

Responsibility for Operational Control During Part 135 Operations



Federal Aviation
Administration



Review



Lease Agreements

- **Lessor**
 - Person that conveys property by lease

- **Lessee**
 - Person that holds property under a lease



Lease Agreements

- **Wet Lease**

- Any leasing agreement whereby a person agrees to provide an entire aircraft and at least one crewmember.
- A wet lease does not include a code-sharing arrangement.



Wet Lease

- **Prior to conducting operations involving a wet lease, each certificate holder shall provide the Administrator with a copy of the wet lease.**
- **Administrator determines which party to the agreement has operational control of the aircraft**
- **Lessor provides information**



Wet Leasing

- **No certificate holder may wet lease:**
 - From a foreign air carrier
 - From any foreign person
 - From any person not authorized to engage in common carriage



Operational Control

- **With respect to a flight means:**
 - The exercise of authority over initiating, conducting or terminating a flight



Direct Air Carrier

- Means a person who provides or offers to provide air transportation and
- Who has control over the operational functions performed in providing that transportation



Maintaining Operational Control

- Has the knowledge to make decisions
- Performs those actions on a daily basis that are necessary to operate flights safely and in compliance with the regulations



Responsibility for Operational Control vs. Responsibility and Authority of the Pilot in Command

- **Is there a difference?**
- **May the PIC exercise operational control?**
- **Can operational control be delegated?**



Necessary Actions by the Part 135 Operator

- **Ensure that it alone conducts operations authorized in the OpSpecs**
- **Ensure that only its crewmembers, who are trained and qualified in accordance with the applicable regulations and the certificate holder's approved training program, are assigned to conduct a flight.**



Necessary Actions by the Part 135 Operator

- **Prior to initiation of flight the part 135 operator must know the identity of each crewmember**
- **The part 135 operator must affirmatively determine that the crewmember is qualified to function as a required crewmember on the flight.**



Necessary Actions by the Part 135 Operator

- Designate a pilot in command (PIC) for each flight before the flight commences
- Ensure that all of its crewmembers are in compliance with all applicable flight, duty, and rest requirements before assigning the crewmembers to a flight



Necessary Actions by the Part 135 Operator

- **Ensure that an aircraft is airworthy and is in compliance with the conditions and limitations specified by the FAA-approved inspection/maintenance program for the certificate holder before it is allowed to depart on a part 135 flight**
- **Ensure that when safety conditions specified for a flight cannot be met, the flight is cancelled, delayed, rerouted, or diverted**



Necessary Actions by the Pilot in Command

- **Directly responsible for and is the final authority as to the operation of the aircraft.**
- **PIC may deviate from any rule to the extent required to meet the emergency**



Fictitious Business Names (DBAs)

- The name of the OpSpecs holder must be the legal name of the certificate holder
- The addition of an aircraft owner's and/or management company's name (or close likeness to its name) as a DBA on an air carrier's OpSpecs does not constitute an authorization for the aircraft owner or management company to conduct business as the air carrier



Fictitious Business Names (DBAs)

- **Potential to create confusion as to who is exercising operational control of the part 135 flight.**
- **OpSpecs paragraph A001**



Current Policy and Guidance

- **Notice 8400.83 (Operational Control and Use of DBA Names)**
 - Background
 - Discussion
 - Action



Current Policy and Guidance

- **Dear Air Carrier Letter**
 - 130 air carriers
 - Not everyone responded
 - Findings & Conclusions
 - Same aircraft on multiple Opspecs
 - Same management official on multiple Opspecs
 - Misunderstanding of operational control
 - Different kinds of agreements



Current Policy and Guidance

- **Federal Register Notice on Wet Lease Policy Guidance (10/25/05)**
 - Background
 - Operational Control
 - Affected Commercial Arrangements
 - Proposed Guidance
 - Conclusion: Recommended Carrier Review of Existing Leasing Arrangements



Current Policy and Guidance

- **Notice 8400.85 (Air Ambulance Operations Special Emphasis)**
 - Background
 - Discussion
 - Action
 - Findings & Conclusions



Part 135 Industry Input

- **Operational Control and Wet Lease Policy Guidance Working Group**
 - Focus on Safety
 - Primary Tenets of Operational Control
 - Crew
 - Aircraft
 - Passengers
 - Flight



Part 135 Industry Input

- **Control Authorization Process**
 - Air Carrier controlled
 - Owner controlled
- **Operational Control Briefing and Acknowledgement**
- **Flight Crewmembers direct employees or agents**



Part 135 Industry Input

- **Flight Crew**
 - Responsibility
 - Knowledge
 - Leverage



Part 135 Industry Input

- **Guidance on Charter Management Use Agreements**
- **Actions by Certificate Holder Discovering Unauthorized Commercial Use of Aircraft (illegal part 135)**



Opspecs A008 (Operational Control)

