



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

NOV 10 2016

James W. Johnson
Senior Managing Attorney, Legal Department
Air Line Pilots Association, International
535 Herndon Parkway
PO Box 1169
Herndon, VA 20172-1169

Dear Mr. Johnson:

This letter provides a policy interpretation in response to your request for clarification regarding the definition of flight time. The FAA issued a legal interpretation in this matter on August 5, 2016. Additional information has been made available to the FAA since the issuance of that legal interpretation. Therefore, the FAA is providing this revised guidance pertaining to the scenarios you proposed.

You posed four scenarios for FAA consideration. FAA guidance pertaining to those scenarios is as follows:

Scenario 1: A flight from BWI to DEN diverts for weather into COS, fully intending to continue to DEN. The aircraft parks at a remote location on the airfield. No air stairs are provided, no doors are opened, and no passengers deplane or emplane. The aircraft operates its auxiliary power unit while the engines are shut down. After a delay, the plane is refueled and proceeds to DEN.

Scenario 2: This scenario presents the same facts as Scenario 1 except that air stairs are briefly brought to the aircraft at COS allowing some passengers but not the flight crew to deplane.

FAA Response: In Scenarios 1 and 2, flight time under 14 CFR § 1.1 ends when the aircraft “comes to rest after landing.” In our August 8, 2014 letter to you, concerning an aircraft that taxis to a ramp until a gate is available and then taxis under its own power to the gate, we determined that the aircraft comes to rest after landing for flight time accrual purposes when “an aircraft has been shut down with no further movement under its own power (for the purpose of flight or flight completion).” In your Scenarios 1 and 2, where the aircraft is diverted to an alternate airport and parks at a remote location until it can continue to its final destination, the flight must end before pre-flight planning and preparation for the subsequent flight segment can begin. Therefore, as a matter of policy we conclude that, for the purposes of flight time accrual, the initial flight segment ends when the aircraft shuts down at the remote parking location. This end time should be coordinated between the certificate holder and the pilot to ensure flight and duty times are accurate. Flight time re-commences when the aircraft moves under its own power again for the purpose of flight to the final destination.

Scenario 3: A flight from BWI to DEN lands at DEN. Because of gate unavailability, the aircraft is parked at a remote location on the airfield. No air stairs are provided, no doors are opened, and no passengers deplane or emplane. The aircraft must operate its auxiliary power unit while the engines are shut down. The plane then taxis under its own power to a gate for unloading.

Scenario 4: A flight lands at DEN. Because of air traffic congestion, the aircraft stops after exiting the landing runway and remains stationary for several minutes with the parking brake set. The plane then taxis under its own power to a gate for unloading.

FAA Response: For scenarios 3 and 4, flight time ends when the aircraft comes to rest after landing – in this case the gate (or remote location). We previously addressed a very similar scenario in the August 8, 2014 letter to you referenced above. As noted, in that letter we stated that “Until an aircraft has been shut down with no further movement under its own power (for the purpose of flight or flight completion), the flight time clock continues ticking.” Scenarios 3 and 4 here essentially reframe the question addressed in that letter and the answer here is the same.

We trust that you find this information helpful. If I can be of further assistance, please contact me at (202) 267-8166.

Sincerely,



Jodi L. Baker
Acting Manager, Air Transportation Division