do not apply when the flightcrew member returns to home base. However, insofar as part 117 contains retrospective flight and duty limitations, if the next assignment after the all-cargo assignment is a passenger-carrying assignment, then the rest requirements under § 117.25(d) apply.

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[2] 14 CFR § 117.1(a) "This part prescribes flight and duty limitations and rest requirements for all flightcrew members and certificate holders conducting passenger operations under part 121 of this chapter."
[3] 14 CFR § 121.470.
[4] 14 CFR § 121.470(c).

Due to the complicated nature of mixed type operations, certificate holders conducting mixed type operations must track and record the flightcrew members' flight, duty, and rest times. This record keeping system must be applicable for both parts 117 and 121 to ensure compliance with the applicable part under which the flight is operated. These records must be made available to the Administrator for inspection as a means of demonstrating compliance with the applicable rules.[5]

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

[5] 14 CFR § 121.683; FAA Order 8900.1, vol. 3, ch. 58, sec. 2, 3-4592(C).

AIR TRANSPORT INTERNATIONAL

December 26, 2017

Mr. Mark W. Bury
Deputy Chief Counsel
Office of the Chief Counsel
800 Independence Avenue SW
Washington, DC 20591

RE: Request Legal Interpretation –

Dear Mr. Bury,

The purpose of this document is to request a legal interpretation of 14 CFR part 121.25(d) as applied to a crewmember transitioning into and/or out of part 117 and part 121 assignments. Specfically, 117.25(d) states:

> *A flightcrew member must be given a minimum of 56 hours of rest upon return to home base if the flightcrew member: (1) Travels more than 60 degrees longitude during a flight duty period or a series of flight duty period, and (2) is away from home base for more than 168 consecutive hours during this travel. The 56 hours of rest specificed in this section must encompass three physiololgical nights' rest based on local time.*

Consider the following example: A crewmember is away from base for over 168 consecutive hours and following the assignment, travels more than 60 degrees longitude into a cargo only part 121 assignment. The crewmember does not return to home base. Should the crewmember receive 56 hours of rest prior to the 121 assignment (to finish out the part 117 series) or is it legal for the crewmember to receive only part 121 rest (24 hours relieved from duty in the past seven consecutive days or 8 hours relieved from duty during the the previous 24 consecutive hours, as appropriate) prior to reporting for duty? If it is legal to only receive part 121 rest prior to reporting for duty, is a 56 hour rest period required once the part 121 assignment is complete and the crewmember is returned to home base?

Please feel free to contact me directly at (317) 513-8490 with questions.

Repsectfully,

Capt. Rodney C. Ennis
Director of Operations