

**DEPARTMENT OF TRANSPORTATION**  
**Federal Aviation Administration**

**14 CFR Part 135**

[Docket No. 23229; Amdt. No. 135-10]

**Elimination of Certain Personnel,  
 Manual, and Training Requirements for  
 Corporate One-Pilot Operations and  
 Delegation of Authority for  
 Management Deviation Requests**

**AGENCY:** Federal Aviation  
 Administration (FAA), DOT.

**ACTION:** Final Rule; Request for  
 Comments.

**SUMMARY:** This amendment eliminates regulations concerning manual requirements, management personnel required, pilot and flight crewmember training programs, and crewmember initial and recurrent training requirements where the certificate holder is a corporation or other legal entity which uses only one pilot. It also transfers the authority to act on requests for deviation from the Director of Flight Operations or the Director of Airworthiness to regional Flight Standards Divisions in matters concerning management personnel qualifications. Processing requests for deviations creates an economic burden for the certificate holder. This amendment reduces corporate costs and time required to process requests for deviations by eliminating certain personnel, manual, and training requirements when the certificate holder is a corporation or other legal entity which uses only one pilot. Therefore, this amendment is consistent with Executive Order 12291, the Regulatory Flexibility Act, and the Paperwork Reduction Act. It relieves burdens on small businesses without derogating safety.

**DATES:** Effective date of this amendment is August 2, 1982. Comments must be received on or before September 2, 1982.

**ADDRESSES:** Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 23229, 800 Independence Ave., SW., Washington, D.C. 20591; or deliver comments in duplicate to: FAA Rules Docket, Room 916, 800 Independence Ave., SW., Washington, D.C. 20591. Comments may be examined in the Rules Docket, weekdays except Federal holidays, between 8:30 a.m. and 5 p.m.

**FOR FURTHER INFORMATION CONTACT:** David W. Kress, Commuter and Air Taxi Branch (AFO-250), Air Transportation Division, Office of Flight Operations, Federal Aviation Administration, 800

Independence Ave., SW., Washington, D.C. 20591; Telephone (202) 426-8086.

**SUPPLEMENTARY INFORMATION:**

**Background**

For many years, the FAA has regulated air taxi operators under Part 135 of the Federal Aviation Regulations. Those operators are air carriers and typically are relatively small business enterprises which employ few persons and use few aircraft. Of course, there are exceptions, such as commuter air carriers, which have experienced substantial growth in recent years to the point where they have significant numbers of employees and operate small fleets of aircraft. In the main, the average air taxi operator is a small-scope operation.

Many air taxi operators use only one pilot. In the case of an individual proprietor, that person not only is the certificate holder but also is the only pilot. There also are many air taxi operators, which are corporations or another form of legal entity, using only one pilot. Commencing at least as far back as 1969, by regulatory exception the individual proprietor who serves as the only pilot has not been required to prepare manuals or training programs. In addition, at least since 1969, the requirement for a manual has included a deviation authority provision for operators other than the individual proprietor serving as the only pilot. Deviation authority is a means for all or part of the manual requirement to be waived by the FAA based upon the limited size of the particular operation.

In 1978, Part 135 was substantially revised (new Part 135; 43 FR 46742; October 10, 1978). Manual and training program requirements were retained in new Part 135, and the regulatory exception for individual proprietor certificate holders serving as the only pilot was retained. Provisions for deviation from the manual requirement for other limited-scope operations were also retained, and similar authority was added with respect to training program requirements. Rules were added which required certain management personnel positions and qualifications for all operators except the individual proprietor certificate holder serving as the only pilot. Provision was made for deviation from the management personnel requirements if the certificate holder could show that it could perform its operations safely under the direction of fewer or different categories of management personnel. Deviations from the qualifications required of management personnel were permitted if it could be established that the person had aeronautical experience equivalent

to the requirements specified in the rule. Manual, management personnel and qualifications, and training program requirements are contained in §§ 135.21, 135.37, 135.39, and 135.341 respectively.

