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Federal Aviation
Administration

Advisory Circular

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This advisory circular (AC) provides guidance and basic information on the certification processes for a Title 14 of the Code of Federal Regulations (14 CFR) parts 121 and 135 Air Carrier or Operating Certificate.



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CHAPTER 1. GENERAL

1.1 Purpose of This Advisory Circular (AC). This AC provides information and describes one means that would be acceptable to the Administrator for applying for a Title 14 of the Code of Federal Regulations (14 CFR) part 121 or 135 Air Carrier or Operating Certificate. The contents of this document do not have the force and effect of law and are not meant to bind the public in any way, and the document is intended only to provide information to the public regarding existing requirements under the law or agency policies.

1.2 Audience. The primary audience for this AC includes persons seeking certification as a part 121 and/or 135 air carrier or operator. The secondary audience includes Federal Aviation Administration (FAA) responsible Flight Standards offices and principal inspectors (PI) assigned to certification projects and oversight of certificate holders (CH) conducting operations under part 121 and/or 135.

1.3 Where You Can Find This AC. You can find this AC on the FAA's website at https://www.faa.gov/regulations_policies/advisory_circulars and the Dynamic Regulatory System (DRS) at https://drs.faa.gov.

1.4 What This AC Cancels. AC 120-49A, Parts 121 and 135 Certification, dated July 5, 2018, is canceled.

1.5 Scope. This AC provides a general overview of the parts 121 and 135 air carrier or operator certification process, the types of Air Carrier and Operating Certificates, and reference materials.

1.6 AC Feedback Form. For your convenience, the AC Feedback Form is the last page of this AC. Note any deficiencies found, clarifications needed, or suggested improvements regarding the contents of this AC on the Feedback Form.

CHAPTER 2. DETERMINING THE OPERATING RULE

2.1 General. The 14 CFR part the applicant will operate under is determined by the type of operation in combination with the type and size of the aircraft(s) utilized.

2.2 Definitions and Certification Requirements.

2.2.1 Definitions. Title 14 CFR part 110 contains the commonly used definitions related to air carrier and operating certification.

2.2.2 Certification Requirements. Title 14 CFR part 119 establishes the general certification requirements for air carriers and commercial operators. Part 119 contains the following:

1. Information to determine the appropriate operating rules for the kind of operations that are conducted;
2. Common certification requirements for 14 CFR parts 121 and 135 (e.g., operations specifications (OpSpecs) and management personnel); and
3. Miscellaneous safety provisions common to parts 121 and 135 (e.g., wet leasing and emergency operations).

2.3 Certification Determinations, Types of Certificates, and Applicable Rules. An applicant can use the following steps to determine which certificate will apply to their proposed operation.

2.3.1 Step 1: Common Carriage or Noncommon Carriage. The first step in evaluating an application for certification is to determine whether an applicant will be conducting operations in common carriage or noncommon carriage. The applicant should be familiar with these terms:

2.3.1.1 Common Carriage. An applicant is engaged in common carriage if the applicant "holds itself out" to the public (by advertising or other means) to transport persons or property for compensation or hire. There are four elements in defining a common carrier:

1. A holding out to the public of a willingness to,
2. Transport persons or property,
3. From place to place, and
4. For compensation.

2.3.1.2 Noncommon Carriage. An applicant is engaged in noncommon carriage if they conduct aircraft operations for compensation or hire that do not involve a holding out to the public.

Note: For further information regarding common carriage and noncommon carriage, refer to the current edition of AC 120-12,

Private Carriage Versus Common Carriage of Persons or Property, as well as part 110.

2.3.2 Step 2: Air Carrier Certificate or Operating Certificate (Part 119).

2.3.2.1 **Air Carrier Certificate.** This certificate is issued to applicants who plan to conduct interstate, foreign, or overseas transportation, or to carry mail.

2.3.2.2 **Operating Certificate.** This certificate is issued to applicants who plan to conduct intrastate transportation.

2.3.3 Step 3: Operating Rules (Part 121 and/or 135). Once the type of certificate has been determined, the next step is to determine the appropriate operating rule and kinds of operation. There are two operating rules that are appropriate for air carriers and commercial operators. An applicant will operate under part 121, part 135, or both, depending on whether the operation is scheduled, and the size and type of aircraft used. There are five kinds of operations:

1. Domestic (part 121),
2. Flag (part 121),
3. Supplemental (part 121),
4. Commuter (part 135), and
5. On-demand (part 135).

Note: To determine the appropriate operating rule and kind of operation, the next step is to determine if scheduled or nonscheduled operations will be conducted.

2.3.4 Step 4: Scheduled Operations and Nonscheduled Operations.

2.3.4.1 **Scheduled Operations.** Scheduled operations include passenger operations in which the departure location, departure time, and the arrival location are offered in advance by the certificate holder (CH). Scheduled operations may also carry cargo or mail in addition to passengers. However, an all-cargo operation is defined as a nonscheduled operation.

2.3.4.2 **Nonscheduled Operations.** Nonscheduled operations include:

1. Passenger-carrying operations in which the departure time and the departure and arrival locations are specifically negotiated with the customer or the customer's representative.
2. All-cargo operations.
3. Scheduled passenger operations in aircraft (other than turbojet-powered aircraft) that have nine or less passenger seats and a 7,500-pound payload or less that are limited to operating with a frequency of fewer than five

round trips a week on at least one route between two or more points according to a published flight schedule.

2.3.5 Step 5: Kinds of Scheduled and Nonscheduled Operations.

2.3.5.1 Kinds of Scheduled Operations.

2.3.5.1.1 Domestic (Part 121). Domestic operations are scheduled operations between any points within the 48 contiguous states of the United States, or within any state. For more information, see Chapter 3, paragraph 3.3.1.

2.3.5.1.2 Flag (Part 121). Flag operations are scheduled operations between any points outside the 48 contiguous states. For more information, see Chapter 3, paragraph 3.3.2.

2.3.5.1.3 Commuter (Part 135). CHs with commuter authority have specific limitations on the size and type of aircraft that can be utilized. A CH who has commuter authority may also conduct on-demand operations. Chapter 6, paragraph 6.2.2 contains more information on part 135 commuter CHs.

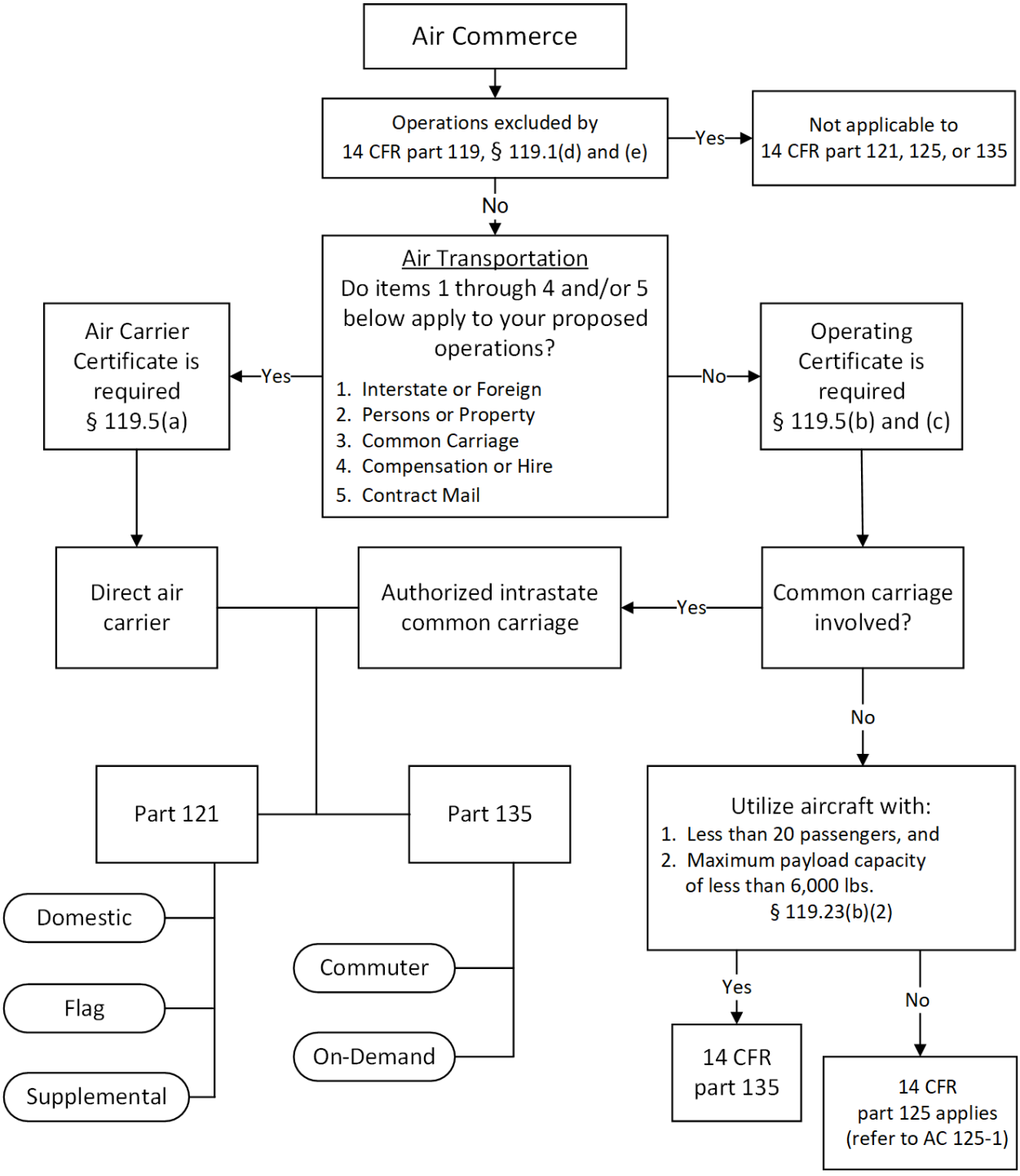
2.3.5.2 Kinds of Nonscheduled Operations.

