



FAR 117 *FastRead*

A Publication of the ARW MEC

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As the new rules now include flight duty period (FDP) limits, we wanted to take some time in this week's ARW MEC FAR 117 *FastRead* reviewing cumulative limits and rest.

Flight Duty Limitations

The FAA has stated that all cumulative limits will be set at zero starting Jan. 4, 2014—except for the requirement to have 30 hours of continuous rest within the last 168 hours (7 days).

Recall that a FDP means a period that begins when a flightcrew member is required to report for duty with the intention of conducting a flight, a series of flights, or positioning or ferrying flights, and ends when the aircraft is parked after the last flight and there is no intention for further aircraft movement by the same flightcrew member. A FDP includes the duties performed by the flightcrew member on behalf of the certificate holder that occur before a flight segment or between flight segments without a required intervening rest period. Examples of tasks that are part of the FDP include deadhead transportation, training conducted in an aircraft or flight simulator, and airport/standby reserve, if the above tasks occur before a flight segment or between flight segments without an intervening required rest period.

Daily limits for the FDP are found in Table B. There are rolling limits that may not exceed 60 FDP hours in any rolling 168 consecutive hours (7 days), and 190 FDP hours in any rolling 672 consecutive hours (28 days). There are also cumulative flight time limits. Daily cumulative limits are found in Table A. The rolling flight time limitations are 100 hours of flight in 672 consecutive hours (28 days) and 1,000 hours in any 365 rolling consecutive days. (Tables A& B have been attached to this email for your convenience.)

When calculating these limitations, remember that Air Wisconsin does not count push time as FAA block, so you will need to use the OUT time when recording and tracking flight segments and limitations.

Because of the rolling limitation, you are required before each flight to look back at the number of flights and FDP hours to the nearest minute within a week (168) and a month (672) in order to

determine if you are legal to operate the flight.

Part 117.11(b) does allow for unforeseen operational circumstances arising after takeoff that are beyond the certificate holder's control: "a flight crew member may exceed the maximum flight time specified in paragraph (a) of this section and the cumulative flight time limits in 117.23(b) to the extent necessary to safely land the aircraft at the next destination airport, or alternate, as appropriate."

Also, 117.19(b) provides that: "the crew and certificate holder may extend the max FDP specified in Table B to the extent necessary to safely land the aircraft at the next destination airport or alternate airport as appropriate. An extension taken under paragraph (b) may exceed the cumulative FDP limits specified in 117.23(c)."

Although it is the joint responsibility between the pilot and the Company to monitor cumulative limits, this will be very difficult for an individual pilot to track accurately. The FAA has repeatedly stated that carriers need to establish an accurate and accessible means for the Company and the pilot to continuously monitor flight, duty, and rest limitations.

In an effort to assist with meeting this joint responsibility, consider downloading the ALPA Part 117 calculator application for iPhone or Android if you have not done so already. This app will help you monitor your cumulative flight hours and FDP. It also has the ALPA 117 guide (providing question and answers) along with the actual FAR 117 rules. However, the app is just a tool and like most tools, it is not perfect. As an example, a pilot cannot currently input a FDP without inputting a flight leg; so, each day of a five-day sequence for a ready reserve pilot is an FDP, even if the pilot does not fly. ALPA is continuing to improve the app and will issue updates as work is completed.

One last note about downloading the app: You will need your ALPA username and password to access the ALPA 117 app. If you have forgotten this information, it may be retrieved from the ALPA Help Desk at helpdesk@alpa.org, or via phone at 888-359-2572. If calling by phone, please be sure to press # then 4357 to reach the Help Desk.

Rest

The new rules say you have to have 10 consecutive hours free from duty, including a minimum 8-hour uninterrupted sleep opportunity before accepting a new FDP or RAP (Reserve Availability Period). The 10 hours is not at the hotel and behind the door. Travel to and from the hotel can be included in the 10 hours - but must not interfere with the minimum 8-hour sleep opportunity.

30 consecutive hours of rest within the past 168 hours are also required before a pilot may begin

any RAP or FDP. This rule replaces the old 24 hours off in 7 days. Our contract states that pilots require a calendar day off per week in his/her domicile, which prevents a pilot from being scheduled for 7 days in a row even with 30 hours of rest at an out station.

If a pilot is scheduled in advance for 30 or more hours of rest on an overnight, then that would count toward the 30/168 requirement. But, it must be scheduled ahead of time. If a pilot is scheduled for 28 hours at an overnight, and at the end of this scheduled rest period the plane was late and the Company adjusted the pilot's show time by two hours, thus creating "30 hours of rest," this does not count toward the 30/168 requirement.

