U.S. Department
of Transportation
Federal Aviation Administration

Office of the Chief Counsel

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

FEB - 8 2019

Gary Standel
Chief Pilot
West Coast Aviation Services
19711 Campus Drive
Suite 150
Santa Ana, CA 92707

Re: Mixed Crew Operations under § 135.267(b)

Dear Mr. Standel:

This letter responds to your August 13, 2018, request for an interpretation concerning a mixed crew operation under § 135.267(b). You provide the following scenario:

An operator conducting unscheduled, on-demand operations under part 135 assigns a flight crew consisting of one pilot to three flights, all conducted on the same day and within the same time zone. Immediately after his or her completion of the three flights, the operator pairs that pilot with an additional pilot and assigns him or her to an unscheduled, on-demand, two-pilot flight conducted under part 135. You ask whether the original pilot is permitted to conduct the fourth flight under the flight time limitations of § 135.267(b)(2), or prohibited under the flight time limitations of § 135.267(b)(1).

Section 135.267(b) provides that during any 24 consecutive hours the total flight time of the assigned flight when added to any other commercial flying may not exceed eight hours for a one-pilot flight crew under § 135.267(b)(1) or ten hours for a two-pilot flight crew under § 135.267(b)(2).

Your question is similar to one that the FAA answered in a recent letter of interpretation,[1] addressing a situation in which a flightcrew member was assigned to both part 117 augmented and unaugmented flight assignments. In that scenario, the interpretation cited to the part 117 rulemaking history[2] which clarified that if a flightcrew member's schedule

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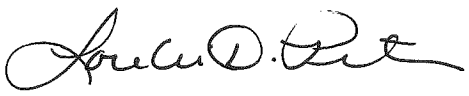
[1] Letter of Interpretation to Jeremiah Dewey from Lorelei D. Peter, Assistant Chief Counsel for Regulations (July 10, 2018).
[2] *Flightcrew Member Duty and Rest Requirements*, 77 FR 330, 368 (Jan 4, 2012).

consists of both augmented and unaugmented flights, the flightcrew member is subject to the unaugmented flight time limits for all flights in that duty period. The FAA reasoned that a flightcrew member who works on an unaugmented flight does not obtain the fatigue-mitigating benefits of conducting the operation with additional flightcrew members.

The same fatigue-mitigation approach applies to your scenario. The additional two hours given to two-pilot flight crews in § 135.267(b) indicates that the FAA recognized that a two-pilot flight crew could safely operate under a higher flight time limit than a one-pilot flight crew. In your scenario, the original pilot has not had the fatigue-mitigation benefits of flying in a two-pilot crew during his or her first three flights. Accordingly, the original pilot must comply with the flight time limitations of § 135.267(b)(1), which limits a one-pilot crew to eight hours of flight time during any 24 consecutive 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

WEST COAST AVIATION SERVICES

August 13, 2018

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To Whom It May Concern:

This letter is a request for interpretation and clarification of 14 C.F.R. § 135.267(b).

Please consider the following scenario:

An operator conducting unscheduled on-demand operations under 14 C.F.R. part 135 assigns a flight crew consisting of one pilot to the following hypothetical series of three flights, all conducted on the same day and within the same time zone:

- Flight #1 (single pilot): 0900 local to 1130 local (2.5 hours of flight time)
- Flight #2 (single pilot): 1200 local to 1430 local (2.5 hours of flight time)
- Flight #3 (single pilot): 1500 local to 1730 local (2.5 hours of flight time)

After completing the above-referenced flights, the operator pairs the same pilot with an additional qualified pilot and assigns him/her to an additional unscheduled on-demand fourth flight conducted under 14 C.F.R. part 135 that same day as a member of a flight crew consisting of two pilots, as follows:

- Flight #4 (two pilots): 1800 local to 2030 local (2.5 hours of flight time)

Would Flight #4 be permissible because the flight crew is comprised of two qualified pilots and therefore subject to the 10 hours maximum flight time limitation during any 24 consecutive hours as outlined in 14 C.F.R. § 135.267(b)(2), or would Flight # 4 not be permissible because the first pilot flew the flights earlier in the day as a single pilot and therefore the more restrictive 8 hours maximum flight time limitation of 14 C.F.R. § 135.267(b)(1) is still in effect for Flight #4?

Thank you for your time and consideration. I look forward to your response.

Best regards,

Gary Standel
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