January 13, 1999

Mr. Glen Bell
WorldWind Helicopters, Inc.
8535 Perimeter Road, South
Seattle, WA 98108

Dear Mr. Bell:

Mr. George L. Thompson has asked me to respond to your letter of January 8, 1999, in which you requested his opinion regarding a proposed flight operation. In your letter, you asked whether a pipeline patrol operation, wherein the aircraft lands to allow inspectors to investigate a suspected leak, can be conducted under Part 91 of the Regulations. You further stated, "Stopping and investigating leaks and exchanging crews at the pump stations is an integral part of the pipeline patrol."

Based on the information which you have provided, we are of the opinion that the operation must be conducted under Part 135 of the Regulations if the inspectors are carried for compensation or hire.

Section 119.1 of the Regulations sets forth the basic requirements for persons who intend to conduct operations as an air carrier or commercial operator. Generally, those who conduct flight operations involving the carriage of persons or property for compensation or hire must conduct those operations under Part 135 (121 for large aircraft). However, the Regulations provide that certain operations do not have to be conducted under Part 135. In pertinent part, Section 119.1(e) states:

> ....this part does not apply to -
>
> (4) Aerial work operations, including -
> (vi) Powerline and pipeline patrol." (Underlining added)

Thus, pipeline patrol operations would be excluded from Part 135 application if they were "aerial work operations." In the past, the FAA has consistently taken the position that where a purpose of the flight is to transport persons to a place other than the place of origin of the flight, such flights cannot be considered

aerial work operations. Your letter suggests that inspectors will be carried from one pump station to another and, also, from one pump station to the site of suspected leaks. In either case, the flight has taken on a dual purpose, which includes the carriage of persons from one place to another. If you receive compensation for that carriage, the flights must be conducted under Part 135 of the Regulations.

Please contact us if we can provide you with any

additional information.

Sincerely,

John J. Callahan
Deputy Regional Counsel