

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 135**

[Doc. No. 20011; Amdt. No. 135-3]

**Air Taxi Operators and Commercial Operators; Commuter Pilot in Command Operating Experience Requirements**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment requires that each commuter air carrier pilot meet increased operating experience levels before serving as a pilot in command. The intended effect is to upgrade the amount of pilot experience in the aircraft being flown in order to achieve a higher level of safety. The necessity for this amendment is indicated by recent fatal commuter accidents involving pilots with low pilot time in the aircraft being operated.

**DATES:** Effective date: March 1, 1980.  
Comments by: April 1, 1980.

**FOR FURTHER INFORMATION CONTACT:** Mr. Edward McCorvey, Regulatory Projects Branch, Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 755-8718.

**ADDRESS:** Comments on this proposal may be mailed in duplicate to:

Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 20011, 800 Independence Avenue, SW., Washington, D.C. 20591.

Or be delivered in duplicate to: Room 918, 800 Independence Avenue SW., Washington, D.C. 20591.

Comments delivered must be marked "Docket No. 20011." Comments may be inspected at Room 918 between 8:30 a.m. and 5 p.m.

**SUPPLEMENTARY INFORMATION:**

**Background**

On September 24, 1978, the FAA issued an extensive set of new and revised Part 135 regulations governing commuter air carriers and on-demand air taxi operators. These were published in the Federal Register on October 10, 1978 (43 FR 46783; Docket No. 16097). These regulations had two basic premises. First, operating experience over a representative number of years established the need to generally upgrade the requirements of Part 135.

Second, in the light of airline economic deregulation legislative proposals which were progressing through Congress in 1977 and 1978, it was contemplated that the air taxi industry generally, and especially its commuter air carrier segment, would be called upon under deregulation to provide even more air transportation services than that rapidly growing air transportation component had furnished prior to 1977. It was expected that under economic deregulation, large air carriers would pull out of small markets and that in many cases commuter air carriers would step in and shoulder the job of providing air transportation.

Accordingly, in the development of revised Part 135, the agency placed heavy emphasis upon upgraded requirements for commuter air carriers. These requirements were constructed in the regulations by making some provisions explicitly applicable to commuter air carrier operations while others were made applicable to those aircraft customarily found in commuter operations.

Congress likewise recognized the increased role that commuter air carriers would be called upon to assume under deregulation when it passed the Airline Deregulation Act of 1978 on October 24, 1978 (Pub. L. 95-504). In that Act, Congress required the FAA to establish regulations which, to the maximum feasible extent, provide a level of safety to passengers traveling on commuter air carriers equivalent to that afforded passengers traveling on certificated carriers. Congress also charged the agency with the duty to periodically assess the pertinent safety achievements and report to the Congress. The agency had already recognized the need for a continuing review of Part 135 safety regulations when it noted in the preamble to revised Part 135 that a review of those regulations would be announced early in 1980.

The foresight and wisdom of Congress and the agency in planning for deregulation has been established. Commuter air carriers have enjoyed remarkable growth in the slightly more than 1 year since the Airline Deregulation Act was passed and, in general, that industry has responded well to the challenges.

**Need for this Regulatory Change**

During 1979 there have been 13 fatal accidents in commuter air carrier operations, several of which involved multiple fatalities.

The FAA has analyzed these accidents with the goal of identifying

adverse trends and determining how these trends can be stopped. This analysis shows that there were significant numbers of single pilot operations where the pilot was not able to cope with an abnormal or emergency situation arising during the takeoff or early phase of flight. Further analysis reveals that the single pilot, although possessing significant experience in multiengine airplanes, had a low experience level in the specific make or model being operated at the time of the accident. For example, in a March 1, 1979 accident which killed the pilot and all seven passengers, the pilot was engaged in his first flight in the particular make and model being flown, although he did have 15 hours in a virtually identical make and model of airplane. In an accident on August 9, 1979, resulting in three fatalities, the single pilot had 30 hours in the make and model. In an October 8, 1979, accident which killed all eight persons

on the airplane, the single pilot had 28 hours in the make and model, which included 20 hours line operating experience and a flight check with the company check pilot. However, the check pilot did not cover emergency procedures on the flight check. The FAA withdrew the check pilot's authorization on account of this deficiency. Finally, on November 2, 1979, the pilot and 5 passengers were killed in a commuter air carrier accident. Although the pilot had a total of approximately 10,000 total hours, he had only 2 hours in the make and model used on the fatal flight.

These accidents and general operating experience show that extensive total time or multiengine time do not establish that a pilot in command can safely operate a particular make and model of aircraft. Accordingly, there is a compelling need to establish minimum operating experience requirements which must be met before a pilot may be designated to serve as pilot in command on a commuter air carrier passenger-carrying flight. Moreover, although the single pilot operations accidents which have occurred were in VFR conditions, they indicate pilot deficiencies which have serious implications in operations under the greater demands imposed in IFR conditions where a single pilot operation is conducted with an autopilot in lieu of a second in command. If abnormal or emergency situations similar to those which occurred in the accidents discussed above were to occur under IFR conditions, the single pilot with a low level of experience in the make and model would be faced not only with handling the specific problem,

(As published in the Federal Register (45 F.R. 7246) on February 1, 1980)

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but also with operating the aircraft under IFR conditions. Low levels of experience in the make and model of aircraft flown present an unacceptable safety risk in this latter type of situation also. The FAA recognizes that this amendment may have an economic impact on the affected certificate holders; however, the safety consideration, set forth above, requires its adoption.

