Austin's Very Easy Guide to
On-Demand Part 135 Flight/Duty/Rest Rules

2012 Revision 0

THINGS CHANGE OFTEN! CHECK MY WEB SITE PERIODICALLY TO ENSURE THAT YOU ARE USING THE MOST RECENT VERSION.

Volume 2 in the "Austin's Very Easy Guide" (AVEG) series
Available free at **www.austincollins.com**

For official information specific to your employer, refer to:

- Your company's operations manual.
- Your company's FAA operations specifications.
- Your company's approved training program.
- Your aircraft's POH or AFM.
- The applicable Federal Aviation Regulations.
- Any relevant FAA Advisory Circulars.
- Standing case law and interpretations published by the FAA Office of the Chief Counsel and/or rulings issued by NTSB Administrative Law Judges.

The Complete Series:

- **Vol. 1 – Austin's Very Easy Guide to Legal IFR Flight Planning Under Part 135**
- **Vol. 2 – Austin's Very Easy Guide to On-Demand Part 135 Flight/Duty/Rest Rules**
- **Vol. 3 – Austin's Very Easy Guide to Basic Principles and Concepts of Weather**
- **Vol. 4 – Austin's Very Easy Guide to Proper Radio Phraseology and Technique**
- **Vol. 5 – Austin's Very Easy Guide to Winter Operations**
- **Vol. 6 – Austin's Very Easy Guide to Passing Your Part 135 IFR-PIC Checkride**

Although much of the information contained in this series is generic and could potentially apply to many areas of aviation, it is designed specifically as a study aid for those pilots engaged in on-demand Part 135 single-pilot IFR cross-country operations in small reciprocating aircraft. **THIS MATERIAL IS NEITHER ENDORSED BY NOR APPROVED FOR ANY SPECIFIC OPERATOR. IT IS GENERAL INSTRUCTIONAL AND GUIDANCE INFORMATION ONLY!**

I. Basic Concepts and Definitions

A. Basic Definitions

Definition 1: A **"duty period**" is that period of time between your reported on-duty time and your reported off-duty time according to what you put on your Pilot Duty Record (or equivalent form) and what you call in to Dispatch for them to log into your operator's manual or computerized tracking and compliance system . . . *regardless of what you actually do during that period!* You could be asleep in the FBO snooze room for three hours, for example, but you are still on duty if your PDR (and your operator's records) say so. Think of your on-duty time as a wooden stake driven into the ground at one end of the yard and your off-duty time as another wooden stake driven into the ground at the other end of the yard; your duty period would simply be a string tied between those two stakes, regardless of what holes in the yard the string passes over. Moreover, you *must* be on duty any time you perform any *paid* function for the certificate holder (Austin's Air Service, LLC.), aviation-related or otherwise.

Definition 2: **"Rest"** is legally defined in this case as time during which you were *off duty* for that operator. *It doesn't matter what you do during this time!* It really doesn't matter at all. You could even be flying for compensation for someone else!

Definition 3: **"Flight time,"** according to the Part 1 of the FARs, begins when the airplane moves under its own power for the purpose of flight and ends when it comes to rest at the end of that flight. At Austin's Air Service, LLC., we call this "*block-to-block time*," although some carriers call in *chock-to-chock time* or some other variation.

Block-to-block time is *not* the same as Hobbs or tach time! At our purely imaginary and totally hypothetical example operator, Austin's Air Service, LLC., we *do* record tach time, but only for the purpose of tracking airplane maintenance status. Tach time is recorded on your daily paperwork for this purpose. It is *never* used to represent actual flight time! The only way to determine your block-to-block time is to *write down* the time that you apply power, release the brakes and begin rolling (that's your block-out time) . . . and then *write down* the time that you come to a complete stop in the ramp area at your destination (that's your block-in time).

EXAMPLE:

A pilot starts the engine at 0500. The engine idles, warming up, while he listens to ATIS and calls clearance delivery to obtain his IFR clearance and then calls ground control to obtain his taxi clearance. Although the Hobbs and tach are both turning, his block-to-block time has not yet begun. At 0510, he applies power, releases the brakes and begins rolling. **He looks at his watch and writes this time down on his Flight Data Transfer Form under "departed." This is his block-out time.** He taxis to the runup area for runway 15 and completes his runup. Then ground control calls to let him know that the airport is being turned around and instructs him to taxi to runway 33. He does so. When he gets there, he has to wait in line for takeoff. When he finally commences his takeoff roll, it is 0530. He flies for 30 minutes, landing at his destination at 0600. After taxiing clear of the active runway, he is instructed to hold short of the parallel runway for arriving traffic. A steady stream of heavy jets touches down. At last, after waiting for half an hour, he is cleared across the parallel runway. He arrives in the FBO's ramp area at 0635. **As he applies the brakes, he glances at his watch again and writes this time down on his Flight Data Transfer Form under "arrived." This is his block-in time.** His couriers have not yet arrived because of an overturned tanker truck on the Interstate highway, and he leaves his engine running while he copies his outbound clearance for his next leg. He shuts his engine down at 0640.