2.3.5.2.1 Supplemental (Part 121). Supplemental operations are operations for which the departure time, departure location, and arrival location are specifically negotiated with the customer or the customer's representative, or all cargo operations. Chapter 3, paragraph 3.3.3 contains more information on part 121 supplemental CHs.

2.3.5.2.2 On-Demand (Part 135). CHs with on-demand authority have specific limitations on the size of aircraft that can be utilized. They can also conduct limited scheduled operations. Chapter 6, paragraph 6.2.1 contains more information on part 135 on-demand CHs.

Note: Figure 2-1, Air Carrier or Operating Certificate Flowchart, can be used in determining which type of certificate is appropriate.

Figure 2-1. Air Carrier or Operating Certificate Flowchart

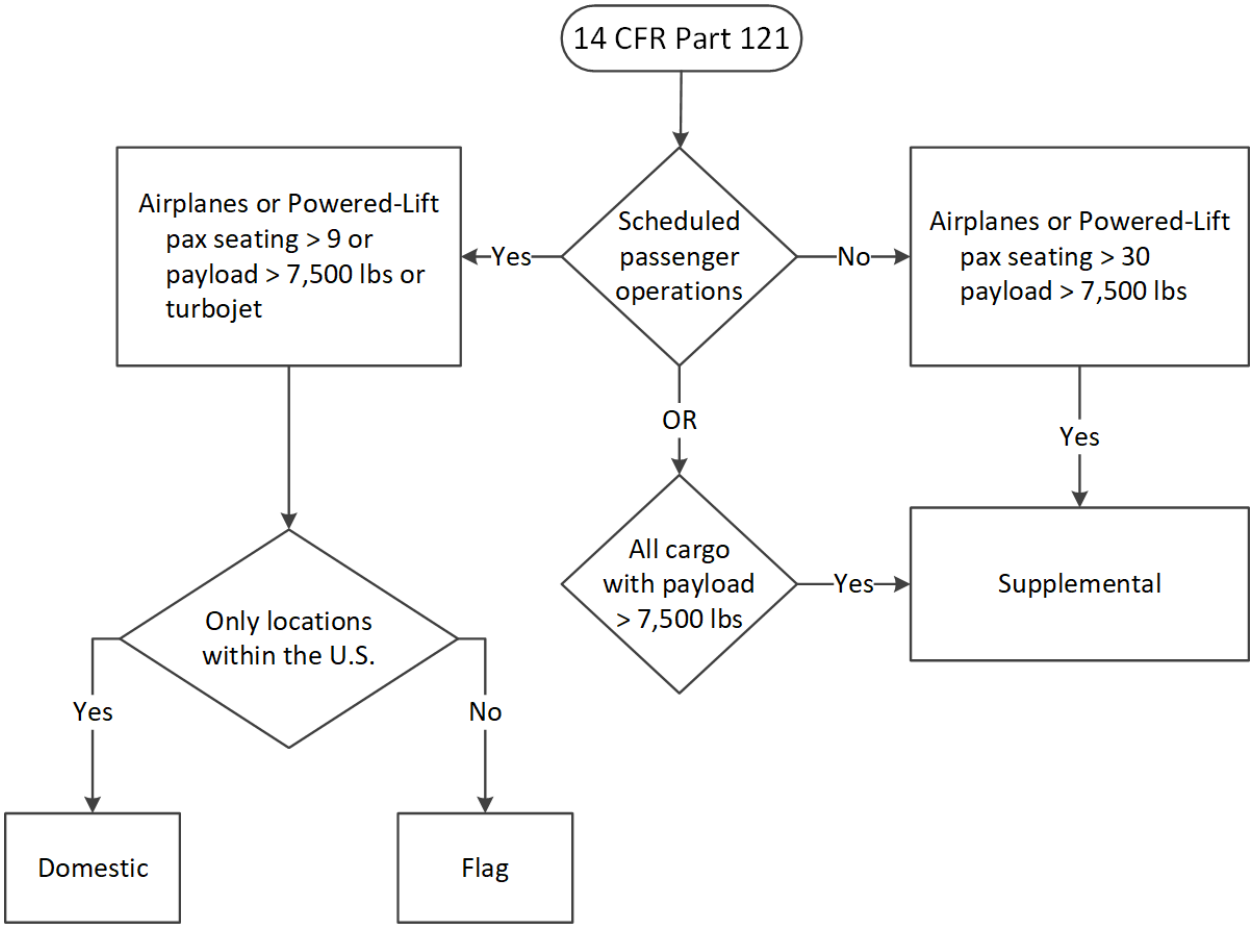


CHAPTER 3. PART 121 CERTIFICATION INFORMATION

3.1 General. This chapter contains information on the kind of operations that can be conducted under 14 CFR part 121.

3.2 Determining the Kind of Operation to be Conducted for Part 121. This chart is to assist an applicant in determining the requirements for each kind of operation: domestic, flag, or supplemental (see Figure 3-1 below):

Figure 3-1. Part 121 Domestic, Flag, or Supplemental Operations Flowchart



3.3 Kinds of Operations.

3.3.1 Domestic Operation. A domestic operation is any scheduled operation conducted by any person operating any airplane or powered-lift as described in paragraphs 3.3.1.1 and 3.3.1.2 below.

3.3.1.1 Airplanes or Powered-Lift:

1. Turbojet-powered;
2. Airplanes or powered-lift having a passenger seat configuration of more than nine passenger seats, excluding each crewmember seat; or
3. Airplanes or powered-lift having a payload capacity of more than 7,500 pounds.

3.3.1.2 Locations:

1. Between any points within the 48 contiguous states of the United States or the District of Columbia;
2. Operations solely within the 48 contiguous states of the United States or the District of Columbia;
3. Operations entirely within any state, territory, or possession of the United States; or
4. When specifically authorized by the Administrator, operations between any point within the 48 contiguous states of the United States or the District of Columbia and any specifically authorized point located outside the 48 contiguous states of the United States or the District of Columbia.

3.3.2 Flag Operation. A flag operation is any scheduled operation conducted by any person operating any airplane or powered-lift as described in in paragraphs 3.3.2.1 and 3.3.2.2 below.

3.3.2.1 Airplanes or Powered-Lift:

1. Turbojet-powered;
2. Airplanes or powered-lift having a configuration of more than nine passenger seats, excluding each crewmember seat; or
3. Airplanes or powered-lift having a payload capacity of more than 7,500 pounds.

3.3.2.2 Locations:

1. Between any point within the State of Alaska or the State of Hawaii or any territory or possession of the United States and any point outside the State of Alaska or the State of Hawaii or any territory or possession of the United States, respectively;
2. Between any point within the 48 contiguous states of the United States or the District of Columbia and any point outside the 48 contiguous states of the United States and the District of Columbia; or
3. Between any point outside the United States and another point outside the United States.

