U.S. Department
of Transportation
Federal Aviation Administration

Office of the Chief Counsel

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

JUL 25 2017

Rectrix Aviation, Inc.
Attn: Brian Sansiveri, Director of Operations
777 Virginia Road
Concord, MA 01742

Re: Pilot in command qualifications under 14 C.F.R. § 135.243 and line checks under 14 C.F.R. § 135.299.

Dear Mr. Sansiveri,

This is in response to your letter dated March 8, 2017, requesting an interpretation of 14 C.F.R. §§ 135.243 and 135.299. For your convenience, we have restated your questions below, followed by our interpretation of the applicable regulations.

Question 1: *Whether a pilot in command (PIC) of a part 135 all-cargo operation (no passengers) is required to meet the hours of § 135.243 to serve as PIC when the aircraft in use does not fall under the stipulations of § 135.243(a)(1).*

Section 135.243(a)(1) requires that a PIC hold an airline transport pilot certificate with appropriate category and class ratings and, if required, an appropriate type rating for that airplane *whenever the PIC conducts passenger-carrying operations* in (1) a turbojet airplane, (2) an airplane having a passenger-seat configuration, excluding each crewmember seat, of 10 seats or more, or (3) a multiengine airplane in a commuter operation as defined in 14 C.F.R. part 119.

All-cargo operations are non-passenger carrying operations. Thus, § 135.243(a) does not apply to a PIC engaged in all-cargo operations. Such PIC is nonetheless subject to the qualification requirements in § 135.243(b) if the operations are conducted under VFR, and § 135.243(c) if they are conducted under IFR.

Question 2: *Whether a § 135.299 line check can be conducted under normal revenue flights with passengers on-board the aircraft?*

Section 135.299 line checks can be conducted during revenue operations. Notwithstanding, in certain part 135 operations it might not be practical to conduct a line

check during an actual revenue operation. *See* Volume 3, Chapter 19, Section 13, Paragraph 3-19-13-3(J) of FAA Order 8900.1.

We trust that the above 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, General Attorney in the Regulations Division of the Office of the Chief Counsel, and coordinated with the Air Transportation Division (AFS-200) of the Flight Standards Service.

Sincerely,

Lorelei Peter
Assistant Chief Counsel for Regulations, AGC-200

RECTRIX

March 8, 2017

Office of the Chief Counsel
800 Independence Ave SW
Washington, DC 20591

Rectrix Aviation, Inc.
Attn: Brian Sansiveri
777 Virginia Road
Concord, MA 01742

To whom it may concern,

I am writing this letter to request clarification on two regulations, specifically 135.299 and 135.243.

Question # 1

14 CFR Part 135.243 Pilot In Command Qualifications. The regulation clearly states in section (a) "No certificate holder may use a person, nor may any person serve, as pilot in command **in passenger-carrying operations**—". Sections (b) & (c) stipulate the required hours to operate as a PIC under VFR and IFR respectively. They also contain the verbiage "Except as provided in paragraph (a) of this section,".

I have placed the defining text in bold that relates to my question.

My question pertaining to this regulation is; would a PIC, under part 135 of an all cargo operation (no passengers), be required to meet the hours of 135.243 to serve as PIC when the aircraft in use does not fall under the stipulations of 135.243 (a) (1)?

Question # 2

With regards to the checking requirements of 135.299 - Pilot in command: Line checks: Routes and airports. Can a company check airman, authorized to conduct proficiency and line checks from a pilot seat, conduct a 135.299 Line Check under normal revenue flights with passengers on-board the aircraft?

Confusion arises when reference to the 8900 guidance, Volume 5 Chapter 1 Section 4 paragraph 5-84 applies specifically to the carriage of passengers during practical tests. It states that the practice of carrying passengers is limited only to individuals who have a legitimate interest in the practical test. It goes on to define who those persons may be. There is mixed determination on whether or not a 135.299 check is considered a practical check or an evaluation.

Your assistance in further understanding these regulations is greatly appreciated. Furthermore, if any clarification pertaining to the questions at hand is needed I can be contacted via the following:

bsansiveri@rectrix.aero
781-274-0400 Ext. 8416

Sincerely,

Brian Sansiveri
Director of Operations