However, if a pilot was scheduled for 28 hours of rest on an overnight and before concluding the FDP prior to the 28-hour scheduled rest period, the Company made positive contact with the pilot and informed him that the Company was extending the rest by two hours, then this does count toward the 30/168 requirement because the 30 hours of rest was scheduled in advance. Because the impact of an interruption to rest varies by individual, it is up to the individual pilot to determine whether to answer a phone call during a rest period.

Other Duty and Rest

The Company's position is that the FAA has indicated that required, but non-flight tasks such as Internet Based Training (IBT) does not count as duty. However, the FAA does consider a pilot being required to check Company email, schedules, texts, or other conversation media to determine duty assignment, changes, etc. as duty, and not part of rest. So, when you have a long call (LC) day and call to get released or an assignment from Crew Scheduling, this will be considered duty. When you look back the last 168 hours and you need to have 30 hours of rest, please remember any of the required times you have to call them. A quick rule of thumb for determining if something is duty is whether or not the airline is requiring you to do it at a certain time. Are you required to do IBT at a specific time or on a specific day, then no, it is not considered not duty. If you are required to call the Company for a LC assignment or reserve times, then yes, it is considered duty.

A Few Other Items to Point Out

WOCL (Window of Circadian Low) means a period of maximum sleepiness that occurs between 0200 and 0559 during a physiological night. If you are on reserve or have LC days and are assigned a trip that will begin before and will operate into the WOCL, a pilot must be given a minimum of 12 hours' notice of the assignment.

Regarding the minimum 10 hours of rest prior to beginning a FDP: If you want to pick something up

in open time, you may do so without defining a 10-hour rest period prior to the pairing because you are asserting fitness for duty prior to beginning the picked up flying.

Next, we wanted to make a correction to and expand upon the statement in the Dec. 9 FAR 117 *FastRead* that, “Once you’ve left the hotel, your flight duty period has begun and may not be adjusted under the short-call reserve rules.”

Please reference question 69 (p. 18) of ALPA’s [Guide to Part 117 Flight Time Limitations and Rest Requirements](#): “Does the travel time to and from the hotel count as part of the 10-hour rest period?”

The answer is, “Yes. However, if the travel time would prevent an 8-hour uninterrupted sleep opportunity, the flight crew member must advise the carrier and ensure they get the required 8-hour sleep opportunity.”

Thus, the van ride is considered part of your rest time and not your FDP.

Let’s take this a step further by looking at question 16 (p. 5) of the ALPA guide: “Can my scheduled report time be adjusted to change my FDP?”

The answer to this question basically says that changes to the FDP are determined by SCHEDULED REPORTING TIME (which is created once the FDP has been assigned to the crewmember). In order to change the reporting time, the Company can call you at any time before your show time and shift you to long or short call reserve.

For a change to long call reserve, the Company has to provide you with notification of the change to the FDP **before** beginning the 10-hour rest prior to the new FDP. For a change to a short call reserve, the total number of hours a flightcrew member may spend in a flight duty period and a RAP may not exceed the lesser of the FDP from Table B plus 4 hours, or 16 hours, as measured from the beginning of the RAP. And as a reminder for line holders, although your on duty period may be based on the RAP your status as a line holder pilot will not be altered.

As always, it is up to the individual pilot as to whether to answer the phone during his/her rest period. If you answer your phone, you can discuss with the Company the length of the delay and if you should return back to the hotel. If you find out about any delays after your check in and you are at the airport, you can still talk with the Company about what you should do at that time and if returning back to the hotel is a choice.

Conclusion

The new 117 rules are just a few days away. We hope these weekly publications have provided you with some meaningful guidance to the new regulations. Please join us for another all-pilot Part 117 Q&A conference call this Thursday, Jan. 2 at 2000 eastern. For reserve pilots, an all-reserve call is scheduled for this Friday, Jan. 3 at 2000 eastern. To participate on these calls, simply dial **1-888-363-4734**, and enter **6975113** for the access code.

In addition, you can send your questions to ARW117Questions@alpa.org and we will get back to you as quickly as possible. If you need immediate assistance on or after Jan. 4, please call:

- Tybee Halter at 808-298-4369
- Tyson Howard at 513-680-8514
- Sean Yates at 216-570-1117

Any pilot who has concerns about the FAR legality of an assignment should explain the concern to the crew scheduler and ask for the basis of the Company's position. If an agreement as to the FAR legality cannot be reached, the pilot should politely ask that the Company confirm for you that assignment is FAR legal. Be sure and tell the Company that if they are confirming that the assignment is FAR legal and you are being given a direct order to take the assignment, you will accept the assignment on that basis. Then you should file an ASAP report so that the matter can be fully examined for legality and safety.

Finally, if you feel that an assignment violates the pilot contract, you should follow the grievance process.