3.3.3 Supplemental Operation. A supplemental operation is any common carriage operation for compensation or hire conducted with any aircraft described in paragraph 3.3.3.1 and the type of operation described in paragraph 3.3.3.2.

3.3.3.1 Airplanes or Powered-Lift:

1. Airplanes or powered-lift having a passenger seat configuration of more than 30 seats, excluding each crewmember seat;
2. Airplanes or powered-lift having a payload capacity of more than 7,500 pounds;
3. Each propeller-powered airplane or powered-lift having a passenger seat configuration of more than 9 seats and fewer than 31 seats, excluding each crewmember seat, that is also used in domestic or flag operations and that is so listed in the operations specifications (OpSpecs) as required by 14 CFR part 119, § 119.49(a)(4) for those operations; or
4. Each turbojet-powered airplane or powered-lift having a passenger seat configuration of 1 or more and fewer than 31 seats, excluding each crewmember seat, that is also used in domestic or flag operations and that is so listed in the OpSpecs as required by § 119.49(a)(4) for those operations.

3.3.3.2 Types of Operation:

1. Operations for which the departure time, departure location, and arrival location are specifically negotiated with the customer or the customer's representative; or
2. All-cargo operations.

CHAPTER 4. PART 121 CERTIFICATION REQUIREMENTS

4.1 General. This chapter contains information on the certification requirements for 14 CFR part 121.

4.2 Preapplication Statement of Intent (PASI). The applicant submits FAA Form 8400-6, Preapplication Statement of Intent, to the responsible Flight Standards office (see Appendix A, References Information and Examples, for the FAA's website address to locate the responsible Flight Standards office). The responsible Flight Standards office will place the form in the Certification Services Oversight Process (CSOP). The CSOP allows the FAA time to make a decision to move the application forward based on assurance that the responsible Flight Standards office has sufficient staff to support the certification process. Once the application is approved and moved forward to the responsible Flight Standards office, the project will be staffed and the applicant will be notified that they may submit a formal application letter (see Appendix A for a list of items to be included in the formal application letter). That letter will request a tentative date for a formal application meeting. Upon submission of the request letter, the certification process will begin in earnest.

4.3 Certification Process Briefing and Safety Management System (SMS) Workshop. The first activity will consist of a certification process briefing and an SMS workshop where the applicant will develop a Preliminary Risk Assessment (PRA) process with the help of the Certification Project Team (CPT). During this briefing, the applicant will be informed of the documents, manuals, and programs that should be submitted as the process moves forward.

Note: The current edition of AC 120-92, Safety Management Systems for Aviation Service Providers, contains information on regulatory requirements, guidance, and methods of developing and implementing an SMS.

4.4 Required Documentation. The applicant will submit the items in Table 4-1, Part 121 Preapplication Checklist, Section 1, through the FAA Safety Assurance System (SAS) External Portal at least 60 calendar days prior to the formal application meeting (refer to 14 CFR part 119, § 119.35).

Note: This checklist is primarily for the use of the applicant. The "Verified by" and "Date" columns are for the use of the applicant at their discretion. Further explanation of these requirements will be provided at the briefing and is available on the FAA's 14 CFR Part 121 Air Carrier Certification web page at https://www.faa.gov/licenses_certificates/airline_certification/air_carrier.

4.5 Part 121 Preapplication Checklist (PAC). Table 4-1 below lists the documentation that should be submitted with the formal application.

Table 4-1. Part 121 Preapplication Checklist

Section 1 **Documentation Required at Formal Application Meeting**				
Document/Manual:			Verified by:	Date:
Formal Application Letter				
Preapplication Statement of Intent (PASI) (FAA Form 8400-6)				
Completed Proposed Schedule of Events (SOE)				
List of Proposed Operations Specifications (OpSpecs)				
Required Management Personnel Résumé, Qualification Summary (QS), and Quality Audit Forms (QAF)				
Management Position:			Verified by:	Date:
Director of Maintenance	QS	QAF		
Director of Operations	QS	QAF		
Chief Pilot	QS	QAF		
Chief Inspector	QS	QAF		
Director of Safety	QS	QAF		
Applicant's Accountable Executive (14 CFR part 5) Designation Letter				
Section 2 **Documentation Required at Formal Application Meeting**				
Document/Manual:			Verified by:	Date:
Updated PASI (FAA Form 8400-6)				
Certification Project Manager (CPM)/Certification Team Leader (CTL) Acceptance of Preliminary Risk Assessment (PRA) Process				
Evidence of Economic Authority Request				
Letters of Incorporation, etc.				
Proposed Draft OpSpecs from Web-Based Operations Safety System (WebOPSS)				
Self-Audited Element Design Data Collection Tools (ED DCT) NOTE: The ED DCT version must be current within 90 calendar days of this submission.				
Initial Compliance Statement (to include 14 CFR parts 5, 117, 119, and 121). The Compliance Statement will be revised as manual references are changed throughout the certification process. This should be a living document after certification.				
Company Manuals and Programs				
Initial Cadre Check Airman (ICCA) Training Plan				
Facility Lease Agreements or Proof of Ownership				
Outsourcing Contractual Agreements				
Aircraft Lease or Proof of Ownership				
Current Aircraft Equipment List				
Aircraft Interior Configuration Document				
Aircraft Information Form				
Status of Drug and Alcohol Program				
Status of Security Program				
Status of Environmental Assessment (EA)				
Status of Hazardous Materials (hazmat) Program and Hazmat Training Program				

CHAPTER 5. PART 121 CERTIFICATION PROCESS

5.1 General. This chapter provides information on the phases of the certification process for 14 CFR part 121 applicants. The FAA utilizes a phase and gate system for certification projects. There are five phases and three gates in the certification process. All items of a particular phase(s) must be completed prior to proceeding past a gate, in accordance with 14 CFR part 119, § 119.35.

5.2 Phase 1: Preapplication. The applicant will send their Preapplication Statement of Intent (PASI) (FAA Form 8400-6) to the FAA through the Safety Assurance System (SAS) External Portal. Upon notification of a pending PASI, the responsible Flight Standards office will ensure that there is sufficient information to further process the preapplication. The primary source of written communication will be conducted through the SAS External Portal.

Note: The SAS External Portal is a free, secure, web-based application that allows for more direct, streamlined, and timely communication between certificate holders (CH) and applicants and the FAA. Some of the SAS External Portal benefits include the ability for CHs and applicants to review and submit information electronically, and to see where documents are in the FAA review process. Applicants can sign up for access to the SAS External Portal at https://sas.faa.gov. Appendix A, Reference Information and Examples, contains more information on signing up for access and using the SAS External Portal.

5.3 Phase 2: Formal Application. A formal application meeting is tentatively scheduled after the FAA receives all submissions required by the Preapplication Checklist (PAC). The Certification Project Team (CPT) reviews the applicant's PAC submissions for completeness, accuracy, and regulatory compliance before confirming the formal application meeting date. During the formal application meeting, the applicant's management personnel must demonstrate knowledge of their air carrier's system design, in accordance with § 119.35.

Note: Phase 2 ends when the CPT accepts the formal application package and all Phase 2 Gate requirements are met.

5.4 Phase 3: Design Assessment (DA). The CPT evaluates the design of the applicant's operating systems to ensure their compliance with regulations and safety standards, including the obligation to provide service at the highest possible degree of safety in the public interest. This phase uses appropriate SAS Data Collection Tools (DCT) to collect data to be used to determine if the air carrier's operational system design and Safety Risk Management (SRM) process meet regulatory requirements.

Note: Phase 3 ends when all programs have been accepted or approved, and all Phase 3 Gate requirements have been met.

