Federal Aviation Administration

Memorandum

Date: MAY - 7 2015

To: John S. Duncan, Director, Flight Standards Service, AFS-1

From: Mark W. Bury, Assistant Chief Counsel, AGC-200

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Subject: Correction of Reference to 14 C.F.R. § 135.243(a)(1) in Legal Interpretation to Zachary Kelley

On March 7, 2014, this office issued a legal interpretation to Zachary Kelley regarding 14 C.F.R. § 121.436(a)(3), the requirement for 1,000 hours of pilot experience prior to service as a pilot in command (PIC) in part 121 operations (the Kelley Legal Interpretation). The purpose of this memorandum is to correct the description of 14 C.F.R. § 135.243(a)(1) provided therein.

The last sentence of the third introductory paragraph of the Kelley Legal Interpretation incorrectly paraphrases § 135.243(a)(1). It states, "Section 135.243(a)(1) operations are passenger carrying operations using a turbojet with a passenger-seat configuration of 10 seats or more, or using a multiengine airplane in a commuter operation for which the PIC must hold an ATP with appropriate category and class ratings, and if required, an appropriate type rating." This sentence inadvertently combined two of the part 135 passenger-carrying operations that require a PIC to hold an airline transport pilot certificate.

It has come to my attention that the incorrect paraphrasing of § 135.243(a)(1) in the Kelley Legal Interpretation has created some confusion in the field, although it does not affect the legal analysis provided in the interpretation. Accordingly, this memorandum confirms that § 135.243(a)(1) requires a PIC to hold an airline transport pilot certificate for the following passenger-carrying operations conducted in accordance with part 135: (1) operations using a turbojet airplane; (2) operations using an airplane having a passenger-seat configuration, excluding each crewmember seat, of 10 seats or more; and (3) operations using a multiengine airplane in a commuter operation as defined in part 119 of Chapter 1, of Title 14.