	Hobbs time?
What was his . . .	tach time?
	flight time?
	actual time in the air?
	Hobbs time – 1.7 hours
Answers:	tach time – 0.9 hours
	flight time – **1.4 hours ← ← ← This is what he can legally log!**
	actual time in the air – 0.5 hours

This pilot has just accumulated 1.4 hours of block-to-block time on this leg (from his block-out time of 0510 to his block-in time 0635, 1 hour and 25 minutes), *although he was only actually in the air for 30 minutes*.

He must later add this 1.4 hours to all the other block-to-block time he will accumulate during this duty period and then write this same total in his logbook. He cannot put 1.7 in his logbook, nor can be put .9 or .5 – none of those would be legally accurate.

Note that his Hobbs time was slightly longer – 1.7 – since the engine was running for a longer period of time than the airplane was moving. Also note that his tach time was only .9 since the engine was only operating at high power settings for a relatively short period of time.

Finally, bear in mind that this is the one and only way for everyone to log flight time, regardless of whether it's Part 91 or Part 135 or Part 121 or whatever . . . and regardless of whether it is a helicopter, an airplane, a gyroplane, a tilt-rotor Bell-Boeing V-22 Osprey or even a gyrodyne. (Fake meaningless bonus points to anyone who knows what that is!)

B. Basic Concepts

Concept 1: Austin's Air Service, LLC. is considered an **unscheduled** carrier because it does not *publish* its schedule to the public. (We have a company schedule, but it is strictly internal.) As such, **FAR §135.267** (*flight time limitations and rest requirements – unscheduled one- and two-pilot crews*) applies to us any time we accept an assignment which is scheduled to include at least one Part 135 flight (leg).

Concept 2: Any flight in which you carry **customer property** (*even a single empty container*) must be conducted under the provisions of Part 135 of the Federal Aviation Regulations. Any flight in which you carry **passengers *for hire*** is also a Part 135 flight. Company materials ("comat") are *not* customer property. Carrying employees of Austin's Air Service, LLC. (such as pilots, mechanics or dispatchers) as passengers does *not* count as carrying passengers for hire, because they are not *paying* to be transported somewhere.

Concept 3: A flight with no customer property and no *paying* passengers on board may be conducted under Part 91 (unless you have an FAA-approved company policy that prohibits this). In that case, Part 135 regulations **do not apply to that leg.** If a duty assignment is scheduled to include even one Part 135 flight (leg), however, then §135.267 applies to the entire assignment *in terms of whether you can accept it or not*. In other words, **"one drop poisons the whole barrel."** But (and this is where people get really confused) . . .

Concept 4: If a duty period is not scheduled to include any Part 135 flying, then §135.267 becomes totally irrelevant! That's right, there are *no* rules! Under Part 91, there are *no* restrictions on flight, duty or rest times . . . *none whatsoever*. The FAA did not write any such regulations. Breaking Part 135 rules when you aren't operating under Part 135 would be like breaking the laws of Egypt when you're not in Egypt. Who cares? In fact, the whole idea of "being on duty" or "being off duty" doesn't even exist (as far as the FAA is concerned) unless we are talking about Part 121 or Part 135 operations.

This fourth concept often really throws people for a full loop, so to drive the point home when I'm teaching ground school, I usually ask this series of questions:

ME: (*addressing the classroom full of pilot candidates*) "Are we all on duty right now?"
THE CLASS: "Yes!"
ME: "Are there any limits to how long we can be on duty today?"
THE CLASS: "No!"
ME: "Is there any minimum amount of rest we needed before we came on duty this morning?"
THE CLASS: "No!"
ME: "Let's say we have to do company proficiency checks, maintenance flights, repositioning flights and stuff like that. Is there any limit on how much flying we can do today?"
THE CLASS: "No!"
ME: "You're right. And why not?"
THE CLASS: "Because we aren't operating under Part 135!"
ME: "Exactly! You got it."

Again, when there is *no* Part 135 (or 121) flying, then the Part 135 (or 121) flight / duty / rest time requirements and limitations *do not apply*. It's unregulated. It's anarchy, chaos, mayhem – mass hysteria!

Concept 5: We do *not* use licensed dispatchers at Austin's Air Service, LLC. (A licensed dispatcher is someone who can plan flight assignments for you. Some types of operators, primarily scheduled Part 121 operators, use licensed dispatchers – individuals who actually hold FAA dispatcher certificates. These people are, in a very real sense, flight crewmembers; they do share some responsibility and authority over the safety and legality of the flight. Typically, licensed dispatchers figure out things like alternates, fuel and/or weight and balance before the flight and the captain (who always has the final responsibility and authority) reviews it and signs off on it. This AVEG is written for pilots who work for a small, unscheduled Part 135 operation like our imaginary example, Austin's Air Service, LLC. In that type of operation, the burden of staying legal rests entirely upon the shoulders of the PIC. We still use people that we call "dispatchers," but they are not licensed and have no legal responsibility or authority; they are simply representatives of AAS. Here's how it works:

A (non-licensed) dispatcher working for AAS (the "certificate holder" referred to in the regulation) will offer you (the flight crewmember) an assignment. Usually it will be a regularly recurring assignment but sometimes it will be a special, "ad hoc" or unusual assignment. In any case, you are generally expected and required to accept all ***legal*** assignments offered to you unless you are unable to for reasons beyond your control. This is your job. It's what we pay you for. If an assignment is in violation of FAR §135.267, however, then you *must* refuse it and (politely) explain why.