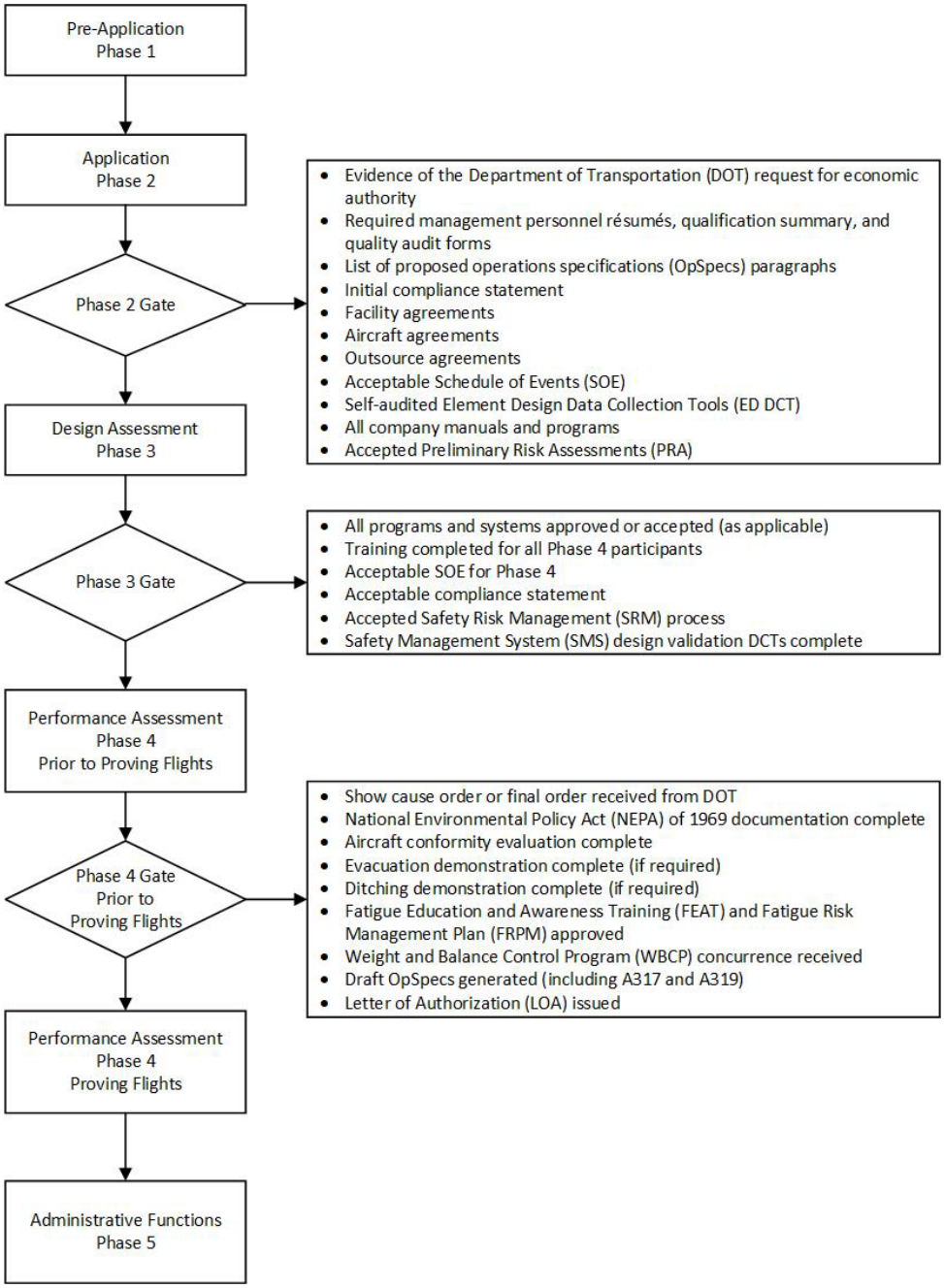
5.5 Phase 4: Performance Assessment (PA). FAA aviation safety inspectors (ASI) use appropriate DCTs during this phase to collect data to be used to determine if the applicant's systems are performing as intended and producing the desired results. This

phase requires the operation of an aircraft to aid in the assessment of the applicant's system design. Proving tests begin only after all Phase 4 Gate requirements are met.

Note: Phase 4 ends after the successful completion of the proving tests.

5.6 Phase 5: Administrative Functions. This phase provides for completion of all administrative functions (e.g., issuance of the Air Carrier or Operating Certificate and operations specifications (OpSpecs) and completion of certification reports).

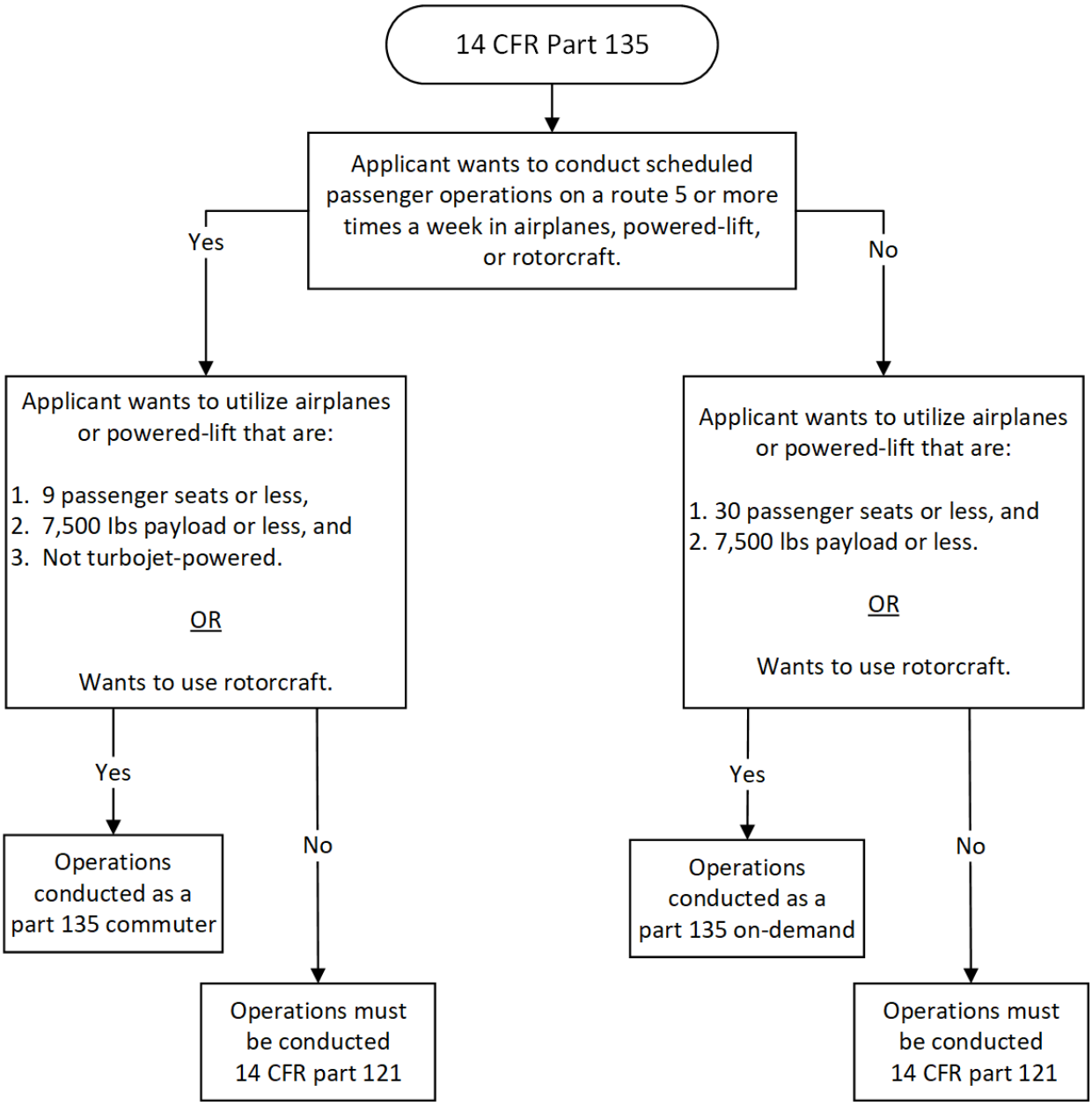
Figure 5-1. Part 121 Certification Process Flowchart



CHAPTER 6. PART 135 CERTIFICATION INFORMATION

6.1 General. This chapter contains information on the type and kind of operations that can be conducted under 14 CFR part 135.

Figure 6-1. Part 135 Commuter or On-Demand Operations Flowchart



6.2 Kinds of Part 135 Certificate Operating Authorities. An important consideration when starting the certification process is for the applicant to determine the kind of operations that they wish to conduct. Part 135 certificate holders may conduct on-demand operations or scheduled (commuter) operations. Each kind of operation, on-demand or commuter, has specific limitations associated with them, including the number of passenger seats

that can be installed on the aircraft, maximum payload limits, and whether turbojet aircraft can be used in that kind of operation.

