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

APR 23 2012

Mr. Ron Mason
Kugel Air Flight Service
1365 Cottonwood Drive
Sierra Vista, AZ 85635

Dear Mr. Mason:

This letter is in response to your December 22, 2011 request for legal interpretation of the term "check pilot" as found in 14 C.F.R. § 135.293. You specifically asked about the qualifications for a check airman and whether an "FAA designated examiner for original issuance of certificates" can give a part 135 competency check.

Section 135.293(b) requires that a pilot pass a competency check prior to serving as a pilot in part 135 operations. The competency check must be "given by the Administrator or an authorized check pilot." *See* § 135.293(b). The qualifications for serving as a check airman are found in § 135.337. Section 135.337(a) defines check airmen and §§ 135.337(b) and (c) establish the criteria that must be met to serve as a check airman. Therefore to serve as a check airman a person must satisfy the criteria articulated in that section.

You also asked whether a "designated examiner for original issuance of certificates" can give a § 135.293 competency check. The examiners you refer to are authorized by the Administrator to conduct pilot proficiency tests or practical tests for an airman certificate or rating issued under part 61 or to conduct a part 61 knowledge test. *See* § 61.1(b)(4); § 183.23. The authority of these examiners extends only to tests related to certificates and ratings under part 61. *See id.*; § 61.47(a).

Therefore, without also meeting the check airman qualifications of § 135.337, the examiner could not serve as a check airman during § 135.293 competency checks. This is because § 135.293 competency checks are conducted to ascertain whether a pilot can safely conduct part 135 operations and are not a proficiency or practical test for an airman certificate or rating issued under part 61.[1]

[1] We note that a § 135.293(b) competency check may be used, in part, to satisfy the Airline Transport Pilot certificate flight proficiency requirements. *See* § 61.155(f)(ii).

This response was prepared by Dean E. Griffith, Attorney in the Regulations Division of the Office of the Chief Counsel. It was coordinated with the Air Transportation Division, the General Aviation and Commercial Division, and the Regulatory Support Division of Flight Standards Service. Copies of the referenced regulations are enclosed. Please contact us at (202) 267-3073 if we can be of additional assistance.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations

Enclosures