

D. FLIGHT OPERATING PROCEDURES

D.1. Operational Control

Once it is determined that a flight is to be made either by a schedule or an on demand flight such as a charter, the flight coordinator will pass on the flight information to the Pilot-in-Command who is exercising operational control in terms of initiating, diverting or terminating flights together with another pilot or the Director of Operations or Chief Pilot under certain weather conditions. See section **A.10**. Together those two will then determine if all the conditions for conducting that flight can be met.

For each flight, the PIC and another pilot will perform a flight risk assessment using the **Flight Risk Assessment Form H.17.**, following the instructions on form **H.18.**. At a minimum, both pilots completing the flight risk assessment form must concur that the flight may proceed. For higher risk flights (wind more than 30 knots, ceiling less than 1,000 ft or visibility less than 2 NM), Director of Operations or Chief Pilot approval is additionally required. Whenever a "No-Go" box is checked by either pilot filling out the flight risk assessment form, the flight is cancelled. The PIC assigned to the flight, is responsible for conferring with another pilot, or if conditions require, the Director of Operations or Chief Pilot to determine whether or not the flight may proceed.

Note: For repeated flights to the same airport(s), by the same PIC, in the same aircraft, during the same day, new risk assessment forms are not required to be completed for each flight unless weather (wind speed increases by 15 knots or to more than 25 knots total, and ceilings lower to less than 1200 feet) or runway conditions change significantly enough (e.g. heavy slush or snow accumulation, ice, tidal conflicts, obstacles) to warrant a new assessment. The pilots on duty and the Director of Operations are responsible for monitoring the weather and runway conditions and requesting a new flight risk assessment form be completed by all on duty pilots.

Note: If conditions, which previously resulted in one or more "No-Go" boxes being checked, change, a new risk assessment form must be completed by two pilots (one may be the Director of Operations or Chief Pilot) and both must concur that the flight may proceed. If 3 or more factors are borderline but result in a "Go" decision, the Director of Operations or Chief Pilot must be informed.

Examples of borderline conditions include the following:

- Runway is icy, winds are gusty and visibility is 2 NM
- It is starting to get dark, wind is 28 knots and the pilot is tired
- Visibility is 2 NM, ceilings are 1000 feet and there is no GPS on board

A company flight plan or a FAA flight plan will be filed by the pilot in command assigned to the flight. (See form H.16. Company Flight Plan) Flight plans will be kept in the main office of operations until the flight is completed.

No person exercising operational control will allow a flight to depart nor will any pilot depart on a flight if weather conditions are such that any FAR will be violated. The basic weather minimums and conditions that a flight may depart are set forth in FAR 91.155 (Basic VFR Weather Minimums), 135.203 (VFR: Minimum Altitudes), 135.205 (VFR: Visibility Requirements) and 135.183 (Performance Requirements: Land Aircraft over Water). If conditions are below basic weather minimums in class D or E airspace, operations may be conducted with a special VFR clearance in accordance with FAR 91.157 as long as it is known that outside the controlled surface area, weather conditions are suitable for VFR flight at altitudes necessary to meet the above requirements.

It is the responsibility of the persons exercising operational control in terms of initiating a flight to ensure that the Pilot assigned to a flight is in current legal standing with regards to recency of flight experience, required flight training, flight checks, medical certificates, OAS certificates and any other requirements for acting as PIC as set forth in the FARs, company Operations Specifications and company policy. A Pilot Status Record listing active pilots showing their current status is maintained by the Chief Pilot, updated monthly and displayed in the main office near the Aircraft Status Board. Persons exercising operational control duties shall refer to the Pilot Status Record to ensure that the pilot assigned to a particular flight is qualified to operate that flight. All pilots will notify the Chief Pilot of any change to their status or qualifications that may affect their ability to operate flights legally.

Prior to initiating a flight the person exercising operational control will also check the aircraft status board to ensure the aircraft assigned to the flight is airworthy in regards to all required scheduled maintenance and inspections and required equipment checks. The pilot in command will also conduct a preflight inspection of the aircraft and review the discrepancy log to ensure the aircraft is in airworthy condition.

14 CFR Part 1 Definitions and Abbreviations defines *Operational Control*, with respect to a flight, means the exercise of authority over initiating, conducting or terminating a flight.

Operational Control Policies and Procedures contained in this section are compiled to show and maintain compliance with the definition of Operational Control and with the Federal Aviation Regulations and Operations Specifications. All SMOKEY BAY AIR, INC. employees will adhere to the policies and procedures contained in this section.

• **14 CFR Part 135 §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 names and title of each person authorized by it to exercise operational control.

SMOKEY BAY AIR, INC. uses a "chain of command" system to exercise operational control. The hierarchy starts at the top with;

1. Director of Operations – Claire McCann
2. Chief Pilot – Paul Andrew Lawrence
3. Pilot in Command – A pilot list is maintained at the main base of operations near the Flight Coordinator desk in the main lobby that shows name and airman certificate number, each pilot in command on that list may be delegated the exercise of operational control.

