U.S. Department
of Transportation
Federal Aviation Administration

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

NOV -5 2014

Don Wykoff
Air Line Pilots Association, Int'l
535 Herndon Parkway
P.O. Box 1169
Herndon, VA 20172-1169

Re: Calculation of Cumulative Flight Time Limitations Under 14 C.F.R. § 117.23(a)

Dear Mr. Wykoff,

We are in receipt of your request for an interpretation of 14 C.F.R. § 117.23(a) as it relates to applying the limitations in § 117.23 to "all flying by flightcrew members on behalf of any certificate holder or 91K Program Manager during the applicable periods." Your letter specifically asks whether it is correct that flying for compensation or hire that is not performed for a certificate holder or 91K Program Manager is not required to be included in the cumulative limitation calculation under § 117.23.

The answer to your question is yes, the time would not be counted as part of the flightcrew member's cumulative flight time limitations, so long as there was no connection between a certificate holder or 91K Program Manager and the person or entity that the other flying was performed on behalf of. The FAA notes that while this flying would not be included in the cumulative flight time limitations of the flightcrew member, § 117.5 requires an affirmative certification of fitness for duty prior to any flight segment conducted under part 117, regardless of whether the other flying was conducted on behalf of a certificate holder or 91K Program Manager.

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 letter has been prepared by Robert H. Frenzel, Manager, Operations Law Branch, Office of the Chief Counsel and coordinated with the Air Transportation Division of Flight Standards Service.

Sincerely,

Mark W. Bury
Assistant Chief Counsel for
International Law, Legislation and Regulations, AGC-200