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

Office of the Chief Counsel

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Dear Paul Quirion;

We have reviewed your December 26, 2024, letter requesting an interpretation of 14 CFR 121.434(g). Specifically, you asked whether the consolidation of knowledge and skills requirement under section 121.434(g) is intended to be aircraft type-specific or air carrier-specific. In addition, you asked whether FAA would recognize prior consolidation of knowledge and skills completed with one air carrier as satisfying the requirements of section 121.434(g) when transitioning to a different air carrier.

Section 121.434 states that no certificate holder may use a person as a required crewmember unless the person has satisfactorily completed, on that type of airplane and in that crewmember position, the operating experience, operating cycles, and the line operating flight time for consolidation of knowledge and skills required by this section (barring the stated exceptions).

Specifically, section 121.434(g) states that a pilot in command (PIC) and second in command (SIC) must each acquire at least 100 hours of line operating flight time for consolidation of knowledge and skills within 120 days after the satisfactory completion of any part of flight maneuvers and procedures of either an airline transport pilot type rating practical test or an additional type rating practical test, or a section 121.441 proficiency check.

A reading of section 121.434 independent of the regulatory scheme does not answer the questions you raised. As you note in your request, section 121.434 and the discussion of this section in the 1993 notice of proposed rulemaking (NPRM)[1] and the 1995 final rule[2] focus on the

[1] *Pilot Operating Experience Requirements*, NPRM, 58 FR 15730 (Mar. 23, 1993).
[2] *Pilot Operating Experience Requirements,* Final Rule, 60 FR 20858 (April 27, 1995).

type of airplane and do not explicitly address whether the requirement is air carrier specific. However, this provision must be read in the broader context of part 121; specifically, subparts N and O, which set out training and qualification requirements, respectively.

Each part 121 certificate holder is required to ensure all crewmembers meet the qualifications set forth in subpart O. This includes the requirement in 14 CFR 121.433(a) that all certificate holders ensure crewmembers receive the required training set forth in subpart N. The FAA previously received a similar question on whether a part 121 certificate holder could give credit for training under part N completed by a newly hired crewmember while in the employment of another part 121 certificate holder.[3] The FAA stated that the regulations generally do not provide for part 121 certificate holders to include a system for crediting training from a previous employer in order to satisfy their obligations.[4] The FAA noted that part 121 subpart N treats all new crewmembers the same for purposes of the training required, regardless of prior employment by a different part 121 certificate holder. In addition, the FAA reasoned that because many of the training requirements set forth in subpart N are employer-based, the training is generally not transferable. Therefore, when a pilot transfers from one certificate holder to another, they have to complete the entirety of the new certificate holder's training program.

The same reasoning for not allowing credit for subpart N requirements applies to the requirements of subpart O, to include section 121.434. Subpart O also treats all crewmembers the same for the purpose of qualification requirements, regardless of prior employment by a different part 121 certificate holder. Consolidation is the process by which a person through practice and practical experience increases proficiency in newly acquired knowledge and skills.[5] As established in the DeJoseph interpretation, every newly hired pilot has to complete the specific certificate holder's training program, in part, because many of the training requirements set forth in subpart N are employer-based. It follows that the new hire would then have to complete the consolidation of knowledge and skills requirement to practice and solidify the knowledge and skills learned in training.

Each certificate holder has its own manuals, standard operating procedures (SOPs), and checklists that are covered in the training program. The consolidation period provides pilots with time to practice and solidify the skills learned in training within a short period after completing training; this includes the application of the specific certificate holder's manuals, SOPs, and checklists. Allowing credit for consolidation of knowledge done at a different air carrier would negate the purpose of the consolidation period. While the position and aircraft type may be the same as a prior air carrier, the policies and procedures will be different at the new air carrier.[6]

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[3] Legal Interpretation to Francis M. DeJoseph, February 28, 2013.

[4] The DeJoseph interpretation acknowledged that a certificate holder may develop and submit to the FAA for approval a training plan that could include different programmed hours based on a crewmember's level of previous knowledge while working for another part 121 certificate holder.

[5] 14 CFR 121.431(b)

[6] *See* 58 FR 15730 at 15732 (Mar. 23, 1993). The NPRM notes that that it is important for a pilot who has qualified in an airplane to have an opportunity to consolidate the newly developed piloting skills *and procedural knowledge* through substantial line experience (emphasis added). The NPRM also notes that pilots must not only learn the aircraft handling characteristics, but work with a variety of aircraft equipment such as automated flight control and flight management system and software.

You stated in your request that the certificate management office issued overreaching policy on this issue, post-*Chevron*, which incorrectly interpreted the rule. The FAA updated Order 8900.1 to clarify the non-transferability of the consolidation of knowledge requirements.[7] This policy update is an interpretation of the FAA's regulations; whether the agency has acted within its statutory authority is not at issue. Therefore, *Loper Bright* is not applicable.[8] For the reasons explained above, the FAA finds that the 8900.1 paragraph stating that consolidation of knowledge is not transferable is consistent with part 121 regulations.[9]

We appreciate your patience and trust that the above addresses your concerns. This response was prepared by Norah Patrick, Attorney in the Regulations Division of the Office of the Chief Counsel, and coordinated with FAA's Flight Standards Service, which is responsible for the subject matter addressed in your request.

Sincerely,

Brett Daee
Principal Deputy Chief Counsel

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[7] 8900.1, Volume 3, Chapter 19, Section 7, Paragraph 3-1289. Your request also mentioned the Thomas Legal Interpretation referenced in this section of the 8900.1. This legal interpretation addresses logging flight time for operating experience and is not relevant to the question this interpretation addresses.

[8] *Loper Bright v. Raimondo*, 144 S.Ct. 2244 (2024) (overruling *Chevron* in its entirety and replaced it with a new standard requiring courts to "exercise their independent judgment in deciding whether an agency has acted within its statutory authority.")

[9] The FAA also addressed similar questions regarding part 135 certificate holders in the Spillner legal interpretation. The FAA received questions on the regulatory basis for Notice 8900.197, which directs principal operating instructors to "identify and correct part 135 certificate holders' training programs that provide credit for previous training and/or qualification received from a different certificate holder." FAA issued the Spillner legal interpretation finding that the FAA policy in not allowing credit for previous training or qualification received from a different certificate holder was consistent with part 135. Legal Interpretation to Charles A. Spillner, May 30, 2013.