The chain of command system ensures that one person has overall authority for the certificate holder, regardless of the position/person exercising operational control. There will be times when the Director of Operations or other management personnel will not be available to exercise operational control. During those times the policy and procedures below will be implemented.

- During Director of Operation absence, he/she may delegate the exercise of operational control to the Chief Pilot, but the Director of Operations retains overall authority and responsibility.
- During the Chief Pilot's absence, HE/SHE may delegate the exercise of operational control to the Pilot in Command, but the Director of Operations still retains overall authority and responsibility.
- When the Pilot in Command is exercising operational control, he/she cannot delegate the exercise of operational control to any other person except back up the chain of command.

Initiating Flights:

- During the preparation of a flight or series of flights, some flight planning functions may be assigned to persons other than the person exercising operational control or the pilot in command. This would include but not be limited to, gathering weather information, NOTAMS, navigation charts and publications, weight and balance information, etc. All information or materials gathered in preparation for a flight must be evaluated by the pilot in command prior to initiation of a flight. The pilot in command is responsible for complying with 14 CFR Part 91 §91.103 Preflight Action. The preflight actions cannot be transferred to any other person or entity.

Conducting a Flight:

- After the determination that a flight or series of flights may be initiated, the pilot in command of an aircraft is directly responsible for, and is the final authority as to the operation of that aircraft, per §91.3 of the Federal Aviation Regulations. SMOKEY BAY AIR, INC. is the certificate holder and the certificate holder is responsible for operational control regardless of who is exercising operational control and SMOKEY BAY AIR, INC. can be held liable for the pilot in command's actions.
- Because SMOKEY BAY AIR, INC. is an "On-Demand" operator, situations may arise when a client may want or need to deviate from the planned flight route or destination. The pilot in command will accommodate the client's wishes or needs only after considering the change of route or the destination airport in relation to kinds and types of operations authorized in SMOKEY BAY AIR, INC. operations specifications. The pilot in command will not or under any circumstances relinquish operational control to the client. The pilot in command will notify the company, by the most expeditious means available, of any changes to the route or destination. The pilot in command must seek approval of the route or destination changes before commencing those changes. This approval must be received from the Director of Operations or in HIS/HER absence the Chief Pilot. In the absence of the Director of Operations and the Chief Pilot, the Pilot in command is authorized to exercise operational control and commence the route or destination change, but must contact the company and inform them of the changes using every effort and means of contact available. If contact cannot be made in-flight the pilot in command will contact the company immediately after the first landing. It is not acceptable for the pilot in command to deviate from the planned route or change destination without notifying the company. Exceptions to this policy are; in the case of an emergency; ATC re-routes; weather conditions; destination airport unsafe; or any circumstance that the pilot in command determines to be unsafe. SMOKEY BAY AIR, INC. retains responsibility and liability for the pilot in command actions.

Terminating a Flight:

- Prior to initiating a flight, the client, Director of Operations or Chief Pilot may terminate a flight. The pilot in command may terminate a flight at any time he/she determines that the flight cannot be conducted safely or in compliance of company policies and procedures, company OpSpecs or the Federal Aviation Regulations.
- 14 CFR Part 91 §91.3 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. SMOKEY BAY AIR, INC. policies and

- procedures contained in this section are not intended to override §91.3 or infer to override the regulation.

- **14 CFR Part 119 §119.43 Certificate Holder's Duty to Maintain Operations Specifications**

(a) Each certificate holder shall maintain a complete and separate set of its operations specifications at its principal base of operations.

(b) Each certificate holder shall insert pertinent excerpts of its operations specifications, or references thereto, in its manual and shall--

(1) Clearly identify each such except as a part of its operations specifications; and

(2) State that compliance with each operations specifications requirement is mandatory.

(c) Each certificate holder shall keep each of its employees and other persons used in its operations informed of the provisions of its operations specifications that apply to that employee's or person's duties and responsibilities.

SMOKEY BAY AIR, INC. complies with paragraph (a) and (b) of §119.43.

Paragraph (b); SMOKEY BAY AIR, INC. maintains a complete set of authorized Operations Specifications in all General Operation Manual copies assigned to each employee. Subparagraph (b) (2), it is mandatory for each SMOKEY BAY AIR, INC. employee to comply with all authorized Operations Specifications. Paragraph (c), SMOKEY BAY AIR, INC. employees and other persons used in our operations will satisfactorily complete company initial and recurrent training on the provisions of authorized Operations Specifications and be informed within 10 days of any amendments to authorized Operations Specifications.

- **Operations Specifications Paragraph A008 Operational Control.**

Paragraphs a, b, and c of Operations Specifications Paragraph A008 Operational Control, contains provisions by which SMOKEY BAY AIR, INC., the certificate holder must comply.