6.2.1 On-Demand. Common carriage on-demand operations can be conducted in airplanes or powered-lift that have a passenger seating configuration of 30 seats or less and a maximum payload capacity of 7,500 pounds, or in any rotorcraft.

6.2.1.1 Limited Scheduled Operations. On-demand CHs can also conduct limited scheduled operations with the following additional restrictions:

1. Fewer than five round trips per week on at least one route between two or more points according to published flight schedules;
2. No turbojet aircraft can be used; and
3. Airplanes or powered-lift are limited to a maximum passenger seating configuration of nine seats or less.

6.2.1.2 Noncommon On-Demand Operations. Noncommon on-demand operations can be conducted with airplanes or powered-lift having a passenger seat configuration of fewer than 20 seats, excluding each crewmember seat, and a payload capacity of less than 6,000 pounds.

6.2.2 Commuter. Commuter operations may be conducted in airplanes or powered-lift that have a maximum passenger seating configuration of nine seats and a maximum payload capacity of 7,500 pounds or in any rotorcraft. Commuter operations cannot be conducted in any turbojet aircraft. A CH with commuter authority can also conduct on-demand operations.

6.3 Classifications of Part 135 Certificates. A part 135 CH has further options depending on the scope of the operations that they wish to conduct. The FAA authorizes the scope of operations through the issuance of operations specifications (OpSpecs). The following classifications of operations are available:

1. Single-pilot;
2. Single pilot in command (PIC);
3. Basic part 135; and
4. Standard part 135.

6.3.1 Part 135 Single-Pilot. A single-pilot operator is a CH that is limited to using only one pilot for all part 135 operations. That specific pilot is listed by name and certificate number on the FAA-issued OpSpecs. In general, the regulations do not require a single-pilot operator to develop and maintain manuals or training programs, or designate a Director of Operations (DO), Chief Pilot, or a Director of Maintenance (DOM). However, they are required, in accordance with part 135, § 135.77, to designate the management officials responsible for operational control and to provide a hazardous materials (hazmat) training program.

Note: Under International Civil Aviation Organization (ICAO) Standards and Recommended Practices (SARPs), international flight operations (including overflight of international waters) require management, manuals, and a training program, regardless of scope of operation. As of the release date of this document, the FAA has not filed differences with ICAO on this SARP. Unless differences are filed with ICAO and accepted by the country in which a CH wishes to conduct operations, single-pilot operators will be required to have management, manuals, and a training program in order to conduct international operations.

6.3.2 Part 135 Single PIC. A single PIC operator is a CH that is limited to using only one PIC and up to three second-in-command (SIC) pilots for all part 135 operations. The PIC and the SIC(s) are listed by name and certificate number on the FAA-issued OpSpecs. The CH is authorized to use those pilots only in the specific duty positions listed in the FAA-issued OpSpecs. Single PIC CHs have limitations on the size of aircraft and the scope of operations that are allowed, which include:

1. Aircraft are limited to those type certificated with nine passenger seats or less;
2. Operations are limited to the United States, Canada, Mexico, and the Caribbean; and
3. No Category (CAT) II or CAT III instrument approach operations are allowed.

Note 1: Although required by regulation, deviations may be granted for a required manual (§ 135.21), training programs (§ 135.341), and certain management positions (14 CFR part 119, § 119.69). For any deviations to be granted, the applicant or CH must show it can perform the operation with the highest degree of safety to receive deviations from these requirements.

Note 2: Under ICAO SARP, international flight operations (including overflight of international waters) require management, manuals, and a training program, regardless of scope of operation. As of the release date of this document, the FAA has not filed differences with ICAO on this SARP. Unless differences are filed with ICAO and accepted by the country that a CH wishes to conduct operations, single PIC operators will be required to have management, manuals, and a training program if they conduct international operations.

6.3.3 Basic Part 135. A basic part 135 operator is a CH whose operation is limited in the size and scope of their operations. They have the following limitations:

1. Maximum of five pilots, including SICs;
2. Maximum of five aircraft can be used in operations;
3. Maximum of three different types of aircraft used;
4. Aircraft are limited to those type certificated with nine passenger seats or less;
5. Operations are limited to the United States, Canada, Mexico, and the Caribbean; and
6. No CAT II or CAT III instrument approach operations are allowed.

Note: Basic part 135 operators are required to develop and maintain manuals (§ 135.21), training programs (§ 135.341), and have the required management positions (§ 119.69). However, due to the limited size and scope of these CHs, specific limited deviations to those requirements may be authorized by the FAA. For any deviations to be granted, the applicant or CH must show it can perform the operation with the highest degree of safety to allow deviations from these requirements.

6.3.4 Standard Part 135. A standard part 135 operator is a CH that does not have pre-set limits on the available size or scope of their operations. The applicant, per § 119.51(c), must apply, qualify, and be granted FAA authorization through OpSpecs for each type of operation they wish to conduct. Standard part 135 operators are required to develop and maintain manuals, training programs, and have the required part 119 management positions.

6.3.5 Changes in Classification or Scope of Operations. As a CH's business evolves, they may decide to change the classification or scope of their operation. Should the operator decide to request authority for a change in the classification or scope of their operations, an abbreviated certification process may be required, in accordance with § 119.41. Some examples of changes in scope that may require an abbreviated certification process include:

1. Addition of a new category or class of aircraft;
2. Requesting additional areas of operations;
3. Adding operating authorities, such as air ambulance, helicopter air ambulance (HAA), scheduled passenger operations, etc.; or
4. Changing from one classification of certificate to another.

Note: The CH should contact the responsible Flight Standards office for a determination of any additional certification requirements whenever they wish to initiate a change in the classification or scope of their operations.

CHAPTER 7. PART 135 CERTIFICATION REQUIREMENTS

7.1 General. This chapter contains information on 14 CFR part 135 certification requirements. Some items may not be required depending on the classification of the part 135 certificate the applicant is seeking.

7.2 Company Ownership. In accordance with 14 CFR part 119, § 119.33, an applicant for any certificate issued under part 119 must be a citizen of the United States. If the proposed certificate holder (CH) will be owned by a partnership, each member of the partnership must be a U.S. citizen. If owned by a corporation or association created or organized under the laws of the United States or of any state, territory, or possession of the United States, the president and two-thirds or more of the board of directors and other managing officers must be citizens of the United States, and at least 75 percent of the voting interest must be owned or controlled by persons who are citizens of the United States or one of its possessions (refer to 14 CFR part 298, § 298.2).

7.3 Principal Base of Operation. The applicant must maintain a principal base of operation at the time of application, in accordance with § 119.47. This can be demonstrated via either documentation of ownership, lease agreement, or a letter of intent that it has established a physical location for the principal base of operation.

7.4 Aircraft. Per part 135, § 135.25(b), an applicant/CH must have the exclusive use of at least one aircraft that meets the requirements for at least one kind of operation. The applicant must either own or have a lease agreement for a period of 6 continuous months from the time of certification to satisfy the exclusive use requirement. The applicant may begin the certification process with a letter of intent showing that an aircraft will be purchased or leased, but in no circumstance will the certification process be completed until a suitable aircraft has been provided.

Note: Once the scope of operation is determined, a written statement showing that the aircraft and its equipment conform to the requirements of part 135 subpart C must be provided. It should also include proof that the aircraft has the proper registration, airworthiness certification, identification, and is in an airworthy condition. The CH must also show that the aircraft meets the requirements for their proposed operations.

7.4.1 Aircraft Maintenance Requirements for Part 135 Operations. Certification of a part 135 operation requires applicants show and the Administrator find that the applicant can meet their responsibility to ensure the aircraft are airworthy at all times during operational use. The part 135 CH's operation and the aircraft's passenger seating capacity will determine the maintenance, preventative maintenance, and alteration program needed by the CH.

7.4.1.1 Aircraft Type Certificated With Nine Passenger Seats or Less. Applicants utilizing these aircraft may use the aircraft inspections required or allowed under 14 CFR part 91, in accordance with § 135.411(a)(1). Whenever the Administrator finds part 91 aircraft inspections are not adequate, or upon application by a CH, an Approved Aircraft Inspection Program (AAIP) is

authorized with Operations Specification (OpSpec) D073, Approved Aircraft Inspection Program (AAIP). An applicant who is not otherwise required may elect to maintain its aircraft under a Continuous Airworthiness Maintenance Program (CAMP). Additional information regarding these programs is found in the current editions of AC 120-16, Air Carrier Maintenance Programs, and AC 120-79, Developing and Implementing an Air Carrier Continuing Analysis and Surveillance System. When a CAMP is found to meet the full part 135 requirements, its use is authorized with OpSpec D072, Aircraft Maintenance—Continuous Airworthiness Maintenance Program (CAMP) Authorization.

