

Recommendation

§§ 135.293, 135.297, and 135.299 should be revised to clarify that the pilot checks completed by Operator B can count for the same checks required under Operator A's certificate, as long as the skills and knowledge being tested are not operator specific or if they are operator specific they applies to both operators.

Discussion

Situations involving the transferability of these checks arise frequently. One of the most onerous is when Certificate B buys out Certificate A and operates A's aircraft, with A's pilots, along A's routes. There are differing opinions from FSDO to FSDO about whether the 293, 297, and 299 checks administered by A can apply to B; or whether B must immediately retest all of A's pilots even if they were tested only days ago and will be flying the same equipment, with the same procedures, along the same routes.

Neither § 135.293 nor § 135.299 specify that the particular Part 135 operator utilizing the pilot must also have been the operator that conducted the checks under these regulations. Both regulations only specify that an operator may not use a pilot that has not completed the checks required under these regulations in an aircraft of the same type, along the same route, and that the checks must have been administered by the Administrator or an authorized/approved check pilot.

To further clarify what previous checks will qualify for pilots moving to new aircraft FAA Order 8400.10 Vol. 3, Chptr 2, Sec. 10-613(B)-(C) states:

B. Each pilot serving in airplanes of the multiengine, general purpose aircraft family must have completed a competency check in one model of airplane of the equivalent aircraft family within 12 calendar months. A competency check in one airplane of an equivalent aircraft family qualifies the pilot in all airplanes of that family.

C. Each pilot serving in single engine airplanes other than turbojets must have completed a competency check in any make and model of the aircraft family within 12 calendar months. Only one competency check is required to qualify the candidate in all single engine airplanes of this family.

FYI: The provisions of previous subparagraphs B and C do not relieve a pilot from having to complete recurrent differences training and that portion of the oral or written competency test applicable to each make, model, and variation of the airplane that the pilot will operate as required by FAR 135.293(a)(2).

If the pilots transitioning from Certificate A to Certificate B have completed all the checks required under §§ 135.293, 135.297 and 135.299 in the same type of aircraft, the regulations and the Airworthiness Inspector's Handbook provide no specific objection to

that pilot flying for Certificate B without further checks. The preamble sections that have been brought to our attention also indicate that the only portions of these checks that must be retested under these circumstances are those items that are operator specific.

Authorization for Transferability under Subpart H – Training

Under HBAT 98-11 in Appendix 3 of Order 8400.10 it states that: “To date training centers have generally not been authorized to provide ground training or checking in the subjects specified in section 135.293(a)(1), or 135.293(a) (4 through 8). Therefore, those subjects must normally be addressed by operators when they engage training centers.”

This guidance seems to suggest that if the §§ 135.293, 135.297 and 135.299 checks the pilots have undergone were conducted by a Part 142 Training Center those portions of 135.293 listed above may not have been covered or tested by the Training Center and therefore should have been addressed by Certificate A, but if they were not these portions would need to be tested by Certificate B. The point being that either the Training Center or Certificate A addressed these issues and that if they are operator specific Certificate B would also have to address them.

Under Subpart H of Part 135 if Certificate A covered these areas in in-house training and checking Certificate B should not have to repeat these actions because training and checking from one certificate holder can count for the training required to be given by another certificate holder. Specifically § 135.324(a) provides that: “Other than the certificate holder, only another certificate holder certificated under this part or a training center certificated under part 142 of this chapter is eligible under this subpart to provide training, testing, and checking under contract or other arrangement to those persons subject to the requirements of this subpart.” This provision clearly states that Part 135 Certificate holder A can provide training, testing, and checking under contract or by arrangement to Certificate holder B, but the sticking point may be the phrase “required under this subpart.” § 135.324 is in Subpart H and §§ 135.293 and 135.299 are in Subpart G. However, both §§ 135.293 and 135.299 are referenced under the definition of Qualification training in § 135.321(b)(8), so they are at least addressed in Subpart H.

Conclusion

§§ 135.293, 135.297, and 135.299 do not explicitly require the certificate holder utilizing the pilots to be the same certificate holder that conducted the checks. Although, the underlying theme of these regulations, as evidenced by Order 8400.10 and Part 135, is to ensure that pilots are properly trained and tested in aircraft that are similar enough to the aircraft they operate to ensure a comparable level of safety. If the training and checks conducted under another certificate holder’s authorization provide a substantially similar level of safety for operations in a different certificate holder’s aircraft, or in the same aircraft merely operated under another certificate holder’s authorization, § 135.324 contemplates that these checks would be sufficient and should be given credit under the new certificate holder’s program. With this guidance it seems that the checks are transferable, however there are varying interpretations among the FSDOs that should be

addressed by clarifying these three regulations to specifically authorize transferability between Part 135 operators.