Under the current regulations, deviations from the manual, training program and management personnel requirements are handled by the FAA certificate-holding office. Deviations from the qualifications required of management personnel are handled in the FAA's Washington headquarters. The FAA has issued many deviations since 1969 in the case of manual requirements, and since 1978 in the case of training program and management personnel requirements. Most of these deviations were issued to corporate or other legal entity certificate holders which use only one pilot. The operations which use only one pilot typically use only one aircraft, and it has a type certificated seating capacity of nine passengers or less. Those operators have few employees. Because of the small size of those operators, they make arrangements with appropriate FAA-approved facilities or appropriately rated maintenance personnel for performance of maintenance required by Part 135. In the administration of the deviation authority provisions relating to manuals, training programs, and management personnel requirements, the FAA gained extensive operating experience with the corporate or other legal entity operator which uses only one pilot. With respect to these requirements, this operating experience has established that there is no significant difference between the operation in which the individual proprietor certificate holder is the only pilot and the operation in which a corporate or other legal entity certificate holder uses only one pilot. Therefore, the FAA has decided to treat those one-pilot, small-business operations uniformly by eliminating distinctions based upon the nature of the legal entity holding the air taxi certificate. Thus, by regulatory exception, any certificate holder using only one pilot will be relieved of the requirements to have a manual, a training program, and management personnel. Considering the operating experience gained in the numerous grants of deviation from these requirements, the FAA is convinced that no reduction in safety will result from this amendment.

Certificate holders using more than one pilot will continue to be required by regulation to have manuals, training programs, and management personnel with specific qualifications. Deviation authority for those operators will

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continue to be available under the circumstances specified in the rules.

Since the adoption of new Part 135 in 1978, deviations from the stated qualifications for management personnel have been handled at FAA's Washington headquarters. Authority was not delegated to the field offices at that time because new Part 135 required recertification of approximately 4,000 air taxi operators. It was deemed important to control deviation requests from management personnel qualification requirements from Washington until the recertification phase became complete, and administration of new Part 135 became routinely established.

Agency personnel have acquired substantial expertise in the administration of new Part 135. Consistent with the agency's emphasis on decentralization of functions and reduction of paperwork and processing time burdens, the agency has decided to delegate deviation authority for management personnel qualification requirements to the Flight Standards Division Chiefs located in the respective regional offices. This will reduce the processing time for each deviation request by approximately 2 weeks. The FAA workload will be reduced, and the needs of air taxi certificate holders will be served more promptly.

#### **Description of Specific Regulatory Changes**

##### *Section 135.21 Manual requirements.*

##### *Section 135.37 Management personnel required.*

##### *Section 135.341 Pilot and flight attendant crewmember training programs.*

Paragraph (a) of each of these sections contains the regulatory exception "other than one who is the only pilot used in the certificate holder's operations." This exception applies to individual proprietor certificate holders serving as the only pilot in their operations. In order to revise this exception to encompass a corporation or other legal entity which uses only one pilot, the exception in each section is revised to read "other than one who uses only one pilot in the certificate holder's operations."

##### *Section 135.343 Crewmember initial and recurrent training requirements.*

The last sentence of this section is a regulatory exception which conforms to the individual proprietor single-pilot exception in §§ 135.21, 135.37, and 135.341. It reads, "This section does not apply to a certificate holder who is the only pilot used in the certificate holder's

operation." To conform to the revised regulatory exceptions in §§ 135.21, 135.37, and 135.341, this sentence is revised to read, "This section does not apply to a certificate holder that uses only one pilot in the certificate holder's operations."

The effect of these changes to §§ 135.21, 135.37, 135.341, and 135.343 is to revise the regulatory exceptions for one-pilot operations to include all one-pilot operations without distinction based upon the legal nature of the business firm under which the business is operated. In effect, these changes codify the general practice followed by the FAA in granting deviation from the manual, management personnel, and training program requirements in Part 135 to one-pilot operations. These changes will eliminate the paperwork burden on one-pilot certificate holders by eliminating the need to apply for deviations. Similarly, the paperwork and processing burdens on the FAA will be eliminated.

##### *Section 135.39 Management personnel qualifications.*

Paragraph (d) of this section provides authority for deviations from management personnel qualification standards. At the present time, these deviations may only be granted at the FAA's Washington headquarters. To change the delegation of deviation authority from FAA's Washington headquarters to the Flight Standards Division Chiefs in the respective FAA regional offices, the second and third sentences are deleted, and the following sentence is added: "The Chief of the Flight Standards Division in the region of the certificate-holding district office may authorize a deviation for the director of operations, chief pilot, and the director of maintenance."

