



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

Office of the Chief Counsel

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Washington, D.C. 20591

AUG - 5 2016

James W. Johnson
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535 Herndon Parkway
PO Box 1169
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Re: Termination of flight time under 14 C.F.R. § 1.1

Dear Mr. Johnson:

This is in response to your letter posing four scenarios and asking whether flight time, as defined in 14 C.F.R. § 1.1, terminates in each of those scenarios. Because the answer to all four scenarios is the same, we will first summarize your scenarios and then explain why flight time does not terminate in any of those scenarios.

Scenarios:

Your letter poses the following four scenarios for FAA consideration.

Scenario 1: A flight from BWI to DEN diverts for weather into COS, fully intending to continue to DEN. 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, requiring flightcrew supervision as no ground personnel or support equipment are available.

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 flightcrew to deplane.

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, requiring flightcrew supervision as no ground personnel or support equipment are available.

Scenario 4:¹ 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.

¹ We have rephrased this scenario to help clarify the issue.

Discussion:

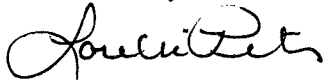
Your letter asks whether the accrual of flight time for the flightcrew in each of the above scenarios would temporarily cease or otherwise terminate given the facts of the scenario.

Flight time is defined in 14 C.F.R. § 1.1, in pertinent part, as “[p]ilot time that commences when an aircraft moves under its own power for the purpose of flight and ends when the aircraft comes to rest after landing.” In a 2004 interpretation issued to Randall C. Kania, the FAA explained that once flight time commences, it continues to accrue as long as the pilot is required to remain onboard the aircraft. Thus, an aircraft does not come to rest after landing while the flightcrew is required to remain on the aircraft.

Each of your scenarios presents a fact pattern where flight time has commenced and the aircraft has landed, but the flightcrew is still required to remain on the aircraft. Consequently, the aircraft in each of your scenarios has not come to rest after landing and flight time would continue to accrue in each scenario.

We appreciate your patience and trust that the above responds to your concerns. If you need further assistance, please contact my staff at (202) 267-3073. This response was prepared by Alex Zektser, Attorney, Regulations Division of the Office of the Chief Counsel, and coordinated with the Air Transportation Division of Flight Standards Service.

Sincerely,



Lorelei Peter
Assistant Chief Counsel for Regulations, AGC-200