This study aid was written by Austin S. Collins for the purpose of helping employees (or prospective employees) of Flight Express, Inc. learn what they need to know in order to be safe, compliant and effective courier pilots. This material was neither produced nor approved by the FAA, although it is based on facts found in FAA regulations, the Aeronautical Information Manual, advisory circulars and other official sources. There is no substitute for thoroughly studying and periodically reviewing such items.

Flight Express, Inc. is a Part 135 commercial air carrier. Accordingly, we must abide by the applicable federal requirements for scheduling and accepting flight assignments. These requirements are strict, explicit and specific. Don’t waste your time questioning them. They are non-negotiable. You might not like them or agree with them – in fact, I might not, either – but it doesn’t matter. Rules are rules.

Topics:

I. Basic Concepts and Definitions

II. The Regulation Itself, With Explanations

III. Worksheet

IV. Examples
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 your Pilot Duty Record and your Monthly Summary Sheet . . . regardless of what you 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 MSS say so. Moreover, you must be on duty any time you perform any paid function for the certificate holder (Flight Express), aviation-related or otherwise.

Definition 2: “Rest” is legally defined in this case as time during which you were off duty. It doesn’t matter what you do during this time! . . . 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. We call this “block-to-block time,” abbreviated BTB on the Monthly Summary Sheet.

Block-to-block time is not the same as Hobbs or tach time! At Flight Express, we record tach time only for one reason: to track airplane maintenance status. Tach time is recorded on your Aircraft Record 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 (block-out time) . . . and then write down the time that you come to a complete stop in the ramp area at your destination (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.

What was his . . . Hobbs time? 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
- 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 block-out time 0510 to block-in time 0635, 1:25 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 list his total block-to-block time on his Monthly Summary Sheet in the “actual BTB today” column. He can put this same total in his logbook. (His Hobbs time, incidentally, was 1.7 and his tach time was only .9 since the engine was only operating at high power settings for a relatively short period of time.)
B. Basic Concepts

Concept 1: Flight Express is considered an unscheduled carrier because it does not publish its schedule to the public. (We have a 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 Flight Express employees (such as pilots, mechanics or dispatchers) as passengers does not count as carrying passengers for hire, because they are not paying to fly.

Concept 3: A flight with no customer property and no paying passengers on board may be conducted under Part 91. 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. “One drop poisons the whole barrel.”

Concept 4: If a duty period is not scheduled to include any Part 135 flying, then obviously §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.

Concept 5: We do not use licensed dispatchers at Flight Express. (A licensed dispatcher is someone who can plan flight assignments for you.) The burden of staying legal rests entirely upon your shoulders.

Flight Express (the certificate holder referred to in the regulations) will offer you assignments. Usually it will be a regularly scheduled assignment but sometimes it will be a special or unusual assignment. In any case, you are expected and required to accept all legal assignments offered to you unless you are unable to for reasons beyond your control. If an assignment is in violation of FAR §135.267, however, then you must refuse it and explain why. If you accept an illegal assignment then both the certificate holder and the pilot can get in 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 actually acting in the capacity of a licensed dispatcher.

Remember: If an assignment is scheduled to include any Part 135 flying at all, even a single five-minute leg, then FAR §135.267 applies to the whole assignment . . . in terms of your ability to accept it.

Also remember: If an assignment is not scheduled to include any Part 135 flying, THEN FAR §135.267 DOES NOT APPLY. There are no restrictions on flight, duty or rest times – NONE.
II. The Regulation Itself, With Explanations

(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 phrase “total flight time in all commercial flying.” Paragraph (a) requires that Flight Express 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 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. It is your responsibility to check your logbook periodically and make sure that you are in compliance with §135.267(a).

(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 Flight Express 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 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.)

(c) A flight crewmember's flight time may exceed the flight time limits of paragraph (b) of this section if the assigned flight time occurs during a regularly assigned duty period of no more than 14 hours and—
(1) If this duty period is immediately preceded by and followed by a required rest period of at least 10 consecutive hours of rest;
(2) If flight time is assigned during this period, that total flight time when added to any other commercial flying by the flight crewmember may not exceed—
(1) 8 hours for a flight crew consisting of one pilot

This means that you may be scheduled to exceed 8 hours of total compensated flying in a period of 24 consecutive hours under Part 135, but only in one special and unique case . . . the one described above.
(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:

1.) 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.)

2.) 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. NO EXCEPTIONS, FOLKS! EVER!

(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 even if the original planning was realistic. Remember this golden phrase: “If you were legal to START the assignment, you are 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.

If this occurs, however, you will need compensatory rest before you can legally begin another Part 135 assignment, as outlined above.

(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.

Flight Express must give you at least 13 rest periods of at least 24 consecutive hours each calendar quarter. Because a weekend consists of two 24-hour periods, this should not be a problem.
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 Flight Express*, ask yourself the following 4 questions. Use FAR §135.267 (and this handout) 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?

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 in a situation not exempted by (c)**?

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***?

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?

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

** (c) only applies if the duty periods are scheduled to be no longer than 14 hours each, there is scheduled to be no more than 8 hours of flying within each duty period and the duty periods are preceded by and followed by a rest period of no less than 10 hours.

*** 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-iversary" . . .

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 being flown for an on-demand Part 135 operator.
- 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 1/2 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 . . . certainly much more experienced than I. We can speculate that perhaps his high level of comfort and familiarity with the job may have lulled him into a complacent, overconfident attitude: "I can handle it." Perhaps all of us should take a moment to privately think about all the times we've taken off with a nagging little voice in the backs of our heads 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.
IV. Examples

Example #1 – During the course of two consecutive calendar quarters you have accumulated 752 hours of commercial flying for Flight Express 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 Flight Express 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 Flight Express 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 Flight Express 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 Flight Express 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 Flight Express dispatcher 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 Flight Express dispatcher 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 Flight Express dispatcher 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 a Flight Express dispatcher 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 Flight Express dispatcher 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 Flight Express dispatcher 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 (Flight Express).

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. Yes. While it is true that you will exceed 8 hours of commercial flying in a 24-hour period, this is legal because paragraph (c) applies. Paragraph (c) is intended to address the problem of back-to-back duty assignments which are otherwise legal. Since each duty period is no more 14 hours, there are no more than 8 hours of commercial flying within each duty period and you will have had at least 10 hours of rest before beginning the second duty period, paragraph (c) provides relief from 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.