#### **The Amendment**

These amendments will require two things. First, certain minimum levels of operating experience in the make and model of aircraft as a pilot in command under the supervision of a qualified check pilot must be acquired before a person may be designated to serve as a pilot in command in any commuter air carrier passenger carrying operation. The number of hours ranges from 10 for a relatively simple single-engine piston aircraft to 25 for a complex, high performance turbojet airplane. The operating experience requirement is similar in many respects to that required of pilots of large, certificated carriers in § 121.434. Thus, this change follows the mandate of the Airline Deregulation Act of 1978.

Second, with respect to the single pilot autopilot operation, before a person can serve as a pilot in command of a commuter air carrier passenger flight, that person must have logged not less than 100 hours in the make and model of aircraft to be flown and have met all other pertinent requirements of Part 135. This change would ensure that a pilot has aircraft familiarity and proficiency sufficient to adequately cope with situations such as those encountered in the single pilot accidents discussed above if those or similar situations occur under IFR conditions.

Persons designated prior to the effective date of this amendment as pilot in command on the make and model of aircraft to be flown are not subject to the operating experience requirement. The 100-hour requirement under § 135.105 applies to all pilots in command, including those designated as pilot in command prior to the effective date of this amendment. The 100 hours may be obtained in operations under VFR conditions or in operations governed by Part 91, or it may have been accumulated in operations under this part prior to the effective date of this amendment.

#### **Need for Immediate Adoption**

In view of the number and nature of recent commuter air carrier accidents, there is an urgent need for effecting these amendments as soon as possible. Accordingly, I find that notice and

public procedure are impracticable and contrary to the public interest. However, interested persons are invited to submit such comments as they may desire regarding these amendments. Communications should identify the docket number and be submitted in duplicate to the address specified above.

All communications received on or before the date for comments specified above will be considered by the Administrator and these amendments 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 submitted in response to this invitation to comment must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 20011." The postcard will be date/time stamped and returned to the commenter.

#### **Adoption of the Amendment**

Accordingly, Part 135 of the Federal Aviation Regulations (14 CFR Part 135) is amended effective March 1, 1980, as follows:

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

1. By adding a new § 135.244 to Part 135 of Subchapter G as follows:

##### **§ 135.244 Operating experience.**

(a) No certificate holder may use any person, nor may any person serve, as a pilot in command of an aircraft operated by a Commuter Air Carrier (as defined in § 298.2 of this title) in passenger-carrying operations, unless that person has completed, prior to designation as pilot in command, on that make and model aircraft and in that crewmember position, the following operating experience in each make and model of aircraft to be flown:

- (1) Aircraft, single engine—10 hours.
- (2) Aircraft multiengine, reciprocating engine-powered—15 hours.
- (3) Aircraft multiengine, turbine engine-powered—20 hours.
- (4) Airplane, turbojet-powered—25 hours.

(b) In acquiring the operating experience, each person must comply with the following:

- (1) The operating experience must be acquired after satisfactory completion of the appropriate ground and flight training for the aircraft and crewmember position. Approved

provisions for the operating experience must be included in the certificate holder's training program.

(2) The experience must be acquired in flight during operations under this part. However, in the case of an aircraft not previously used by the certificate holder in operations under this part, operating experience acquired in the aircraft during proving flights or ferry flights may be used to meet this requirement.

(3) Each person must acquire the operating experience while performing the duties of a pilot in command under the supervision of a qualified check pilot.

(4) The hours of operating experience may be reduced to not less than 50 percent of the hours required by this section by the substitution of one additional takeoff and landing for each hour of flight.

2. By amending § 135.105 by revising paragraph (a) to read as follows:

**§ 135.105 Exception to second in command requirement: approval for use of autopilot system.**

(a) Except as provided in §§ 135.99 and 135.111, unless two pilots are required by this chapter for operations under VFR, a person may operate an aircraft without a second in command, if it is equipped with an operative approved autopilot system and the use of that system is authorized by appropriate operations specifications. No certificate holder may use any person, nor may any person serve, as a pilot in command under this section of an aircraft operated by a Commuter Air Carrier (as defined in § 298.2 of this title) in passenger-carrying operations unless that person has at least 100 hours pilot in command flight time in the make and model of aircraft to be flown and has met all other applicable requirements of this part.

\* \* \* \* \*

(Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. §§ 1354(a), 1421 and 1424); sec. 6(c) of the Department of Transportation Act (49 U.S.C. § 1655(c)).)

**Note.**—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, the FAA has determined that the expected impact of the regulation is so minimal that it does not require an evaluation.

Issued in Washington, D.C., on January 30, 1980.

**Langhorne Bond,**  
*Administrator.*

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