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

Office of the Chief Counsel

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

AUG 13 2009

B. Dan Crowe, Jr.
Aircoastal Helicopters Inc.
2615 Lantana Road, Suite J
Lantana, FL 33462

Dear Mr. Crowe:

This letter is in response to your April 5, 2009 request for legal interpretation. In your letter you asked whether 14 C.F.R. § 135.293(b) requires a pilot to pass a competency check in each make and model helicopter that he or she will operate in part 135 operations, and whether 14 C.F.R. § 135.327 requires an operator to prepare and keep current a training curriculum for each make and model helicopter it uses in part 135 operations.

A helicopter pilot may not operate an aircraft in part 135 operations unless he or she has passed a competency check assessing the pilot's skills and techniques in the type of helicopter he or she will be operating. *See* § 135.293(b). For this paragraph, the FAA provided definitions of type for both airplanes and helicopters. The regulation states that for a helicopter, type "means a basic make and model." 14 C.F.R. § 135.293(b). When implementing this rule, the Agency considered a suggestion to group helicopters by engine type for purposes of the competency check. *See* 43 Fed. Reg. 46774. In response, the FAA noted that the "handling and flight characteristics of light helicopters are significantly different [and t]he equipment available for them is also is considerably different." *Id.* Therefore, the FAA determined that it was appropriate to define type as "basic make and model." *See id.* Accordingly, a person may not serve as a helicopter pilot in part 135 operations unless he or she has passed a competency check in the basic make and model of helicopter that the pilot will be operating.

Section 135.327 requires each certificate holder to prepare and keep a training program curriculum for each type of aircraft it operates. Unlike section 135.293, this section does not contain a definition of the word "type." Accordingly, the definition of type in 14 C.F.R. § 1.1 applies. With respect to the privileges of airman, section 1.1 defines type as "a specific make and basic model of aircraft, including modifications thereto that do not change its handling or flight characteristics." Therefore, the certificate holder must have a training program that addresses each "specific make and basic model of aircraft" in its fleet.

In your letter you identified FAA guidance contained in FAA Order 8900.1 on the above topics. We note that FAA Order 8900.1 is guidance to FAA inspectors and does not have the effect of regulation. However, the FAA is reviewing the guidance material and will make changes as necessary.

This response was prepared by Dean Griffith, Attorney in the Regulations Division of the Office of the Chief Counsel, and was coordinated with the Air Transportation Division of Flight Standards Service. Please contact us at (202) 267-3073 if we can be of further assistance.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations, AGC-200