

Operational Control

The Regulations...

Presented to: AMTC

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Federal Aviation
Administration



***To meet the regulations, both
the words and the actions
have to be right....***



The Regulations...

§ 1.1 General definitions.

Operational control, with respect to a flight, means the exercise of authority over initiating, conducting or terminating a flight.

The Regulations...

§ 135.77 Responsibility for operational control.

Each certificate holder is responsible for operational control and shall list, in the manual required by §135.21, the name and title of each person authorized by it to exercise operational control.



The Regulations...

§ 135.23 Manual contents.

(a) The name of each management person required under §119.69(a) of this chapter who is authorized to act for the certificate holder, the person's assigned area of responsibility, the person's duties, responsibilities, and authority, and the name and title of each person authorized to exercise operational control under §135.77

Duty, Responsibility, Authority

- **Responsibility**
 - Something a person is accountable for
- **Authority**
 - A power that a person is vested with
- **Duty**
 - A task or function a person must do



The Regulations...

§ 135.109 Pilot in command or second in command: Designation required.

(a) Each certificate holder shall designate a—

(1) Pilot in command for each flight;

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The Regulations...

§ 91.3 Responsibility and authority of the pilot in command.

- (a) The pilot in command of an aircraft is directly responsible for, and is the final authority as to, the operation of that aircraft.**
- (b) In an in-flight emergency requiring immediate action, the pilot in command may deviate from any rule of this part to the extent required to meet that emergency.**



The Regulations...

§ 135.69 Restriction or suspension of operations: Continuation of flight in an emergency.

(a) During operations under this part, if a certificate holder or pilot in command knows of conditions, including airport and runway conditions, that are a hazard to safe operations, the certificate holder or pilot in command, as the case may be, shall restrict or suspend operations as necessary until those conditions are corrected.

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The Regulations...

§ 135.79 Flight locating requirements.

- (a) Each certificate holder must have procedures established for locating each flight, for which an FAA flight plan is not filed, that—
 - (1) Provide the certificate holder with at least the information required to be included in a VFR flight plan;
 - (2) Provide for timely notification of an FAA facility or search and rescue facility, if an aircraft is overdue or missing; and
 - (3) Provide the certificate holder with the location, date, and estimated time for reestablishing radio or telephone communications, if the flight will operate in an area where communications cannot be maintained.

- (b) Flight locating information shall be retained at the certificate holder's principal place of business, or at other places designated by the certificate holder in the flight locating procedures, until the completion of the flight.



Guidance...

- **FAA Handbook 8400.10, para. 1145 allows for certain services to be contracted**

“G. Operational Control by Contractors. Operators may contract for equipment and facilities and, under some circumstances, the services of operational control personnel.”



Guidance...

Para. 1145g continues....

(2)....The operator is responsible for ensuring the trng and qualification of contract personnel is adequate, the contractor pers are performing their duties diligently, and the provisions of the opr's manual are being complied with. The opr must also have a means of disciplining contractor pers when set guidance and policy is not complied with.

Guidance...

- **FAA Handbook 8400.10, para. 1257 also addresses contractor use:**

E. *Contractors.* FAR Part 135 operators may contract with other operators or organizations to perform direct operational control functions. The operator remains fully responsible for ensuring that the operations conducted comply with the FAR, the operator's GOM, and with safe operating practices. The name of each employee of the contractor authorized to perform operational control functions for the operator must be placed in the operator's GOM.



The Regulations...

§ 119.5 Certifications, authorizations, and prohibitions.

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(k) No person may advertise or otherwise offer to perform an operation subject to this part unless that person is authorized by the Federal Aviation Administration to conduct that operation.

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The Regulations...

§ 135.7 Applicability of rules to unauthorized operators.

The rules in this part which apply to a person certificated under part 119 of this chapter also apply to a person who engages in any operation governed by this part without an appropriate certificate and operations specifications required by part 119 of this chapter.

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