December 16, 2002

Brigitte Lakah

Re: Application of 14 CFR § 121.547 to Part 119 Certificate Holders

Dear Ms. Lakah:

This is in response to your letter dated November 6, 2002, egarding the application of 14 CFR § 121.547 to part 119 certificate holders. Specifically, you ask whether the interpretations issued by the Federal Aviation Administration (FAA) on July 17, 2001, and April 2, 2002, addressing a pilot in command's (PIC) unfettered authority to refuse admission to the cockpit to anyone requesting permission under 14 CFR § 121.547(a)(3) and (a)(4) applies to all part 119 certificate holders and their pilots.

Section 121.547 only applies to a part 119 certificate holder when it conducts a part 121 operation. When a part 119 certificate holder conducts a part 135 operation, it is not covered by the provision. If a situation involves 14 CFR § 121.547(a)(3) or (a)(4), a PIC has unfettered discretion to determine whether to admit certain people to the flight deck. The PICs decision to deny permission for certain people to enter the flight deck cannot be second-guessed, without undermining the safety underpinning for a having a "PIC-permission-provision" in the regulations. There, however, is nothing under part 135 that addresses admission to the flight deck in the same manner as § 121.547.

For your information and records, we also have enclosed a letter dated October 17, 2002, concerning the authority of a pilot in command. We trust this letter responds to your inquiry. Komal K. Jain, Office of the Chief Counsel, prepared this letter.

Sincerely,

Joseph A. Conte

Manager, Operations Law Branch
Federal Aviation Administration