

November 30, 2022

Robert Ruiz
Director, Office of Safety Standards
Federal Aviation Administration
800 Independence Ave SW
Washington, DC 20591

RE: NBAA Request for Guidance on § 135.299 Pilot in Command Line Checks

Dear Mr. Ruiz,

The National Business Aviation Association (NBAA) represents the interests of 11,000 members, including those who own and operate aircraft under Title 14 of the Code of Federal Regulations (14 CFR) part 135. NBAA and its members hold safety and compliance as the highest priorities. Unfortunately, it is becoming increasingly difficult to comply with checks required by 14 CFR 135.299. NBAA recognizes that the FAA has created policies that allow for some flexibility, but those policies remain poorly understood by operators and FAA employees alike. Consequently, NBAA requests the FAA develop more thorough guidance for using video communication technology (VCT) and check pilots from other companies to accomplish line checks required by § 135.299.

For many years, part 135 certificate holders have had difficulty accomplishing checks required by § 135.299¹. Due to current policy, operators rely heavily on local inspectors, but FAA national resources (FSIRP) as well as local FSDO resources are depleted. These issues are further amplified due to constraints on inspector travel and training for both industry and FAA. Consequently, operators are forced to ground pilots and aircraft, resulting in significant financial losses.

Despite a mandate for operators to have sufficient check pilots to meet their needs, many operators do not have enough check pilots. This problem is most common when an operator is adding a new aircraft type and has not had time to add a check pilot or when they operate only a single aircraft of a given type.

Two mechanisms exist today to relieve the difficulty of using an FAA inspector to conduct line checks: using another company's check pilot and using VCT. Unfortunately, FAA has minimal guidance on both subjects. While this approach leaves room for inspectors and operators to collaborate on a plan to meet the regulatory requirements safely, the reality is that the lack of guidance occasionally leaves inspectors uncomfortable permitting operators to use the intended flexibility.

¹ See ACT ARC Recommendation 16-5 submitted to the FAA in August 2016, NATA Petition For Rulemaking dated May 28, 2020, and NBAA letter to Wayne Fry dated November 11, 2020.

Use of Other Companies' Check Pilots.

FAA Order 8900, Volume 3, Chapter 20, Section 6, Paragraph 3-20-6-23 currently provides a pathway for operators to use existing check pilots from other part 135 certificate holders. However, this is a severely under-utilized provision due to the lack of available guidance. Vague guidance is often beneficial, but inspectors are hesitant to discuss this option because details of the process and scope are lacking. With more specific guidance or a job aid, inspectors will have a basis to issue these approvals, further alleviating FAA resources on both a local and national level. Additionally, a public database of approved check pilots by aircraft type would tremendously benefit operators.

We recommend expanding the existing guidance to include more specifics on what constitutes “compatible” when comparing two operators. We believe the check pilot must be familiar with each operator’s standard operating procedures as well as any differences in the operator’s training program. Most part 142 training centers train the same maneuvers and procedures, so this should not be a stumbling block. Documentation should show that the check pilot has been briefed and acknowledges the differences between the two operators. However, none of these requirements should require formal training or checking. Consideration should also be given to allowing a reasonable fee in exchange for these services. Other than these basic requirements, we see no reason why the use of other certificate holders’ check pilots should not be encouraged and used more frequently.

A qualified check pilot has already undergone training and checking for the items listed in § 135.339(c); therefore, the only consideration is company-specific policies and procedures for operating the aircraft.

Video Communication Technology.

At the onset of the COVID-19 pandemic, the aviation industry needed a method to ensure pilots were proficient while minimizing pilots' and check pilots' risk of exposure to the virus. The creativity of FAA personnel led to the expanded use of VCT, which allowed FAA inspectors to review video of the check flight from the safety of their home or office. In some cases, operators that added a new aircraft type or only had a single aircraft of a particular type used company check pilots that were not qualified in the type but who were nonetheless familiar with company policies and procedures, thereby alleviating the burden of relying on FAA personnel.

The primary means of communicating VCT policy to aviation safety inspectors was through an FAA memorandum to all flight standards service employees that described the relationship between VCT and all existing regulations and Orders². As a result, some operators and inspectors embraced technology and capitalized on the newly afforded flexibility. NBAA supported the new policy by creating a Virtual Part 135 Checkride Best Practices Guide, which several Principal Operations Inspectors reviewed and embraced. Unfortunately, some were still

² Domingo, Rick. (2020, April 22). *Use of video and communication technology (VCT)* [Memorandum]. Federal Aviation Administration.

[https://www.faasafety.gov/files/gslac/library/documents/2020/Apr/247309/Use%20of%20Video%20and%20Communication%20Technology%20\(VCT\)%20\(1\).pdf](https://www.faasafety.gov/files/gslac/library/documents/2020/Apr/247309/Use%20of%20Video%20and%20Communication%20Technology%20(VCT)%20(1).pdf)

uncomfortable relying on the innovative use of technology and the memorandum due to the generic nature of the information it contained.

With some basic yet targeted guidelines, operators and inspectors can better utilize these existing pathways to enhance safety and alleviate the continuing workforce issues with the FAA and industry. Please contact us for further discussion and collaboration.

Sincerely,

Michael P. McCullough
NBAA Part 135 Subcommittee Chair
Assistant Director of Operations
Aviation Resource Management, Inc.

Brian Koester
Director, Flight Operations and Regulations
National Business Aviation Association