If you accept an illegal assignment then both the certificate holder (AAS) and the pilot (you) can get in very serious trouble with the FAA. The dispatcher who actually offered you the assignment, however, can't get in any real trouble with the FAA because that dispatcher is not acting in any officially recognized capacity. If illegal assignments are offered or accepted, the FAA can make life miserable for both the operator and the pilot. A very large civil penalty (meaning a fine) could be assessed, the company's operating certificate could be suspended or revoked and/or the operator could be subjected to a series of extremely intrusive, invasive and disruptive base inspections leading to even more potential violations. Actions against the pilot could include anything from a phone call explaining what he did wrong and asking him to never do it again to a letter of warning which will remain in his file for two years to a suspension or even revocation of his pilot certificate – all depending upon how harshly the FAA wishes to prosecute the case. Obviously, it is better to avoid violations in the first place!

The point is this: **AS THE PILOT IN COMMAND, IT IS YOUR RESPONSIBILITY TO BE HIGHLY KNOWLEDGEABLE OF §135.267 AND CAREFULLY CONFIRM THAT ANY ASSIGNMENT OFFERED TO YOU BY THE ON-DEMAND PART 135 OPERATOR IS LEGAL FOR YOU TO ACCEPT!** Otherwise, the result could be a violation. Sure, the operator will get in trouble too, but will that really make you feel any better if you have an enforcement action on your record?

Q: "But Austin, aren't there computer programs that can figure all this stuff out and tell you if an assignment is legal or not?"

A: "Of course there are. But there are three problems with putting too much trust in them. First, the programs can and do have bugs that no one ever notices until one day they spit out an incorrect result – they either 'red flag' a perfectly legal assignment or else they 'green light' an illegal one. Second, the programs only know what they are told. Sometimes, dispatchers accidently or mistakenly feed them bad information. And third, the program cannot get in trouble with the FAA . . . but you can. It's like a fuel gauge: don't rely on it!"

II. The Regulation Itself, With Explanations

§135.267 consists of four paragraphs that impose limitations and requirements on pilots who fly for AAS: (a), (b), (d) and (f). It is very helpful to think of each of these four paragraphs as separate, independent, stand-alone rules. It also includes one paragraph that tells us how to deal with a special situation: (e). Finally, it includes one paragraph that we can ignore: (c).

Let's begin with the first paragraph, (a):

> (a) No certificate holder may assign any flight crewmember, and no flight crewmember may accept, an assignment for flight time as a member of a one- or two-pilot crew if that crewmember's total flight time in all commercial flying will exceed —
> (1) 500 hours in any calendar quarter.
> (2) 800 hours in any two consecutive calendar quarters.
> (3) 1,400 hours in any calendar year.

Pay special attention to the fact that the FAA imposes dual responsibility here. The FAA puts it on you (the pilot in command) and also on the operator (AAS).

Pay special attention to the phrase **"total flight time in all commercial flying."** Paragraph (a) requires that AAS may not assign you — *and you may not accept* — any flight assignment which is scheduled to include any Part 135 flying if that assignment *would* (in the future) cause you to exceed:

- 500 hours *of total compensated flying* ***for any and all employers*** in any calendar quarter,
- 800 hours *of total compensated flying* ***for any and all employers*** in any two consecutive calendar quarters or
- 1,400 hours *of total compensated flying* ***for any and all employers*** in any calendar year.

January, February and March together are the first calendar quarter of a calendar year. April, May and June are the second calendar quarter . . . and so on. Notice that this paragraph does not place limits on flight time during any three consecutive months, only within a calendar quarter (not the same thing). It is your responsibility to check your logbook periodically and make sure that you are in compliance with §135.267(a).

Q: "What if I'm about to run out of time?"

A: "Let someone (such as the crew scheduler) at AAS know well in advance so he can adjust your schedule as necessary until the quarter or year ends and the clock resets.

NOTICE THAT THIS REGULATION DOES NOT PREVENT YOU FROM <u>DOING THINGS</u> (IN THE PRESENT). IT PREVENTS YOU FROM <u>AGREEING TO DO THINGS</u> (IN THE FUTURE).

