

AC NO: 135-2A

DATE: 11/16/73

ADVISORY CIRCULAR



DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

SUBJECT: AIR TAXI OPERATORS OF LARGE AIRCRAFT

1. **PURPOSE.** This advisory circular provides guidelines and procedures for use by air taxi operators or applicants for air taxi operator certificates who desire to obtain FAA authorization to operate large aircraft (more than 12,500 pounds maximum certificated takeoff weight) in air taxi operations.
 2. **CANCELLATION.** Advisory Circular No. 135-2, dated October 14, 1969, is canceled.
 3. **REFERENCES.**
 - a. Federal Aviation Regulations, Parts 1, 43, 61, 91, 97, 103, 121 and 135.
 - b. Advisory Circular No. 121-1, Standard Maintenance Specifications Handbook.
 4. **BACKGROUND.** In order to standardize the regulatory requirements of certificate holders operating large aircraft, Section 135.2 was added to FAR 135. This section requires air taxi operators who operate aircraft with certificated takeoff weights of over 12,500 pounds to comply with pertinent requirements of FAR 121 and appropriate operations specifications. FAR Parts 43 and 91 allow these air taxi operators the same maintenance privileges that apply to air carriers.
 5. **GENERAL REQUIREMENTS AND PROCEDURES.**
 - a. From an economic standpoint, air taxi operations with large aircraft (over 12,500 pounds) must be in accordance with an authorization granted by the Civil Aeronautics Board (CAB). Part 298 is a CAB Economic Regulation entitled "Classification and Exemption of Air Taxi Operators." This regulation gives a
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blanket exemption for air taxi operators to engage in air transportation without obtaining a certificate of convenience and necessity if the aircraft being used have a maximum payload capacity of 7,500 pounds or less and a maximum passenger configuration for 30 passengers (maximum of 30 passenger seats). (See note below) In addition, the CAB may issue an individual exemption which authorizes an air taxi operator to conduct certain operations using aircraft larger than those covered by the blanket exemption. Part 298 requires that all air taxi operators register with the CAB on or before July 1, 1973, and every two years thereafter. Air taxis who begin operations after July 1, 1973, are required to register at least 30 days prior to the commencement of operations and are required to reregister by July 1, 1975, and every two years thereafter. A CAB Form 298-A, "Registration and Reregistration for Exemption as an Air Taxi Operator," is used for this purpose. The CAB validates and returns this form to a successful applicant. A properly validated and current CAB Form 298-A is a prerequisite for the issuance of an FAA ATCO certificate. The nature and scope of the operations conducted must be compatible with the CAB authorization.

NOTE: Air taxi operations within Alaska and Hawaii continue to be governed by the 12,500-pound takeoff weight standard for the blanket exemption.

- b. Air taxi operators of large aircraft are certificated under FAR 135 as an air taxi operator. However, FAR 135.2 requires that in large aircraft operations the operator must comply with the certification and operating rules of FAR 121 applicable to supplemental air carriers and appropriate operations specifications. However, the Administrator may, after considering the nature, scope and complexity of a scheduled type of operation, issue operations specifications requiring an air taxi operator using large aircraft to comply with the domestic or flag rules of FAR 121 in lieu of the supplemental rules. For these purposes, scheduled operations are those conducted between any two points with the frequency specified in FAR 121.7.
- c. The Administrator may authorize those air taxi operators who conduct operations under the domestic or flag rules to also conduct scheduled cargo, charter or special services under the supplemental rules of FAR 121, if the CAB has authorized such operations. In these cases, Part F of the standard operations specifications will be issued.
- d. If foreign operations are authorized for an operator operating under the scheduled air carrier rules of FAR 121, the flag rules will normally apply, except that FAR 121.3(d) permits the authorization of a limited operation into foreign countries, such as Canada and Mexico, to be conducted under the domestic rules of FAR 121.

- e. Prior to making formal application for the issuance of operations specifications under FAR 135.2, applicants are encouraged to hold preliminary discussions of the matter with an FAA inspector. The inspector should be thoroughly briefed on the planned operation so that he may advise the applicant of the general requirements involved; i.e., application of pertinent regulations, operations specifications, training programs, manuals, maintenance programs, records, facilities and inspection requirements applicable to the particular operation.
6. OPERATING CERTIFICATE. An air taxi operating certificate, issued under Subpart A of FAR 135, is required for the issuance of FAR 121 operations specifications authorizing large aircraft operation in air taxi service. A FAR 121 operating certificate will not be issued for this type of operation. Applicants who do not hold a FAR 135 operating certificate should, in addition to the requirements of paragraph 7 below, make application for this certificate on FAA Form 8000-6, Application for Air Taxi Commercial Operator Certificate Under FAR 135. The FAA Forms 8000-6 may be obtained from the local FAA district office.
7. FORMAL APPLICATION. The applicant for a 135.2 air taxi operating certificate should apply at least 60 days prior to the desired certification date to the FAA Flight Standards District Office nearest to his principal base of operation. The application should be a formal letter including a detailed item by item description of how he complies with each section of the appropriate regulations. The receipt of the formal application indicates that he is, in fact, ready for inspection and that all manuals, training programs, CAB authorization, etc., that are required for application processing are complete.
8. ASSIGNMENT OF FAA PERSONNEL. Upon receipt of an application for FAA authorization to operate large aircraft in air taxi operations, the FAA will assign inspector personnel to accomplish the certification.
9. OPERATIONS SPECIFICATIONS. From an operations standpoint, two sets of standard operations specifications for air taxi operators using large aircraft are prepared by the Flight Operations Division, AFS-400, in Washington, D. C. One set is designed for use by those operators operating under the supplemental rules of FAR 121. The other set is designed for use by those operators operating under the domestic and flag rules of FAR 121. Operations Specifications - Maintenance are prepared in accordance with Advisory Circular 121-1.
10. OPERATOR REQUEST FOR APPROVAL OF OPERATIONS SPECIFICATIONS. Normally, if preapplication meetings were held, the applicant will submit his operations specifications along with the formal application. In any case, they should be submitted as soon as possible after the formal application is received so as to provide sufficient time to correct any incorrect items. Maintenance and avionics operations specifications are prepared as specified in Advisory Circular 121-1.

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INSPECTION FOR ISSUANCE OF OPERATING CERTIFICATE. Upon receipt of the formal application, the assigned FAA personnel will commence the required inspection of the proposed operation. This will be an in-depth inspection to assure that all facets of the operation meet the requirements of the pertinent regulations. Close coordination between the applicant and the FAA inspectors throughout the certification process will expedite the certification action. After approval, the assigned FAA inspectors will implement an inspection and surveillance program appropriate to operations being conducted.

12. APPROVAL. Appropriate operations specifications executed by the applicant and approved by the Administrator's representative constitute authority for the operator to operate large aircraft in air taxi operations in accordance with the provisions of such operations specifications. These operations specifications are in addition to the required ATCO certificate.



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