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

Office of the Chief Counsel

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

NOV -2 2015

Mr. Donald J. Bernier
Director of Operations
Winner Aviation Corporation
1453 Youngstown-Kingsville Road
Vienna, OH 44473

Dear Mr. Bernier:

This is in response to your letter of September 1, 2014, requesting a legal interpretation regarding the pilot qualifications and equipment requirements that apply to a part 135 on-demand operation that is authorized to operate with a single pilot but which chooses to operate with two flightcrew members.

In your letter, you have set forth several scenarios in which an operator might choose to assign a second pilot to an operation that does not require a second pilot by type certification of the aircraft or the regulations under which the flight is being conducted. You have asked whether meeting § 135.245 (part 135 SIC qualifications), obtaining a § 61.55 sign off (part 61 SIC qualifications), and completing a § 135.293 competency check adequately qualifies a pilot to act as SIC in these scenarios.

Under § 135.95, no certificate holder may use the services of any person as an airman unless the person performing those services holds an appropriate and current airman certificate and is qualified for the operation for which the person is to be used. If the person in the second pilot seat is not assigned any duties, and the aircraft has no more than 8 passenger seats (excluding any pilot seat), then that person does not need to be an assigned and qualified SIC (see § 135.113). However, if the operator assigns duties to the person in the second pilot seat, that person must meet the requirements of §135.95 and applicable parts of subpart F of part 135, which means the person must hold an appropriate and current airman certificate and be qualified and trained for the operation for which the person is to be used. Section 135.245 sets out the qualifications to serve as SIC in a part 135 operation. Section 135.293 provides a list of initial and recurrent pilot testing requirements. Satisfying these requirements will qualify a pilot to serve as an SIC, however, the operator has a number of additional requirements that must be met if the operator intends to use an SIC. There are requirements such as flight duty time and rest time and the § 135.109 requirement to designate all crewmembers for each flight.

Your letter correctly notes that the FAA issued an interpretation on the question of using a pilot designated as SIC in a Cessna 525 CitationJet, which is type certificated for one or two pilots. Legal Interpretation to Scott Nichols from Rebecca B. MacPherson, April 2, 2009. That

interpretation addressed the question of whether an SIC may be utilized for an instrument flight rules (IFR) operation carrying passengers in an aircraft installed with an approved autopilot system. The Nichols Interpretation states in relevant part,

> Although section 135.105 allows single-pilot operations with the use of an approved autopilot system, it does not require that all future flights be conducted in that manner. *See* Tarsa Interpretation (Mar. 26, 1992). In other words, the operator can elect either to operate under IFR with one pilot using the autopilot system in lieu of an SIC through the approval of operations specification A015, or with two pilots, with the second pilot acting as SIC, without relying on the autopilot system. *See id.*

Finally, you ask whether §135.151 would require having a cockpit voice recorder (CVR) installed for operations in which the operator chooses to turn off the autopilot and conduct the flight as a two-pilot operation. The short answer to your question is yes, based on the recently issued Letter of Interpretation to Douglas Carr, April 10, 2015 (copy enclosed), which discusses this issue in length.

We hope this response has been helpful to you. If you have additional questions or need further information, please do not hesitate to contact my staff at (202) 267-3073. This response was prepared by Neal O'Hara, an attorney in the Regulations Division of the Office of the Chief Counsel, and was coordinated with the Air Transportation Division of the Flight Standards Service.

Sincerely,



Lorelei Peter
Acting Assistant Chief Counsel for Regulations

Enclosure