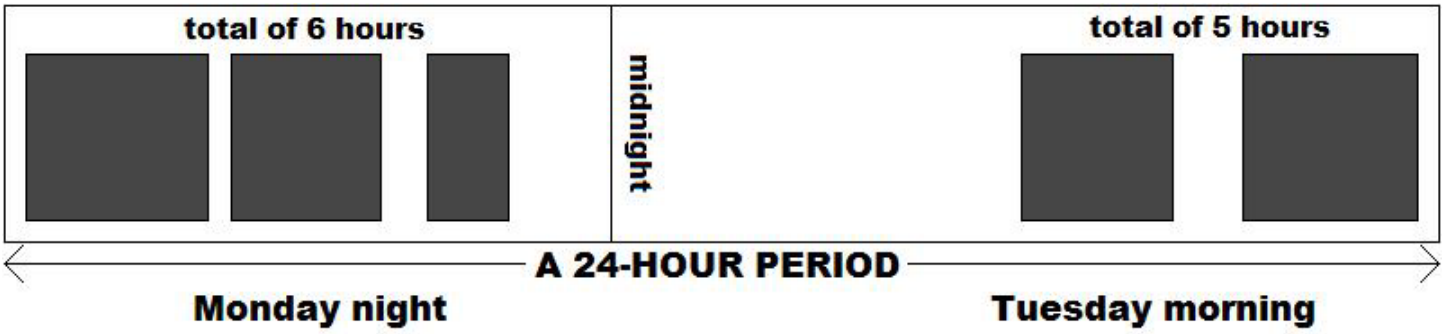
It does *not* say, "no pilot may exceed 500 hours of compensated flying in a calendar quarter." It says, "no pilot may *<u>accept an assignment</u>* from a Part 135 operator that *<u>would</u>* cause him to exceed 500 hours of compensated flying in a calendar quarter." That may seem like a fine distinction, but trust me, it's a critical one!

(b) Except as provided in paragraph (c) of this section, during any 24 consecutive hours the total flight time of the assigned flight when added to any other commercial flying by that flight crewmember may not exceed--

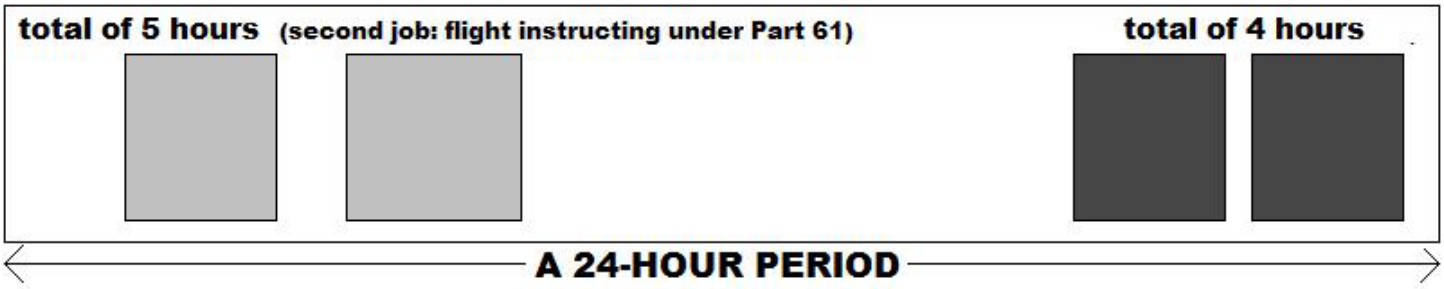
(1) 8 hours for a flight crew consisting of one pilot

This means that AAS may not assign you — *and you may not accept* — any flight assignment which is scheduled to include any Part 135 flying *if* that assignment (and again, notice the future tense here) would cause you to exceed 8 hours *of total compensated flying* ***for any and all employers*** within any period of 24 consecutive hours. (It doesn't matter where that 24-hour period starts and ends; it's a "rolling clock.")

You might have an assignment on Monday, for example, that entails 6 hours of flying. Then Dispatch might offer you an assignment on Tuesday that entails 5 hours of flying. Taken individually, each assignment is perfectly legal. Taken together, however, it is possible that some of Monday's flight time and some of Tuesday's flight time overlap into the same 24-hour period. If accepting Tuesday's assignment would cause you to exceed 8 hours of commercial flying during that period, you can't do it.



Likewise, you might give 5 hours of flight instruction one morning. If Dispatch calls you at noon and offers you an assignment that would entail 4 hours of Part 135 flying, you would also not be allowed to accept it.



Paragraph (c) only applies to operators whose pilots remain on fixed, unchanging schedules from day to day over long periods of time. Since our pilots change runs quite often, it does not apply to us at AAS.

Very few on-demand Part 135 operators of any significant size operate under paragraph (c), so I will not spend any time on it here.

It is CRITICAL that you call in any commercial flying you do for any other employer so that the scheduler(s) and/or dispatcher(s) can log it and track it. Otherwise, neither the scheduler(s) nor the dispatcher(s) will know that a proposed assignment may actually be illegal. Likewise, even if a computer program is used to cross-check assignments, that program will not "red flag" it unless it has been given accurate information about a pilot's outside flying activities!

