May 20, 1997

David Grau, Esq.
Mohawk Galleries
733 SW Second Avenue
Portland, Oregon 97204

Dear Mr. Grau:

This is in response to your letter of April 24, 1997 to Ms. Lori Brand, Federal Aviation Administration Flight Standards District Office, Hillsboro, Oregon. In your letter, you requested an opinion regarding the requirement that your client, Air Surveillance Corporation (ACS), obtain a Part 135 certificate to conduct aerial surveillance and security operations. In your previous letter of March 17, 1997, you described the purpose and scope of operations proposed by ACS, including the conduct of aerial surveillance and security service using light, general aviation aircraft and ground vehicles equipped with radios, night vision devices, and other high-tech electronic systems. By letter dated March 25, 1997, we informed you that we believed that such flights are being conducted for compensation or hire and, consequently, the pilot-in-command of such flights must possess at least a commercial pilot certificate. You have subsequently informed us that ACS pilots will take off and land from the same airport and will make no stops in between. Based upon this additional information, we believe that ACS can conduct those flights under Part 91 of the Regulations.

In pertinent part, FAR 135.1(b) states that:
Part 135 does not apply to: "(4) Aerial work operations, "

We believe that the operations which you described in your letters of March 17, 1997, and April 24, 1997, constitute aerial work operations, which do not require a Part 135 certificate.

We hope that this opinion satisfactorily responds to your inquiry. Please contact us if we can provide any additional information.

Sincerely,

John J. Callahan
Deputy Assistant Chief Counsel