FAA delegation of authority for administering deviation authority under this section is changed. It will reduce the FAA's paperwork burden and the time required to process these deviation requests. It will improve the agency's service to air taxi operators.

#### **Justification for Immediate Adoption and Effectiveness**

The changes which expand the existing regulatory exceptions relating to individual proprietorship one-pilot operations to all one-pilot operations have the effect of codifying the agency's general practice of granting deviations from the manual, training program, and management personnel requirements to such operators. Delegating deviation authority for management personnel qualifications from Washington headquarters to the various FAA

regional offices is a change in administrative delegation. This amendment, therefore, is a minor amendment, and I find that notice and public procedure are unnecessary. In addition, since this amendment relieves restrictions, I find that good cause exists for making this amendment effective in less than 30 days. However, interested persons are invited to submit such comments as they may desire regarding this amendment. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before September 2, 1982, will be considered by the Administrator, and this amendment may be changed in light of the comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Commenters wishing the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 23229." The postcard will be date/time stamped and returned to the commenter.

#### **Discussion of Impact**

This amendment eliminates regulations concerning manual requirements, management personnel required, pilot and flight attendant crewmember training programs, and crewmember initial and recurrent training requirements for corporations or other legal entities which use only one pilot. Additionally, this amendment transfers the authority to grant deviations from management personnel qualification requirements from Washington headquarters to the regions. After an informal assessment of the potential cost aspects of the rule, the FAA has determined that there are no apparent direct or indirect costs associated with making the change to the regulations. Where there are apparent benefits, they are not readily quantifiable since information required to quantify benefits is not available to the FAA. It is apparent that the benefits outweigh any costs associated with changing the present regulations.

#### **List of Subjects in 14 CFR Part 135**

Air carriers, Aviation safety, Safety, Air transportation, Air taxi, Airworthiness, Pilots, Airmen, Aircraft.

#### **The Amendment**

Accordingly, Part 135 of the Federal Aviation Regulations 14 (CFR Part 135) is amended to read as follows:

# **PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS**

1. By revising the first sentence through the word "operations" in § 135.21(a) to read as follows:

## **§ 135.21 Manual requirements.**

(a) Each certificate holder, other than one who uses only one pilot in the certificate holder's operations. \* \* \*

\* \* \*

2. By revising § 135.37(a) through the word "operations" to read as follows:

## **§ 135.37 Management personnel required.**

(a) Each certificate holder, other than one who uses only one pilot in the certificate holder's operations. \* \* \*

\* \* \*

3. By revising § 135.39(d) to read as follows:

## **§ 135.39 Management personnel qualifications.**

\* \* \*

(d) Deviation from this section may be authorized if the person has had equivalent aeronautical experience. The Chief of the Flight Standards Division in the region of the certificate holding district office may authorize a deviation for the director of operations, chief pilot, and the director of maintenance.

4. By revising the first sentence through the word "operations" § 135.341(a) to read as follows:

## **§ 135.341 Pilot and flight attendant crewmember training programs.**

(a) Each certificate holder, other than one who uses only one pilot in the certificate holder's operations. \* \* \*

\* \* \*

5. By revising the last sentence of § 135.343 to read as follows:

## **§ 135.343 Crewmember initial and recurrent training requirements.**

\* \* \* This section does not apply to a certificate holder that uses only one pilot in the certificate holder's operations.

(Sections 313, 314, and 601 through 610, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1355, and 1421 through 1430); Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

**Note.**—The FAA has determined that this amendment provides rule changes which are relaxatory in nature and impose no additional burden on any person. One of the amendments reduces processing time by approximately 2 weeks for certain deviation requests, and the other amendments should eliminate approximately 240 requests for deviations from corporations or other legal entities who use only one pilot. Accordingly, the FAA has determined that this amendment is not major under Executive Order 12291 and is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 28, 1979). For the reasons discussed above, the anticipated economic impact is so minimal that no regulatory evaluation is necessary.

Issued in Washington, D.C. on July 2, 1982.

Michael J. Fenello,  
Acting Administrator.

[FR Doc. 82-20736 Filed 7-30-82; 8:45 am]

BILLING CODE 4910-13-M