Now let's talk about paragraph (d), which I will be the first to admit is a bit confusingly worded:

> (d) Each assignment under paragraph (b) of this section must provide for at least 10 consecutive hours of rest during the 24-hour period that precedes the planned completion time of the assignment.

Paragraph (d) tells us two extremely important things. One is quite obvious, the other is a little bit more subtle.

1. **Prior to beginning any duty period that is scheduled to include at least one Part 135 flight (leg) you must have had at least ten *consecutive* hours of rest.** This part is chiseled in granite; it is cast in bronze. It will never, ever change. If you don't have 10 hours of rest, you aren't legal to begin a Part 135 flight assignment. Period!

2. When do you need that 10 hours of rest? "During the 24-hour period that precedes the *planned completion time of the assignment.*" Hmmm . . . interesting phrasing, isn't it? So think about it – no duty period that is *planned* to include at least one Part 135 flight (leg) may be *scheduled* to exceed 14 hours. (It may only exceed 14 hours as a result of circumstances that could not have reasonably been foreseen, as we will see in a moment.) This is because when you subtract 10 hours of rest from a 24-hour period you get 14 hours. If an assignment is scheduled to be longer than that, it is mathematically impossible to be in compliance. Many pilot candidates have pointed out that there is no law that explicitly limits us to a 14-hour scheduled duty day. Strictly speaking, this is true! Paragraph (d), however, *implies* it in a slightly roundabout way.

   It doesn't say you can't be on duty for more than 14 hours. It *does* say that you can't *accept* an assignment if it *would* cause you to be on duty for more than 14 hours!

A HUGE HONKIN' DIFFERENCE BETWEEN 121 AND 135:

When I teach ground school, people with a Part 121 background are often quite surprised by the wording of §135.267(d). So even though this booklet deals with Part 135, I am going to put two nearly equivalent regulations side-by-side to show you the vital dissimilarity:

§135.267(d)

[the proposed assignment must provide for] "at least 10 consecutive hours of rest during the 24-hour period that precedes **the planned completion time of the assignment.**"

§121.471(b)

"No certificate holder conducting domestic operations may schedule a flight crewmember and no flight crewmember may accept an assignment for flight time during the 24 consecutive hours preceding **the scheduled completion of any flight segment** without a scheduled rest period . . .

Aha! See the enormous difference? The time period under scrutiny is the 24-hour block that precedes "the planned completion time of the assignment" vs. the 24-hour block that precedes "the scheduled completion of any flight segment."

So under Part 121, the FAA is saying that the operator (and crew) must "look back" for the required rest BEFORE TAKING OFF ON EACH LEG! This language is notably absent from the Part 135 regulation.

As a final reminder, *your approved company manual is the final authority on this*. Whatever policy your CHDO (certificate-holding district office) and POI (principal operations inspector) has endorsed is what you must do. At the real company for whom I have worked for more than thirteen years, for example, we have a provision in Section XIV of our GOM that clarifies this "legal to start, legal to finish" issue. The original flight planning must be realistic and reasonable (based on all known and available information) and the delays must be the result of "circumstances beyond the control of the certificate holder or flight crewmember," to quote directly from paragraph (e). Assuming this is the case, you can finish the assignment even if delays (such as unforecast weather or maintenance problems) cause you to run over 14 hours.

If your approved company manual treats the 14-hour duty rule as a hard limit, then for you it is. FOLLOW YOUR APPROVED COMPANY POLICY!

But what about those inevitable times when, due to bad weather, unanticipated and "geographically extravagant" ATC vectors or mechanical problems (etc.) you end up flying way more than you expected?

> (e) When a flight crewmember has exceeded the daily flight time limitations in this section, because of circumstances beyond the control of the certificate holder or flight crewmember (such as adverse weather conditions), that flight crewmember must have a rest period before being assigned or accepting an assignment for flight time of at least--
> (1) 11 consecutive hours of rest if the flight time limitation is exceeded by not more than 30 minutes;
> (2) 12 consecutive hours of rest if the flight time limitation is exceeded by more than 30 minutes, but not more than 60 minutes; and
> (3) 16 consecutive hours of rest if the flight time limitation is exceeded by more than 60 minutes.

Paragraph (e) acknowledges that "stuff happens" and sometimes you are going to exceed 8 hours of flying because of unexpected delays – again, *even if the original planning was realistic*. Remember this golden phrase: **"If you <u>were</u> legal to START the assignment, then you <u>are</u> legal to FINISH the assignment."** This is true even if you have multiple long layovers ahead of you, and even if you figure out that you are going to "go over" early in your run. (See the explanation on the previous page.)

If this occurs, however, you will need *compensatory rest* under paragraph (e) before you can legally begin another Part 135 assignment, as outlined above.

Q: "But Austin, what if I exceed my 14 hours of duty but not my 8 hours of flying?"

A: "Paragraph (e) doesn't specifically address that. However, your ten hours of rest will not begin until you actually do go off duty. So even though the rest period will not be any longer, it *will* get pushed back, possibly forcing you to report for duty later than you were originally scheduled on your next assignment."

