U.S. Department
of Transportation
Federal Aviation Administration

Office of the Chief Counsel

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

JUL 10 2019

Joseph Manor
Director of Operations
Premium Air Charters, Inc.
Coram, NY 11727

Re: Part 135 Chief Pilot requirements.

Dear Mr. Manor:

This letter responds to your June 15, 2018 request for legal interpretation regarding the requirements to serve as chief pilot in accordance with 14 CFR § 119.69 by fulfilling the criteria codified at § 119.71. In your letter, you asked whether a chief pilot who no longer holds a first- or second-class medical certificate but holds a third-class medical certificate and is qualified to serve as pilot in command (PIC) in at least one aircraft used in the certificate holder's operation may continue to hold the chief pilot position. This question connotes that the person would be qualified to conduct operations under part 91, but not part 135, due to the lack of the requisite medical certificate. You stated the regulation does not specify that the chief pilot is required to meet the requirements of serving as pilot in command (PIC) under part 135 or to meet other requirements of part 135.

Section 119.71(c) and (d) sets forth the certificate and experience requirements a person must fulfill to serve as chief pilot for a certificate holder. Based on the PIC requirements for the certificate holder's operation, § 119.71 requires the chief pilot to hold either an airline transport pilot (ATP) certificate or a commercial pilot certificate. A person must hold a first-class medical certificate to exercise PIC privileges of an ATP certificate and a second-class medical certificate to exercise privileges of a commercial pilot certificate; however, § 119.71(c) and (d) only require the chief pilot to be qualified to serve as pilot in command in at least one aircraft in the certificate holder's operation. In addition, other sections specify that a pilot must be qualified to serve as pilot in command in part 135 operations,[1] yet § 119.71 does not contain such language with regard to the chief pilot position.

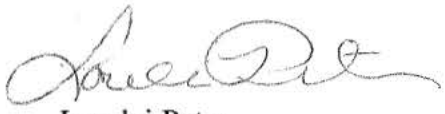
Overall, § 119.71 is silent with regard to whether a person serving as chief pilot must be qualified to conduct operations as PIC *under part 135*; therefore, persons serving as chief pilots may fulfill the requirements of § 119.71 in the absence of being permitted to serve as PIC in operations under part 135. As long as the person continues to hold either an ATP certificate or commercial pilot certificate with appropriate ratings, is qualified to

[1] See 14 CFR § 135.338(b).

serve as PIC in at least one aircraft used in the certificate holder's operation, and has satisfactory experience,[2] he or she may continue to serve as chief pilot with a third-class medical certificate.

We appreciate your patience and trust that the above responds to your inquiry. If you need further assistance, please contact my staff at (202) 267-3073. This response was prepared by Courtney Freeman, an attorney in the Regulations Division of the Office of the Chief Counsel, and coordinated with the Air Transportation Division of the Flight Standards Service.

Sincerely,



Lorelei Peter
Assistant Chief Counsel for Regulations

[2] The FAA may grant a deviation under 14 CFR § 119.71(f) for persons who lack the required experience.

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Office of the Chief Counsel
800 Independence Avenue SW
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6/15/2018

Re: Legal interpretation request Part 135 Chief Pilot medical class

14 CFR part 119.71 (c) and (d) respectively state:

To serve as Chief Pilot under §119.69(a) for a certificate holder conducting any operation for which the pilot in command is required to hold an airline transport pilot certificate a person must hold an airline transport pilot certificate with appropriate ratings and be qualified to serve as pilot in command in at least one aircraft used in the certificate holder's operation.

To serve as Chief Pilot under §119.69(a) for a certificate holder that only conducts operations for which the pilot in command is required to hold a commercial pilot certificate, a person must hold at least a commercial pilot certificate. If an instrument rating is required for any pilot in command for that certificate holder, the Chief Pilot must also hold an instrument rating. The Chief Pilot must be qualified to serve as pilot in command in at least one aircraft used in the certificate holder's operation.

My question is:

If a chief pilot no longer holds a class I or II but does have a class III medical and is qualified to serve as pilot in command in at least one aircraft used in the certificate holder's operation, can this person continue to hold the chief pilot position?
The regulation states that the chief pilot must be qualified to serve as a pilot in command, not necessarily to fly as a pilot in command under part 135.
In addition, the regulation does not specify that the chief pilot is required to meet the requirements of serving as pilot in command under part 135 or to meet the requirements of 135.293, 135.297 and 135,299.

I appreciate if you could issue a legal interpretation in this matter.

Respectfully,

Joseph Manor, Director of Operations - Premier Air Charters, Inc.