U.S. Department
of Transportation
Federal Aviation
Administration

Office of the Chief Counsel

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

JUL 15 2011

Mr. Marc Largo
[redacted]

Dear Mr. Largo,

This letter is in response to your request for a legal interpretation received regarding a single pilot operator who wishes to conduct commuter operations. In your letter, you question whether a single pilot operator may conduct operations, under 14 CFR § 135, of more than four rounds trips per week in a single engine aircraft which requires one crew member and is certified for nine or less passengers. The answer to your question is yes, a single pilot operator may conduct part 135 commuter operations so long as the pilot complies with certain regulatory requirements.[1]

A commuter operation means any scheduled operation with a frequency of at least five round trips per week on at least one route between two or more points according to the published flight schedules. This includes operations in airplanes, other than turbojet-powered airplanes, having a maximum passenger-seat configuration of nine seats or less, excluding each crewmember seat, and a maximum payload capacity of 7,500 pounds or less. *See* 14 CFR § 110.2 (definition of "commuter operation"). 14 CFR § 135.105 provides that, unless two pilots are required by this chapter for operations under VFR, a person may operate an aircraft without a second in command if it is equipped with an operative approved autopilot system and the use of that system is authorized by appropriate operations specifications. *See also* FAA order 8900.1, Vol. 3, Ch. 18, § 3, para. 3-737.

Additionally, § 135.105 requires that any person that serves as a pilot in command of an aircraft operated in a commuter operation must have at least 100 hours pilot in command flight time in the make and model of aircraft to be flown.[2] Furthermore, pilots in command are required to comply with additional regulatory guidelines, including § 135.243 Pilot in command qualifications, § 135.293 Initial and recurrent pilot testing requirements and § 135.299 Pilot in command: Line checks: Route and airports.

Therefore, provided that the pilot in command complies with the applicable part 135 requirements, a single pilot operator may conduct its scheduled operations in a single engine aircraft, having a maximum passenger-seat configuration of nine seats or less and

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[1] Any person desiring to provide air transportation as a commuter air carrier must first obtain a Commuter Air Carrier Authorization with the Department of Transportation. *See* 14 CFR § 298.50

[2] *See also* FAA order 8900.1, Vol. 3, Ch. 18, § 3, para. 3-737 (providing additional guidance for operations specifications required for single pilot in command operators (A039), single pilot operators (A040), and single engine IFR passenger-carrying operations under Part 135 (A046)).

a maximum payload capacity of 7,500 pounds, under a part 119 air carrier certificate permitting part 135 commuter operations.

We appreciate your patience and trust that the above responds to your concerns. This response was prepared by Nancy Sanchez, an attorney in the Regulations Division of the Office of the Chief Counsel, and coordinated with the Air Transportation Division of Flight Standards Service. Should you have any further questions regarding this matter, please contact us at (202) 267-3073.

Sincerely,

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