Q: "But I thought you could never ever even take off it would make you go over a 14-hour duty day."

A: "Under 121, that's absolutely true. Under Part 135, the regulation is written differently. (See the previous page.) **FOLLOW YOUR APPROVED COMPANY MANUAL.** Different operators do it differently.

Finally, here's an easy one.

> (f) The certificate holder must provide each flight crewmember at least 13 rest periods of at least 24 consecutive hours each in each calendar quarter.

The Part 135 operator *must* give you at least 13 rest periods of at least 24 *consecutive* hours each calendar quarter. There are 13 weeks in a quarter, so the FAA is essentially saying that each pilot should have at least one full day off per week on average. (Because a weekend consists of two 24-hour periods, this should not be a problem.) Note that this paragraph / rule is the only one (aside from paragraph (e), the compensatory rest provision) that is written in the present tense – the others are all written in the future conditional tense.

III. Worksheet

Now that we've discussed the definitions, concepts and abstract theory behind the regulation, let's consider how the text can be applied in a literal and practical way. Prior to accepting any Part 135 duty assignment from Austin's Air Service, LLC.,* ask yourself the following 4 questions. Use FAR §135.267 to answer them.

1.) Does this assignment violate (a) by scheduling me to exceed 500 hours of total compensated flying for any and all employers within the current calendar quarter, 800 hours of total compensated flying for any and all employers within this calendar quarter and the last calendar quarter together or 1,400 hours of total compensated flying for any and all employers during the calendar year so far? **YES/NO**

2.) Does this assignment violate (b) by scheduling me to exceed 8 hours of total compensated flying for any and all employers within any period of 24 consecutive hours? **YES/NO**

3.) Does this assignment violate (d) by scheduling me to exceed 14 hours of duty *or* by commencing before I will have had my 10 consecutive hours of rest**? **YES/NO**

4.) Does this assignment violate (f) by preventing me from getting my 13 rest periods of at least 24 consecutive hours in this calendar quarter? **YES/NO**

***** A Part 135 duty assignment is defined as a duty assignment which is *scheduled* to include *at least one* Part 135 flight leg.

****** This may be 11, 12 or 16 consecutive hours of rest instead of 10 if your previous duty period's flight time exceeded 8 hours as a result of delays enroute.

Does this seem complicated? Yes, because it is. But before you become too confused and discouraged, remember this: THE PURPOSE OF FLIGHT, DUTY AND REST TIME REQUIREMENTS AND LIMITATIONS IS TO PROTECT YOU. Daily requirements and limitations help to prevent acute or short-term fatigue. Quarterly requirements and limitations help to prevent cumulative or long-term fatigue. The regulation is designed to prevent you from being exploited or pressured into working too much. It exists for *your* benefit – so learn it and use it.

Pilot fatigue and "Get-home-iasis" . . .
A DEADLY COMBINATION!

In September 2003 the NTSB released its report on a fatal accident which should cause us all to take a moment to reflect.

- It involved a Beech 58 Baron (just like we operate) being flown for an on-demand Part 135 operator (just like us).
- The pilot went on duty at 1400. His assignment involved flying seven Part 135 legs and then one repositioning leg under Part 91.
- He was an ATP with 15,000 hours total time. He had 2,000 hours in the Baron.

At 0522 central daylight time, the airplane crashed a little more than a mile southeast of the Dubuque Regional Airport (DBQ) in Dubuque, Iowa. The visibility at the time was reported as a quarter of a mile in fog and the ceiling was broken at 100 feet. The minimums for the approach he was trying to shoot – the DBQ LOC RWY 31 – are MDA 1,540' (HAT 478') and ½ mile.

Even though it was legal to depart and even shoot the approach under Part 91, the forecasts and reports *gave no reason to believe that a landing would be safely or legally possible.*

At the time he departed DuPage Airport (DPA) in Chicago – 0435 – he had been on duty for 14 hours and 35 minutes. It is possible, of course, that he was very fatigued and had a strong desire to finish his duty assignment and go home rather than remain stuck in Chicago. It is also possible that this pilot, knowing that conditions were below minimums, proceeded to Dubuque and then accepted an approach clearance there with the intention of busting those minimums in order to get back.

The NTSB's investigation uncovered no evidence of anything wrong with the airplane prior to the crash.

This was an experienced pilot – highly experienced, in fact. Probably more experienced than many pilots who are reading this for the purpose of becoming Part 135 qualified. We can speculate that perhaps his high level of comfort and familiarity with the job may have lulled him into a complacent, overconfident attitude. As we have seen again and again when reading NTSB accident reports, complacency and overconfidence reappear often as probable contributing factors to accidents like these.

So perhaps all of us should take a moment to privately think about all the times we've taken off with that nagging little voice in the back of our head saying "maybe this isn't such a great idea." Even if we've always gotten away with it (so far), the most important safety feature in any cockpit is always the pilot's realization that *it really **could** happen to me.*

Flight, duty and rest time requirements exist primarily to avoid incidents and accidents related to pilot fatigue.

