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

Office of the Chief Counsel

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

December 7, 2023

Captain Casey Murray
President, Southwest Airlines Pilots Association
Brookview Plaza
1450 Empire Central Dr, Suite 737
Dallas, TX 75247
(800) 969-7972

Dear Captain Murray:

Thank you for the request for a legal interpretation submitted by electronic mail on November 14, 2023.

In your request for legal interpretation, you presented two hypothetical situations and asked questions relating to each.

You first presented a hypothetical situation in which a pilot has a 14 CFR § 117.25(e) rest period beginning at midnight and a report time of noon for a Flight Duty Period (FDP), 12 hours after the beginning of the rest period. At 1:55 am (during the rest period), the pilot's carrier calls the pilot to inform them that the FDP report time has been moved to 10 am, two hours earlier than it was initially scheduled. For the first hypothetical, you asked four questions: whether the 1:55 am notice satisfied the requirement for notice before the rest period; how far in advance of the rest period or the FDP does notice need to be provided; what the remedy is to reset the pilot after receiving notification; and whether a carrier having only short-call reserve rules has an impeded ability to change the originally scheduled FDP reporting time.

The second hypothetical situation also involved a pilot who had a 14 CFR § 117.25(e) rest period that began at midnight and a scheduled FDP report time of noon. In this hypothetical, however, the pilot receives a call from the carrier at 6 am (during the rest period), notifying the pilot that the report time has been moved back to 2 pm. This change extends the rest period from twelve hours to fourteen hours. Four questions also accompanied this hypothetical: whether the notice in this hypothetical met the prospective requirement for notice; how far in advance of the rest period or the FDP does notice need to be provided; what the remedy is to reset the pilot after receiving notification; and whether the carrier is always supposed to keep the original FDP report time for purposes of measuring reserve availability period (RAP) rules (or if they are able to shift

the FDP report time later and operate as though the original FDP report time didn't exist, without going through a full rest reset).

In March 2013, subsequent to the publication of the Flightcrew Member Duty and Rest Requirements Final Rule (77 Fed. Reg. 330, Jan. 4, 2012), the FAA published a document in the Federal Register entitled Clarification of Flight, Duty, and Rest Requirements (hereinafter Clarification) (78 Fed. Reg. 14,166, Mar. 4, 2013). In the Clarification, the FAA responded to questions received from industry actors and individual flightcrew members in the months following the publication of the final rule. The FAA believes that the Clarification addresses your questions and has therefore attached a copy of the Clarification.

The topics discussed in the Clarification broadly encompass many issues related to the new flightcrew member duty and rest rules. Section II.G.I specifically addresses adjusting FDP start time. This section in particular, along with the rest of the Clarification, should fully address your questions.

If you would like additional assistance on this topic, you may contact the Office of Safety Standards in the Flight Standards Service, which is responsible for the subject matter addressed in your request, by submitting an inquiry to 9-AFS-200-correspondence@faa.gov.

Sincerely,

LAURA JANE MEGAN-POSCH

Digitally signed by LAURA JANE MEGAN-POSCH
Date: 2023.12.07 08:25:47 -05'00'

Laura Megan-Posch
Assistant Chief Counsel for Regulations