7.4.1.2 Aircraft Type Certificated With 10 Passenger Seats or More. Applicants utilizing these aircraft must maintain them under a CAMP, in accordance with § 135.411(a)(2), which is authorized with OpSpec D072. Additional information can be found in AC 120-16 and AC 120-79.

7.5 Insurance. Specific requirements exist for the amount of insurance coverage a part 135 CH must carry. Prior to being authorized to commence part 135 operations, the applicant must have the required insurance coverage and file the required forms with the FAA's Air Transportation Division, Integration and Implementation Branch, Technical Programs Section, 800 Independence Avenue SW, Washington, DC 20591, in accordance with 14 CFR part 205. The forms that are required are determined by the kind of operating authority as listed below:

1. Commuter: Office of the Secretary of Transportation (OST) Form 6410, U.S. Air Carriers—Certificate of Insurance.
2. On-Demand: OST Form 4507, Air Taxi Operator Registration and Amendments Under Part 298 of the Regulations of the Department of Transportation, and OST Form 6410.

Note: Copies of these forms and additional information on insurance requirements can be found at the Technical Programs Section website (see Appendix A).

7.6 Economic Authority. Applicants who are applying to conduct interstate commuter operations are required to obtain economic authority, in accordance with § 119.39, from the U.S. Department of Transportation (DOT). The DOT issues the economic authority under part 298 when it determines that an applicant is "fit, willing, and able" to conduct operations (refer to § 298.32). Because this is a requirement to complete certification, an applicant should apply for the economic authority determination as early as possible to avoid the possibility of delays. More information and forms are located at the DOT Aviation Policy website (see Appendix A).

7.7 Management Personnel. To become certificated as a part 135 CH, an applicant must designate (by name) any individuals required by part 119 who will serve as the Director of Operations (DO), Chief Pilot, and Director of Maintenance (DOM), in accordance

with § 119.65. For the specific experience requirements required to serve in these positions, refer to § 119.71.

Note: If applying for certification as either a "Basic" or "Single PIC" CH, an applicant may request a deviation for certain management positions.

7.8 Manuals. At the time of formal application, all required company manuals and training programs must be submitted to the FAA for review and approval or acceptance, in accordance with § 119.35.

7.8.1 General Operations Manual (GOM). The CH's GOM must contain the CH's operations policies and procedures. Crewmembers are required to comply with the operations policies, methods, and procedures contained in that manual. Section 135.23 lists items that are required to be included in the GOM.

Note: CHs that operate aircraft with nine or less passenger seats generally include their maintenance procedures in the GOM.

7.8.2 General Maintenance Manual (GMM). A separate GMM is required for CHs that operate aircraft type certificated with 10 or more passenger seats. The GMM, per §§ 135.425 and 135.427, must include the following three sections:

1. Administrative policies and procedures;
2. Detailed instructions for the administration, management, and accomplishment of the elements of the CH's maintenance program; and
3. Technical data that describes maintenance standards, methods, techniques, and procedures.

Note: For additional guidance relating to maintenance manual requirements, refer to §§ 135.21 and 135.427, as applicable.

7.8.3 Aircraft Flight Manual. Section 135.81(c) requires that CHs maintain a current flight manual (or the equivalent information for aircraft that were certificated without a flight manual) for each aircraft used in their air transportation operations. To satisfy those requirements, CHs may use the approved aircraft's flight manual as applicable. CHs may also develop a Company Flight Manual (CFM), which must be reviewed and approved by the FAA, per § 135.81(c).

7.9 Hazardous Materials (Hazmat) Manual: Will-Carry or Will-Not-Carry Program. All CHs are required to submit for FAA acceptance and approval a hazmat operations manual and training program, even if they do not intend to carry hazmat. The definition of "hazmat employer" and "hazmat employee" can be found in Title 49 of the Code of Federal Regulations (49 CFR) part 171, § 171.8, and the training requirements are found in 49 CFR part 172 subpart H. For additional information on hazmat requirements, refer to 14 CFR part 135 subpart K.

7.10 Training Programs. In accordance with § 135.341, an applicant who uses more than one pilot in their operation, or an applicant that only uses one pilot and operates internationally or in international waters (see paragraph 6.3.1), is required to submit a training program for their pilot crewmembers and, if applicable, flight attendants (F/A). The training curriculum (completed to the extent possible) must be included with the formal application letter. Training curricula must include at least the following curriculum segments, as applicable, for each crewmember position:

- Basic indoctrination training.
- Emergency training.
- Crew Resource Management (CRM) training.
- Initial ground and flight training.
- Upgrade ground and flight training.
- Recurrent ground and flight training.
- Requalification training.
- Differences ground and flight training.
- Transition ground and flight training.
- Hazmat training.

Note: For additional information on training curriculum requirements, refer to part 135 subpart H.

7.11 Drug and Alcohol Program Requirements. The DOT rule 49 CFR part 40 describes required procedures for conducting workplace drug and alcohol testing for the federally regulated transportation industry. All air carriers and operators requiring certification by part 119 and authorized to conduct part 135 operations must have a drug and alcohol program. This program is administered by the Office of Aerospace Medicine (AAM), Drug Abatement Division. Refer to 14 CFR part 120 for additional information.

7.12 Transportation Security Administration (TSA) Security Program Requirements for Part 135 CHs. Applicants who intend on conducting operations under part 135 may be required to adopt and implement a TSA-approved security program. The size and scope of the security program required will be based on several factors including, but not limited to, the kind of operations conducted, maximum certificated takeoff weight of the aircraft, aircraft seating capacity, and whether or not they will enplane or deplane passengers within a sterile area of an airport. For specific security program applicability and requirements, refer to 49 CFR part 1544, § 1544.101(a) through (i). For additional information regarding TSA security program requirements and to find out how to apply for approval of your program, contact the TSA at Charters-AirCargo-S@tsa.dhs.gov.

7.13 Minimum Equipment List (MEL). In the absence of an approved MEL and an appropriate OpSpec authorization, any aircraft listed on a part 135 OpSpec that has inoperative instruments or equipment may not be operated. Although not an absolute

requirement, it is highly recommended that all CHs submit an MEL for each type of aircraft they will be operating.

7.14 Proving and Validation Testing. Section 135.145 states that no CH may operate a turbojet aircraft, or an aircraft for which two pilots are required for operations under visual flight rules (VFR), if it has not previously proved such an aircraft in part 135 operations in at least 25 hours of proving tests acceptable to the Administrator. Title 14 CFR part 194, § 194.306(f) requires a CH that has not previously proven a powered-lift in operations under part 135 be required to conduct at least 25 hours of proving tests acceptable to the Administrator.

7.14.1 Proving Tests. Aircraft proving tests are essentially full-scale simulations of revenue operations to demonstrate the ability to operate independently, safely, and in compliance with the applicable 14 CFR parts. Proving tests are comprehensive and focus on multiple areas. Examples of these areas include, but are not limited to, the following:

1. Cabin safety,
2. Operational control,
3. Abnormal procedures,
4. MEL management,
5. Ability to operate the aircraft in the National Airspace System (NAS), and
6. Ability to safely operate the aircraft into en route airports that are in the applicant's proposed areas of operations.

Note: Although pilot flight training may be conducted during part of the proving tests, no passengers may be carried except those needed to make the tests and those designated by the Administrator to observe the tests.

7.14.2 Validation Testing. Validation testing is required to determine that a CH can conduct operations safely and in compliance with applicable regulatory standards. Validation tests are required for the following authorizations:

1. The addition of an aircraft for which two pilots are required for operations under VFR, a turbojet airplane, or a powered-lift, if that aircraft or an aircraft of the same make or similar design has not been previously proved or validated in operations under this part (e.g., adding an aircraft requiring a new type rating or training program).
2. Operations outside U.S. airspace (including flight from the 48 contiguous states to Hawaii or Alaska, areas of magnetic unreliability (AMU), Extended Operations (ETOPS), and North Polar).
3. Class II navigation authorizations (e.g., long-range navigation system (LRNS)).
4. Special performance or operational authorizations (e.g., Category (CAT) II, CAT III, enhanced flight vision system (EFVS), Head-Up Display (HUD), and Required Navigation Performance (RNP)).