IV. Examples

Example #1 – During the course of two consecutive calendar quarters you have accumulated 752 hours of commercial flying for Austin's Air Service, LLC. plus another 46 hours of commercial flying part-time for an FBO. Today is the last day of the second calendar quarter. Can you accept a Part 135 duty assignment from Austin's Air Service, LLC. which is scheduled to involve a total of 6 hours of commercial flying? ("Part 135 duty assignment" means a duty assignment which is scheduled to include at least one Part 135 flight leg.)

Example #2 – During the course of two consecutive calendar quarters you have accumulated 752 hours of commercial flying for Austin's Air Service, LLC. plus another 46 hours of commercial flying part-time for an FBO. Today is the last day of the second calendar quarter. Can you accept a Part 91 duty assignment from Austin's Air Service, LLC which is scheduled to involve a total of 6 hours of commercial flying? ("Part 91 duty assignment" means a duty assignment which is not scheduled to include any Part 135 flight legs.)

Example #3 – During the course of two consecutive calendar quarters you have accumulated 752 hours of commercial flying for Austin's Air Service, LLC. plus another 46 hours of commercial flying part-time for an FBO. Today is the last day of the second calendar quarter. Can you accept a request by the FBO to do a 6-hour commercial flight?

Example #4 – A dispatcher from Austin's Air Service, LLC. calls you at home and offers you the following Part 135 duty assignment:

On duty – 0636
Leg 1 (135) – 1.4 hours
Leg 2 (135) – 2.1 hours
Leg 3 (91) – 1.3 hours
Leg 4 (135) – 0.6 hours
Leg 5 (91) – 0.6 hours
Leg 6 (135) – 1.7 hours
Leg 7 (91) – 0.5 hours
Leg 8 (135) – 1.2 hours
Off duty – 1718

Can you legally accept this assignment?

Example #5 – A dispatcher for Austin's Air Service, LLC. calls you at home and offers you the following Part 91 duty assignment:

On duty – 0636
Leg 1 (91) – 1.4 hours
Leg 2 (91) – 2.1 hours
Leg 3 (91) – 1.3 hours
Leg 4 (91) – 0.6 hours
Leg 5 (91) – 0.6 hours
Leg 6 (91) – 1.7 hours
Leg 7 (91) – 0.5 hours
Leg 8 (91) – 1.2 hours
Off duty – 1718

Can you legally accept this assignment?

Example #6 – You have a second job as an "elevator operator" at a drop zone, carrying skydivers up to jump altitude all day. One Saturday morning you fly five hours at the DZ. Then a dispatcher from Austin's Air Service, LLC. calls you at noon and offers you the following special Part 135 duty assignment:

On duty – 1406
Leg 1 (135) – 1.1 hours
Leg 2 (135) – 1.3 hours
Leg 3 (91) – 0.8 hours
Leg 4 (135) – 1.6 hours
Off duty – 2112

Can you legally accept this assignment?

Example #7 – You have a second job as an "elevator operator" at a drop zone, carrying skydivers up to jump altitude all day. One Saturday morning you fly five hours at the DZ. Then Austin's Air Service, LLC. calls you at noon and offers you the following special Part 91 duty assignment:

On duty – 1406
Leg 1 (91) – 1.1 hours
Leg 2 (91) – 1.3 hours
Leg 3 (91) – 0.8 hours
Leg 4 (91) – 1.6 hours
Off duty – 2112

Can you legally accept this assignment?

Example #8 – On Monday you did this:

On duty – 1242
Leg 1 (135) – 1.7 hours
Leg 2 (135) – 1.7 hours
Leg 3 (135) – 1.7 hours
Leg 4 (135) – 1.7 hours
Off duty – 2154

On Tuesday you are asked to do this:

On duty – 0800
Leg 1 (135) – 1.5 hours
Leg 2 (135) – 1.5 hours
Off duty – 1242

Can you legally accept this assignment?

Example #9 – A dispatcher from Austin's Air Service, LLC. calls you at home and offers you the following Part 135 duty assignment:

On duty – 0824
Leg 1 (135) – 1.2 hours
Leg 2 (135) – 2.0 hours
Leg 3 (135) – 1.3 hours
Leg 4 (135) – 1.6 hours
Leg 5 (135) – 1.6 hours
Off duty – 2348

Can you legally accept this assignment?

Example #10 – A dispatcher from Austin's Air Service, LLC. calls you at home and offers you the following Part 91 duty assignment:

On duty – 0824
Leg 1 (91) – 1.2 hours
Leg 2 (91) – 2.0 hours
Leg 3 (91) – 1.3 hours
Leg 4 (91) – 1.6 hours
Leg 5 (91) – 1.6 hours
Off duty – 2348

Can you legally accept this assignment?

