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

OCT 24 2014

Harvey Cash
[redacted]

Re: Application for Part 135 Certification

Dear Mr. Cash:

This letter responds to your June 26, 2014 request for a legal interpretation regarding the application requirements for certification under part 135 of Title 14 of the Code of Federal Regulations (14 CFR). In your request, you ask whether certain information in FAA Order 8900.1, Vol. 2, Ch. 4, Sec. 1, is inconsistent. Specifically, you ask whether paragraphs 2-348(B) and 2-348(F), describing the content of general manuals and compliance statements, respectively, contradict one another. For the reasons described below, the answer is no, these paragraphs are not inconsistent. An applicant for part 135 certification must submit general manuals containing, at a minimum, the information specified in FAA regulations and described in FAA guidance. Compliance statements are requested by the FAA, and should, among other things, list any part 91, 119, or 135 regulations applicable to the applicant's proposed operations.

As background, § 119.35 requires any person "applying to the Administrator for an Air Carrier Certificate or Operating Certificate . . . [to] submit an application . . . in a form and manner prescribed by the Administrator . . . ." One element of this application is the applicant's operating manuals. Section 135.21(a), among other things, requires any applicant for a part-135 certificate *with more than one pilot* to "prepare and keep current a manual setting forth the certificate holder's procedures and policies [in a manner] acceptable to the Administrator." Another element of a part-135 application, as you recognized in your letter, is a compliance statement. Under § 119.35, an acceptable compliance statement refers to applicable provisions of parts 91, 119, and 135.

Because part 135 applicants of different sizes (i.e., those with one pilot, versus those with two or more) have different application requirements, the FAA may have different expectations for each part 135 application. For a single-pilot applicant who does not need to submit a manual, the applicant's compliance statement should include a list of applicable regulations from parts 91, 119, and 135, as well as "a brief narrative description [of] how the applicant will comply with each [applicable] regulation." FAA Order 8900.1, Vol. 2, Ch. 4, para. 2-348(F). On the other hand, for applicants required to submit a compliance statement *and manuals*, the FAA will allow an applicant to rely on its manual to describe how the applicant will comply with applicable regulations. In such cases, where an applicant's *manual* provides a narrative description of the applicant's compliance processes, the FAA will accept a compliance statement that simply lists applicable regulations and adequately references the manual.

In your letter to the FAA, you ask for clarification of a perceived inconsistency between paragraphs 2-348(B)&(F). You state that you have received "varying interpretations from inspectors . . . with some who instruct . . . that the Compliance Statement must . . . cover[] every single [applicable] part and paragraph, with references to where the policy can be found in our manuals, while other inspectors affirm that the manuals do not need to restate every single [applicable] part and paragraph of the regulations." Because paragraphs 2-348(B)&(F) each address a separate component of an application, there is no inconsistency. Paragraph 2-348(B) describes the requirement (for some applicants) to produce a general manual, and sets out the minimum information that must be included in those manuals. Paragraph 2-348(F) describes the compliance statement, which includes applicable regulations from parts 91, 119, and 135.

We also note that, if you are applying to make a significant change to your operating specifications—such as moving from a single-pilot operation to one with two or more pilots—your compliance statement may change and you may be required, for the first time, to produce general manuals. The application of these FAA regulations and policies can be highly fact-specific. For additional guidance on how to apply these FAA regulations and policies to your specific circumstances, we recommend that you contact your local Flight Standards District Office.

This response was prepared by Benjamin Jacobs, an attorney in the International Law, Legislation, and Regulations Division of the Office of the Chief Counsel, and was coordinated with the Air Transportation Division (AFS-200) of the Flight Standards Service. If you need further assistance, please contact our office at (202) 267-3073.

Sincerely,

Mark W. Bury
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International Law, Legislation, and Regulations, AGC-200