



Aviation Group Client Update

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FAA ISSUES DRAFT INTERPRETATION OF REST REQUIREMENTS FOR PART 121 NONSTOP INTERNATIONAL SUPPLEMENTAL OPERATIONS

Last week, the Federal Aviation Administration (FAA) issued a [Notice](#) seeking comments on its draft interpretation of whether a supplemental air carrier may conduct an international nonstop flight scheduled for more than 12 hours without crew rest facilities on board the aircraft. The FAA has determined that the operation of such flights would be precluded under the flight time limitations of the “U.S. mainland rules” (14 C.F.R. Sections 121.503 through 121.511) but could be conducted under the “international rules” (14 C.F.R. Sections 121.515 through 121.525) so long as all of the provisions of 14 C.F.R. Section 121.523 were complied with, including the need to provide adequate sleeping quarters on the airplane. Note that supplemental air carriers conducting overseas and international supplemental operations may elect, pursuant to 14 C.F.R. Section 121.513, to comply with the flight time limitations of either the U.S. mainland rules or the international rules.

Under Section 121.503(a) of the U.S. mainland rules, a pilot may be scheduled to “fly in an airplane for eight hours or less during any 24 consecutive hours without a rest period during those eight hours.” The FAA has interpreted this eight-hour period as a hard scheduling limit on block to block time for supplemental operations without an intervening rest prior to the eighth hour flown. There is, however, an exception under Section 121.503(f) to the above 8-hour limit for transcontinental non-stop flights, allowing a crewmember to be scheduled for “more than eight but less than 10 hours of continuous duty without an intervening rest period” under certain conditions.

The U.S. mainland rules also include flight time limitations for four pilot crews under Section 121.509. For four pilot crews, in a 24 hour period, a pilot may not be scheduled for more than 8 hours of flight deck duty, 16 hours of duty aloft, and 20 hours of duty. The FAA does not interpret Section 121.509 as a standalone rule, but rather reads it in the context of Section 121.503(a). Thus, the FAA interprets Section 121.509 as allowing a pilot to be scheduled for a total of 16 hours of duty aloft as long as the time aloft does not occur in legs scheduled for longer than 8 hours. To read Section 121.509 as permitting up to 16 hours of continuous duty aloft would nullify the hard scheduling limit of Section 121.503(a). Accordingly, unless the operation is scheduled in segments of eight hours or less, it cannot be conducted under the flight time limitations contained in the U.S. mainland rules.

Under Section 121.521 of the international rules, an airman may not be scheduled to be “aloft as a member of the flight crew in an airplane that has a crew of two pilots and at least one additional flight crewmember for more than 12 hours during any 24 consecutive hours.” Thus, if a flight is scheduled to be aloft for 12.5 hours, it could not be conducted with only two pilots and one additional flight crewmember because a certificate holder may only schedule this crew complement for up to 12 total hours aloft.

The international rules also include flight time limitations for a crew of three or more pilots and additional airmen as required under Section 121.523. Unlike Section 121.521, this section allows flights lasting longer than 12 hours. In consideration of the longer flights, Section 121.523 (1) requires a crew of at least three pilots and additional airmen as required, (2) provides additional rest provisions, (3) limits flight deck duty time for flight engineers and navigators, and (4) requires the certificate holder to “provide adequate sleeping quarters on the airplane whenever an airman is scheduled to be aloft as a flight crewmember for more than 12 ours during any 24 consecutive hours.” If an operation is scheduled with a four-pilot complement, it would meet the crew requirements under this section, but that alone is insufficient to permit it to conduct an international nonstop flight scheduled for more than 12 hours. In order to operate such a flight, the certificate holder would also need to comply with each of the other provisions of Section 121.523, including the need to provide adequate sleeping quarters on the airplane.

Therefore, a supplemental air carrier operation in which four pilots are scheduled to conduct a non-stop flight lasting 12.5 hours, between a point outside the contiguous United States and a point in the contiguous United States, or other locations permitting the Section 121.513 election, could only be operated under the flight time limitations of Section 121.523 (including the required crew rest facilities on board the aircraft) and not under Sections 121.503, 121.509 or 121.521.

Comments are due on or before **May 2, 2013**. If you have any questions regarding the draft interpretation or if you would like assistance in the preparation or submission of, please contact our office.

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