U.S. Department
of Transportation
Federal Aviation Administration

Office of the Chief Counsel

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

MAY 3 1 2017

David W. Brown
[redacted]

Re: FAA observation of check airmen under 14 C.F.R. § 135.339.

Dear Mr. Brown,

This is in response to your letter dated June 29, 2016, requesting clarification on whether a check airman (also known as a check pilot) who is current and qualified in multiple families of aircraft, and who has undergone initial observation by the FAA in one of the aircraft families within the previous 24 month period, must also undergo initial observation for the second family of aircraft.

Section 135.339(a) states that:

> (a) No certificate holder may use a person nor may any person serve as a check airman unless:
>
> (1) That person has satisfactorily completed initial or transition check airman training; and
>
> (2) Within the preceding 24 calendar months, that person satisfactorily conducts a proficiency or competency check under the observation of an FAA inspector or an aircrew designated examiner employed by the operator. The observation check may be accomplished in part or in full in an aircraft, in a flight simulator, or in a flight training device. This paragraph applies after March 19, 1997.

Section 135.339 does not impose a requirement to undergo independent observation checks for each family of aircraft. The regulation merely requires that a check airman conducts a proficiency or competency check under observation of an FAA inspector or aircrew designated examiner employed by the operator. This is a minimum requirement and observations can occur more frequently than as established in § 135.339. In the interest of safety, the FAA directs its overseeing inspectors to be judicious when approving check airmen, and so instructs them to be vigilant when overseeing their performance. *See* FAA Order 8900.1, Vol. 3, Ch. 20, Sec. 6, Para. 3-20-6-21.[1]

[1] FAA Order 8900.1 contains directives and guidance information for Aviation Safety Inspectors and does not apply directly to regulated entities.

The FAA grants its inspectors sufficient latitude to require all necessary actions – including additional observation checks, if deemed in the interest of safety – to ensure candidates satisfactorily meet all qualification requirements and criteria to become check airmen.[2] Although check airmen might only be required to undergo the observation procedure every 24 months, FAA inspectors have the prerogative to conduct additional observations to ensure proficiency or competency. This is likely in a scenario where a candidate seeks approval as a check airman for more than one aircraft type. An inspector will likely require additional observation checks prior to approving a candidate as a check airman when there is little commonality between the previously observed/approved aircraft family and the new aircraft family under which approval is sought.

We appreciate your patience and trust that the above adequately responds to your concerns. If you need further assistance, please contact my staff at (202) 267-3073. This response was prepared by Francisco E. Castillo, Attorney in the Regulations Division of the Office of the Chief Counsel, and coordinated with the Air Transportation Division of the Flight Standards Service (AFS-200).

Sincerely,

Lorelei Peter
Assistant Chief Counsel for Regulations

[2] *See* 49 U.S.C. 44703 (authority to issue airman certificates); 49 U.S.C. 44709 (authority to re-inspect and reexamine airman certificates, at any time).

DAVID W. BROWN
PHONE: [redacted]

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June 29, 2016

Office of the Chief Counsel
800 Independence Ave., S.W.
Washington, D.C. 20591

I would like an interpretation of 14 CFR Part 135.339. Initial and transition training and checking: Check airmen (aircraft), check airmen (simulator) and the associated guidance in the 8900.

The regulation states that no certificate holder may use a person nor may any person serve as a check airman unless that person has satisfactorily completed initial or transition check airman training; and within the preceding 24 calendar months, that person satisfactorily conducts a proficiency or competency check under the observation of an FAA inspector or an aircrew designated examiner employed by the operator. The observation check may be accomplished in part or in full in an aircraft, in a flight simulator, or in a flight training device.
8900.1 Volume 3, Chapter 20, Section 2, Paragraph 3-1429, Approval of a Check Pilot or Check FE in Multiple Aircraft says before a candidate may be approved as a check pilot or check FE in more than one type of aircraft, the operator must show that there is a need. The candidate must be fully qualified and current in each of the aircraft types. Overseeing inspectors must be judicious in approving check pilots and check FEs and vigilant in overseeing their performance.

There are various acceptable combinations of check pilot and check FE approvals.

More Than One Aircraft Family: For part 135 operations, a check pilot may be approved to serve in a combination of two of the following aircraft families: 1) one series of multiengine, normal, or commuter category airplanes; 2) single-engine, normal, or commuter category airplanes; or 3) helicopters.

More Than One Commuter or Transport Category Aircraft Type: Before a candidate may be approved as a proficiency check pilot—aircraft, line check pilot—all seats, check pilot—all checks, or check FE—aircraft in two commuter category aircraft types or two transport category types, the overseeing inspectors must ensure that the following conditions are met:

2) Aircraft with Different TCs Not Designated as Related for Part 121 or Part 135.

a) Proficiency Check Pilot—Aircraft. The candidate must have logged at least 500 hours as PIC in each type;

b) Line Check Pilot—All Seats. The candidate must have logged at least 100 hours as PIC in each type and at least 1,000 hours as PIC in transport- or commuter-category airplanes;

c) Check Pilot—All Checks. The candidate must have logged at least 500 hours as PIC in each type; and
d) Check FE—Aircraft. The candidate must have logged at least 500 hours as an FE in each type.

My questions specifically are would a check pilot who is authorized in one family of aircraft and wanting to add a different family of aircraft be required to have an initial observation by the FAA in the second aircraft, considering they are current and qualified in both aircraft and the 24 month observation requirement has been complied with?

Would it make any difference in whether another initial observation was required if the check pilot was authorized in a turbo prop aircraft and wanting to add a jet aircraft to their Letter of Authorization without an additional observation by the FAA?

Thank you for your time.

Sincerely,

David W. Brown