Note: Actual flights may not be required on some validations when an applicant can demonstrate competence and compliance with appropriate regulations without conducting a flight. The applicant or CH should contact the responsible Flight Standards office for a determination of the content of validation testing. The FAA may authorize proving tests and validation testing to be conducted simultaneously when appropriate.

7.15 Pilot Records Database (PRD). The PRD is used to facilitate the sharing of pilot records among air carriers and operators in a clearinghouse managed by the FAA. Operators or reviewing entities specified by 14 CFR part 111 can register to access the PRD and evaluate the available records for each individual pilot candidate, with the pilot's consent, prior to making a hiring decision. Pilots employed by or seeking employment with an operator listed in part 111, § 111.1 may register for access to the PRD to access their own records. As of December 7, 2021, operators or reviewing entities required to review records in accordance with part 111 must use the PRD to obtain a pilot's records. For more information on PRD, refer to the current edition of AC 120-68, Pilot Records Database and Pilot Records Improvement Act, and any additional information on the FAA PRD web page (see Appendix A, Reference Information and Examples).

7.16 Compliance Statement. An applicant is required to prepare and submit a compliance statement to the FAA for review. The purpose of the compliance statement is to ensure that the applicant adequately addresses applicable regulations during the certification process. The compliance statement must be in the form of a listing of all 14 CFR parts 5, 91, 119, and 135 regulations by part, section, paragraph, subparagraph, etc., that are applicable to the applicant's proposed operation. Next to each regulation, the applicant should provide a specific reference to a manual or other document and may provide a brief narrative description that describes how the applicant will comply with each regulation. Applicants not required to prepare a manual and who do not have that information contained in another document are required to include a narrative in the compliance statement that describes how they will comply with each regulation.

Note 1: The compliance statement also serves as a master index to the applicant's manual system to expedite the FAA's review and approval of the operation and manual system. During the certification process, the compliance statement is considered a living document, and as changes are made to the applicant's system, the compliance statement should be revised to reflect those changes. A copy of the final compliance statement is one of the documents that are required to be included in the certification report, which is maintained in the CH's permanent file at the responsible Flight Standards office.

Note 2: See Appendix A for examples of the format of a compliance statement.

CHAPTER 8. PART 135 CERTIFICATION PROCESS

8.1 General. This chapter provides information on the phases of the certification process for 14 CFR part 135 applicants. The FAA utilizes a phase and gate system for certification projects. There are five phases and three gates in the certification process. All items of a particular phase(s) must be completed prior to proceeding past a gate.

8.2 Phase 1: Preapplication. This phase starts when a prospective applicant first enquires about or requests an application for an Air Carrier or Operating Certificate. This phase can be initiated by individuals or organizations and may be in writing, or during an informal meeting with responsible Flight Standards office personnel. In the preapplication phase, the following actions will occur:

8.2.1 Applicants should sign up for access to the FAA's Safety Assurance System (SAS) External Portal at https://sas.faa.gov.

Note: The SAS External Portal is a free, secure, web-based application that allows for more direct, streamlined, and timely communication between certificate holders (CH) and applicants and the FAA. Some of the SAS External Portal benefits include the ability for CHs and applicants to review and submit information electronically, and to see where documents are in the FAA review process. Appendix A, Reference Information and Examples, contains more information on signing up for access and using the SAS External Portal.

8.2.2 The applicant will then submit an FAA Form 8400-6, Preapplication Statement of Intent, to the responsible Flight Standards office. Applicants who have access to the SAS External Portal may submit the Preapplication Statement of Intent (PASI) to the responsible Flight Standards office via the SAS External Portal.

8.2.3 When the PASI is accepted by the FAA, the office manager will initiate the Certification Services Oversight Process (CSOP).

Note: CSOP is a process that the FAA uses to determine if it has the necessary resources to conduct an initial certification and the continued operational safety oversight for a certificate applicant. CSOP determines if the certification process will be assigned to begin, or if the applicant will be placed onto a wait list.

8.2.4 The applicant and their key management personnel will attend a preapplication meeting with the Certification Project Team (CPT) that was assigned to the certification project.

Note: The completion of the preapplication phase also completes Gate 1 of the certification process.

8.3 Phase 2: Formal Application. The formal application phase begins when the FAA certification team receives the formal application and all the required documents. Title 14 CFR part 119, § 119.35 states a person applying for an Air Carrier or Operating Certificate under part 119 must submit an application in the form and manner prescribed

by the Administrator and contain any information the Administrator requires the applicant to submit. Items that must be submitted include:

1. Formal application letter;
2. Schedule of Events (SOE);
3. Compliance statement;
4. Company manuals (i.e., General Operations Manual (GOM) and General Maintenance Manual (GMM)) (if required by the classification and/or scope of operation);
5. Training curricula (if required by the classification and/or scope of operation);
6. Management qualification attachments (e.g., résumés);
7. Documents of purchase, contracts, and/or lease attachments;
8. SAS Element Design Data Collection Tools (ED DCT) (scoped to the applicant's proposed operation) (if applicable); and
9. Flight attendant (F/A) materials (if applicable).

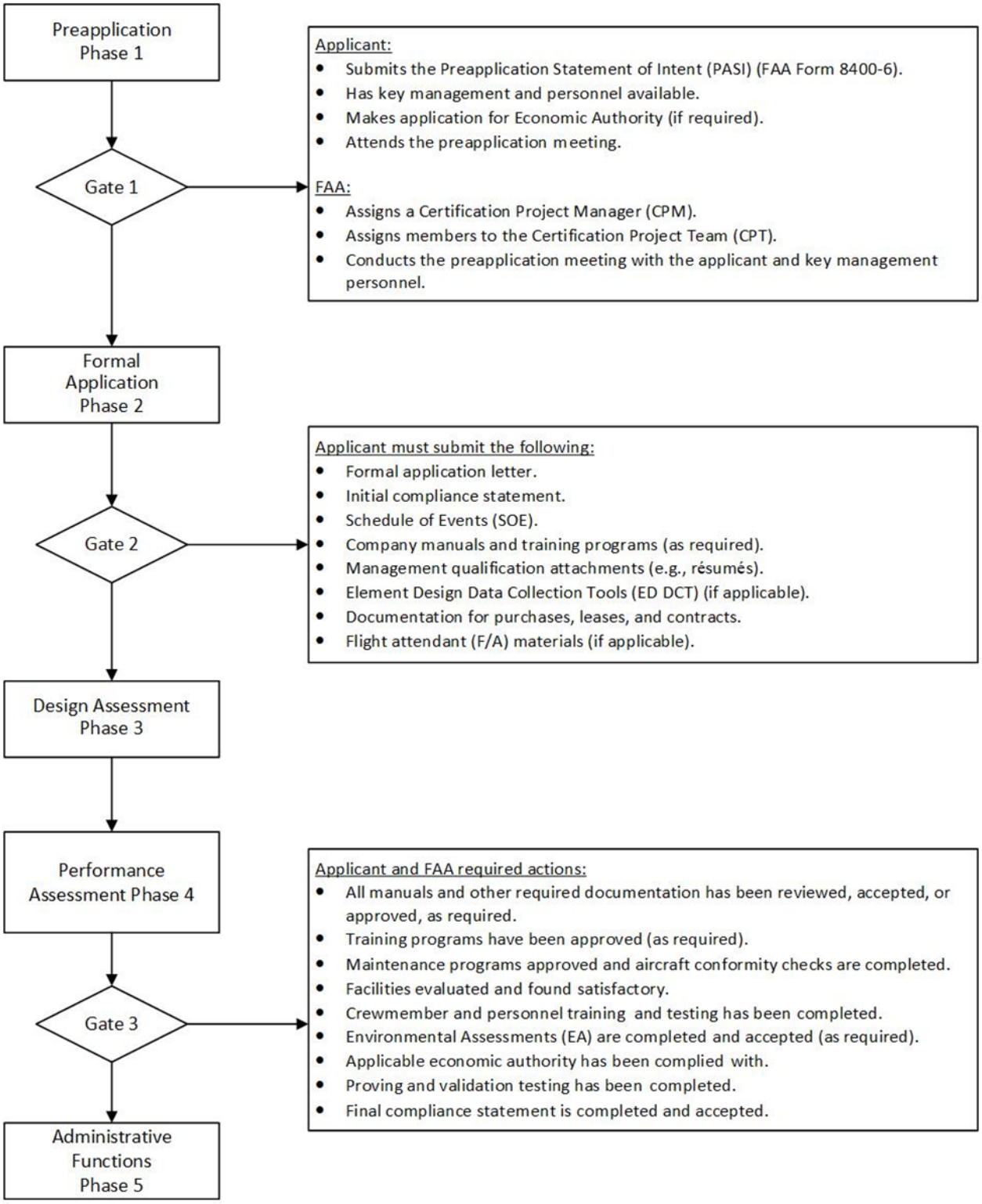
Note: The formal application phase is concluded with the formal application meeting. This meeting gives the FAA and the applicant an opportunity to address any questions and resolve minor issues encountered in the certification process to this point. The completion of the formal application phase also completes Gate 2 of the certification process.

