U.S. Department
of Transportation
**Federal Aviation
Administration**

800 Independence Ave., S.W.
Washington, D.C. 20591

April 10, 2006

Mr. Patrick Francis
[redacted]

RE: Flight Crewmember Training Requirements for On-Demand Air Carriers

Mr. Francis:

We received your correspondence requesting a legal interpretation of the Federal Aviation Regulations regarding flight crewmember training and checking requirements for an air carrier operating under 14 C.F.R. part 135.

Your letter states that you are employed as a pilot in command, check airman, and ground and flight instructor for a part 135 on-demand air carrier. You describe an incident where your employer administered the line check required by § 135.299 to a pilot who was not current when the line check was given. According to your letter, the pilot was not current because he had not completed emergency, emergency drill, and hazardous materials training and testing.[1] You further stated that the pilot was allowed to complete the training in a self-study environment without an instructor, test, or other review to determine the pilot's knowledge and proficiency. Based on the foregoing, you asked whether: 1) the FAA allows a part 135 pilot to complete a recurrent line check prior to completing each applicable segment of recurrent training; and 2) the FAA allows a part 135 pilot to complete emergency, emergency drill, and hazardous materials training in a self-study environment without an instructor present for any portion of the training or testing?

Section 135.321 defines recurrent training as "the training required for crewmembers to remain adequately trained and currently proficient for each aircraft, crewmember position, and type of operation in which the crewmember serves." The purpose of the recurrent line check is to assess whether the pilot has, in fact, remained adequately

[1] We assume for the purposes of this interpretation that the writer is referring to the requirements of 14 C.F.R. §§ 135.331 and 135.333 (2005). We also note that the FAA imposed new standards for hazardous materials training on October 7, 2005 (70 FR 58829). However, the new regulations do not impact the analysis herein.

trained and currently proficient, and to ensure that the pilot has retained specific knowledge and skill to function safely in the operating environment. A pilot that has failed to meet the recurrent training requirements cannot be considered "adequately trained." Therefore, it would be inappropriate to administer a recurrent line check to assess the pilot's skills if all of the recurrent training is not complete. In this case specifically, the FAA would likely find that the pilot's proficiency in emergency, emergency drills, and hazardous materials procedures could not have been adequately assessed *during* the line check because the pilot did not receive the required training until *after* the line check was complete.

Your second question involves the appropriate instructional delivery method for emergency, emergency drill, and hazardous materials recurrent ground training and testing. The FAA recognizes that certain subjects are more conducive to a self-study format than others. However, § 135.351(b)(1) requires all recurrent ground training programs to include "a quiz or other review to determine the crewmember's knowledge of the aircraft and the crewmember position involved." Relying only on the facts in your letter, the FAA would likely find that hazardous materials training and testing could be conducted exclusively in a self-study environment, as long as there was some method of verification. However, emergency training and testing, or the performance of emergency drills in a self-study environment would not be sufficient to comply with the requirements of § 135.351(b)(1). The certificate holder has no opportunity to assess the pilot's execution of emergency procedures if they are conducted entirely outside of the presence of an instructor. Moreover, performing an emergency drill often involves identifying the location of the emergency equipment on the aircraft, and completing the drill under the same or similar conditions that exist on the aircraft (*e.g.*, extinguishing a fire in an enclosed space). Therefore, a self-study program would be an inappropriate instructional delivery method for this type of training.

The FAA recognizes that each training program is different, and certificate holders may incorporate various procedures to ensure that training is delivered in an efficient and effective manner. This interpretation should not be construed to mean that the FAA would not consider a petition for exemption to allow emergency or emergency drill training and testing to be conducted in a self-study environment. Rather, this interpretation explains the obstacles that the FAA believes may exist when emergency or emergency drill training and testing are conducted in this manner.

This interpretation was prepared by the Operations Law Branch of the Office of the Chief Counsel, and coordinated with the Air Transportation Division of Flight Standards Service. Please contact Joe Conte of my staff at the address provided above, or by phone at (202) 267-3073 if we can be of further assistance.

Sincerely,

Rebecca MacPherson
Assistant Chief Counsel for Regulations