Example #11 – On Wednesday you are *scheduled* to do this:

On duty – 1100
Leg 1 (135) – 1.5 hours
Leg 2 (135) – 1.3 hours
Leg 3 (135) – 1.7 hours
Leg 4 (135) – 0.5 hours
Off duty – 2330

Due to mechanical problems and weather delays, however, you do not actually end up going off duty until 0400 Thursday morning. You are scheduled to do the same run again on Thursday. What is the soonest time that you can legally report for duty?

Example #12 – On Wednesday you are *scheduled* to do this:

On duty – 1100
Leg 1 (91) – 1.5 hours
Leg 2 (91) – 1.3 hours
Leg 3 (91) – 1.7 hours
Leg 4 (91) – 0.5 hours
Off duty – 2330

Due to mechanical problems and weather delays, however, you do not actually end up going off duty until 0400 Thursday morning. What is the soonest time that you can legally report back again for a Part 135 duty assignment?

Example #13 – On Wednesday you are *scheduled* to do this:

On duty – 1100
Leg 1 (135) – 1.5 hours
Leg 2 (135) – 1.3 hours
Leg 3 (135) – 1.7 hours
Leg 4 (135) – 0.5 hours
Off duty – 2330

Due to mechanical problems and weather delays, however, you do not actually end up going off duty until 0400 Thursday morning. What is the soonest time that you can legally report back again for a Part 91 duty assignment?

Example #14 – On Monday you are *scheduled* to do this:

On duty – 1100
Leg 1 (135) – 1.5 hours
Leg 2 (135) – 1.3 hours
Leg 3 (135) – 1.7 hours
Leg 4 (135) – 0.5 hours
Off duty – 2330

Due to extremely unfavorable conditions involving holds, extensive vectoring and multiple approaches, however, you end up actually doing this:

On duty – 1100
Leg 1 (135) – 2.3 hours
Leg 2 (135) – 2.5 hours
Leg 3 (135) – 1.9 hours
Leg 4 (135) – 2.0 hours
Off duty – 2330

What is the soonest time that you can legally report back again for a Part 135 duty assignment?

Example #15 – On Monday you are *scheduled* to do this:

On duty – 1100
Leg 1 (135) – 1.5 hours
Leg 2 (135) – 1.3 hours
Leg 3 (135) – 1.7 hours
Leg 4 (135) – 0.5 hours
Off duty – 2330

Due to extremely unfavorable conditions involving holds, extensive vectoring and multiple approaches, however, you end up actually doing this:

On duty – 1100
Leg 1 (135) – 2.3 hours
Leg 2 (135) – 2.5 hours
Leg 3 (135) – 1.9 hours
Leg 4 (135) – 2.0 hours
Off duty – 2330

What is the soonest time that you can legally report back again for a Part 91 duty assignment?

Example #16 – So far in this calendar quarter, you have had 12 rest periods of 24 hours. Today is the last day of the quarter. Can you accept a Part 135 assignment today?

Example #17 – So far in this calendar quarter, you have had 12 rest periods of 24 hours. Today is the last day of the quarter. Can you accept a Part 91 assignment today?

Solutions to the Examples

1. No. 752 + 46 = 798, so you only have 2 hours left. So accepting this duty assignment would be a violation of §135.267(a)(2).

2. Yes. §135.267 does not apply to Part 91 duty assignments.

3. Yes. §135.267 does not apply to the FBO, only to the 135 operator (Austin's Air Service, LLC., in this case).

4. No, because you are scheduled to fly for a total of 9.4 hours. That would be a violation of §135.267(b).

5. Yes. §135.267 does not apply to Part 91 duty assignments.

6. No, because when added to the 5 hours of commercial flying you did this morning, this assignment would give you a total of 9.8 hours of commercial flying within a 24-hour period. That would be a violation of §135.267(b).

7. Yes. §135.267 does not apply to Part 91 duty assignments.

8. No. This would cause you to exceed 8 hours of commercial flying in a 24-hour period, which would be a violation of paragraph (b).

9. No. From 0824 to 2348 would be 15.4 hours. That would be a violation of §135.267(d).

10. Yes. §135.267 does not apply to Part 91 duty assignments.

11. 1400, 10 consecutive hours later.

12. 1400, 10 consecutive hours later.

13. Any time. §135.267 does not apply to Part 91 duty assignments.

14. 1130. Since you flew 8.7 hours, you exceeded 8 hours by more than 30 minutes but not more than an hour. So you need at least 12 consecutive hours of rest.

15. Answer: Any time. §135.267 does not apply to Part 91 duty assignments.

16. No. You need one more rest period for the quarter.

17. No. You need one more rest period for the quarter. Even though this was a Part 91 assignment, when the FAA looks at your records as a Part 135 pilot they need to see at least 13 rest periods for each calendar quarter. If there are not 13 in there somewhere, the entire quarter is illegal. Unlike paragraphs (a), (b) and (d), which are written in the *future* tense, paragraph (f) is written in the *present* tense. One way or another, you and the operator have to ensure that you have 13 rest periods in each quarter.