8.4 Phase 3: Design Assessment (DA). The DA phase is that part of the certification process when the applicant's manuals and other documents are reviewed in depth to ensure compliance with applicable regulations and conformity to safe operating practices.

8.5 Phase 4: Performance Assessment (PA). In this phase, the certification team determines that the applicant's proposed procedures and programs for training and directing personnel in the performance of their duties are effective by validating through observation and testing. The certification team will observe any required training, flight checks, and proving and validation tests. In this phase, the emphasis is on compliance with regulations and the operating procedures contained in the applicant's manuals, as applicable. The completion of the PA phase also completes Gate 3 of the certification process.

8.6 Phase 5: Administrative Functions. In this phase, the FAA will issue the certificate and the operations specifications (OpSpecs) to the applicant. This action completes the certification process. The FAA will not, under any circumstances, certificate an applicant until the certification project manager (CPM) determines that the applicant is fully capable of fulfilling their responsibilities as charged by Title 49 of the United States Code (49 U.S.C.) and that the applicant will comply with 14 CFR.

Figure 8-1. Part 135 Certification Process Flowchart



APPENDIX A. REFERENCE INFORMATION AND EXAMPLES

A.1 Resources List.

1. Federal Aviation Administration (FAA) website: https://www.faa.gov.
2. Flight Standards District Office (FSDO) contact information: https://www.faa.gov/about/office_org/field_offices/fsdo.
3. U.S. Department of Transportation (DOT) Aviation Policy web page: https://www.transportation.gov/policy/aviation-policy/licensing/US-carriers.
4. FAA Air Transportation Division, Integration and Implementation Branch, Technical Programs Section website: https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afx/afs/afs200/afs260/exemptions.
5. Office of Aerospace Medicine (AAM), Drug Abatement Division: https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/aam.
6. Pilot Records Database (PRD): https://www.faa.gov/regulations_policies/pilot_records_database.
7. Title 14 of the Code of Federal Regulations (14 CFR): Aeronautics and Space: https://www.ecfr.gov/current/title-14.
8. Advisory Circulars (AC): https://www.faa.gov/regulations_policies/advisory_circulars.

A.2 Certification Information.

1. FAA Order 8900.1, Flight Standards Information Management System: https://drs.faa.gov/browse/ORDER_8900.1/doctypeDetails.
2. The Certification Process:
   a. Title 14 CFR Part 121 Certification:
      - Order 8900.1, Volume 2, Chapter 3, The Certification Process—Title 14 CFR Part 121.
      - Part 121 Certification web page: https://www.faa.gov/licenses_certificates/airline_certification/air_carrier.
   b. Title 14 CFR Part 135 Certification:
      - Order 8900.1, Volume 2, Chapter 4, The Certification Process—Title 14 CFR Part 135.
      - Part 135 Certification web page:https://www.faa.gov/licenses_certificates/airline_certification/135_certification.
3. Certification Services Oversight Process (CSOP): Order 8900.1, Volume 10, Chapter 12, Section 1, Safety Assurance System: Certification Services Oversight Process.

4. Deviations or Exemptions:
   - Order 8900.1, Volume 2, Chapter 4, Section 6, Single-Pilot, Single Pilot-in-Command, and Basic Part 135 Operations.
   - Order 8900.1, Volume 3, Chapter 2, Section 1, Exemptions, Deviations, Waivers, and Authorizations.
5. Check Pilots: Order 8900.1, Volume 3, Chapter 20, Check Pilot, Check Flight Engineer, Instructor, and Supervisor Programs for 14 CFR Parts 121, 125, and 135 Certificate Holders.
6. Proving and Validation Testing: Order 8900.1, Volume 3, Chapter 29, Proving and Validation Tests.
7. Safety Assurance System (SAS):
   - SAS External Portal Training: https://www.faa.gov/sites/faa.gov/files/multimedia/SAS_External_Portal_for_CHAs/story.html.
   - SAS External Portal Login Request: https://sas.faa.gov/sas.external.portal/.
   - SAS External Portal Information Guide: https://www.faa.gov/sasdeployment/sas-external-portal-information-guide.
   - SAS Master List of Functions Chart: Order 8900.1, Volume 10, Chapter 1, Section 2, Table 10-1-2B, Master List of Functions.
   - SAS Data Collection Tools (DCT) System or Subsystem Performance Assessment (SPA)/Element Performance Assessment (EPA)/Element Design Assessment (EDA): https://drs.faa.gov/browse/SAS_DCT/doctypeDetails.

A.3 Forms. FAA Form 8400-6, Preapplication Statement of Intent (PASI): https://www.faa.gov/forms/index.cfm/go/document.information/documentID/1031190.

A.4 Formal Application Letter. The formal application letter does two things. First, it serves as a formal application for either an Air Carrier Certificate or an Operating Certificate, and secondly it serves as the vehicle to transmit the package of required documents. The formal application letter must, per Title 49 of the United States Code (49 U.S.C.) § 46103(c):

1. Contain the full and official name of the applicant.
2. Be signed by the owner, when applying as an individual or sole proprietorship; all partners, when applying as a partnership; or an authorized officer(s), when applying as an organization, such as a company of corporation.
3. Contain the physical location address of the applicant's intended primary operating location. The applicant mailing address must be included in the formal application letter if different from its physical location address.
4. Include the full name and address of the applicant's agent for service as required by 49 U.S.C. § 46103(c).

5. Confirm the identity of key management personnel, such as the general manager, Director of Operations (DO), Director of Maintenance (DOM), Chief Pilot, and Chief Inspector, as applicable.
6. Include any anticipated request(s) for deviation from the qualification requirements of management personnel. It is essential, however, to make a request for the deviation and the justification for that deviation in a separate letter (see "Deviations or Exemptions" in paragraph A.2 above).

A.5 Compliance Statement Format Examples.

A.5.1 Format example of an applicant's General Operations Manual (GOM) page and paragraph references contained in the compliance statement:

- Section 135.244, Operating Experience:
  1. GOM page 217, paragraph 237;
  2. GOM page 218, paragraph 238;
  3. GOM page 219, paragraph 240; and
  4. Pilot crewmembers must acquire operating experience as follows:
     - GOM page 220, paragraph 241, Training Manual, page 25; and
     - GOM page 221, paragraph 242, Training Manual, page 26.

A.5.2 Format example of an applicant's GOM page and paragraph reference that also contains explanatory text contained in the compliance statement:

- Section 135.65, Reporting Mechanical Irregularities.
- The GOM, page 37-5, paragraph 35, instructs the PIC on the requirements for, and methods of completing, the aircraft discrepancy log. The PIC is required to review the log before each flight and to ascertain the status of each previous entry.

Advisory Circular Feedback Form

If you find an error in this AC, have recommendations for improving it, or have suggestions for new items/subjects to be added, you may let us know by contacting the Air Transportation Division at 9-AFS-200-Correspondence@faa.gov or the Flight Standards Directives Management Officer at 9-AWA-AFB-120-Directives@faa.gov.

Subject: AC 120-49B, Parts 121 and 135 Certification

Date: _____

Please check all appropriate line items:

☐ An error (procedural or typographical) has been noted in paragraph _____ on page _____.

☐ Recommend paragraph _____ on page _____ be changed as follows:

_____

_____

☐ In a future change to this AC, please cover the following subject:
(Briefly describe what you want added.)

_____

_____

☐ Other comments:

_____

_____

☐ I would like to discuss the above. Please contact me.

Submitted by: _____ Date: _____