Paragraph d of Operations Specifications Paragraph A008 Operational Control, contains essential elements of operational control and are required to be components of SMOKEY BAY AIR, INC. operational control system. Reference to this operational control section is contained in paragraph a. of Operations Specifications Paragraph A008. Each essential element is addressed or described in this section. All management personnel and operations personnel must have a thorough understanding of these essential elements.

- **Operations Specifications Paragraph A008 Operational Control Paragraph d. Essential Elements:**

(1) Crewmember Requirements:

SMOKEY BAY AIR, INC.

(a) Will use only direct employees or agent of the company during all aspects of Part 135 operations, including those aspects of pre-flight and post-flight duties. SMOKEY BAY AIR, INC. is accountable for the actions or inactions of employees or agents of the company during all its aircraft operations.

(b) Training:

- All airmen used by the company will be trained and tested in accordance with company Federal Aviation Administration (FAA) approved training programs.

Qualified:

- In accordance with Federal Aviation Regulations (FARS) pertaining to Part 135 crewmember qualifications.
- For the types and kinds of operations specifically assigned, to include appropriate airmen certificates and medical certificates.
- At the time of flight assignment, airmen will be qualified in accordance with flight time and rest period requirements.
- SMOKEY BAY AIR, INC. keeps a current pilot list by name and airmen certificate number, at the main base of operations, which is available for FAA inspection as specified in §135.63.

(2) Aircraft Requirements:

(a) Aircraft Ownership:

- All aircraft will be owned by the company and remain in legal and actual possession of the company or directly through company employees or agents of the company during all Part 135 flights, aircraft registration documents are available for FAA inspection and retained in the aircraft at all time; **or**

(b) Aircraft Leased:

- Aircraft leased by the company or in legal possession and will remain in the company's exclusive possession or custody during all Part 135 flights. All aircraft lease agreements will be submitted to the company's Principal Operations Inspector for review during aircraft certification process to add aircraft to company operations specifications. Copies of lease agreements are retained at the company's main base of operations for inspection by the FAA.

(c) Part 91 Operations:

- All aircraft operated under Part 91 will be maintained in accordance with the company's FAA approved Part 135 maintenance program. Maintenance documents used in Part 135 operations by the company, will be extended to

- Part 91 operations to record flight operations, maintenance discrepancy logs, approved MEL procedures, return to service procedures and all non-scheduled maintenance will be approved through the company Director of Maintenance.
- Aircraft that are operated Part 91 by the owner or other lessee and under the control of the owner or other lessee that do not adhere to the company's approved Part 135 maintenance program, that aircraft will undergo an appropriate airworthiness conformity validation check before the company uses that aircraft in any Part 135 flight operations. Aircraft transfer procedures used to transfer aircraft from Part 91 and back to Part 135 operations, will be approved by the FAA prior to using that procedure.

(3) Exclusive Aircraft Use Requirements for Part 135 Operations:

- SMOKEY BAY AIR, INC. will maintain at all time, at least one aircraft as exclusive use aircraft in accordance with §135.25. This aircraft will be listed on SMOKEY BAY AIR, INC. operations specifications and will not be listed on any other Part 119 certificate holder's OpSpecs during term of exclusive use lease.

(4) Use of Other Business Name(s) (DBAs):

- (a) SMOKEY BAY AIR, INC. will not use DBAs.
- (b) SMOKEY BAY AIR, INC. conducts part 135 operations only under the name(s) listed in our operations specifications paragraph A001.
- (c) SMOKEY BAY AIR, INC. does not use any fictitious name that would obscure SMOKEY BAY AIR, INC. responsibility and accountability to exercise operational control over its flights.

(5) Aircraft Operation Agreements and Other Arrangements:

- (a) SMOKEY BAY AIR, INC. will not "wet lease" or enter into any "wet lease" arrangements or agreements without FAA approval of the specific content of the "wet lease".
- (b) Any agreements or arrangements will fully identify the maintenance procedures used to ensure only airworthy aircraft will be used in Part 135 operations. All agreements or arrangements will be submitted to the FAA for review and "acceptance" or "approval" as appropriate before any agreements or arrangements is implemented. The Director of Operations and the Director of Maintenance are responsible for submitting those agreements or arrangements to the FAA for SMOKEY BAY AIR, INC..

(c) At no time, will any employees or direct agent for SMOKEY BAY AIR, INC., surrender the operational control responsibilities to any person or entity. During the conduct of any SMOKEY BAY AIR, INC. Part 135 flight, the pilot in command will notify the company by the most expeditious means available, of any changes to the flight plan or route.

(d) SMOKEY BAY AIR, INC. will not enter into any agreements that would shift liability and accountability for the safety of Part 135 flight operations conducted by the company to the aircraft owner or lessee of the aircraft or other parties.

(6) Management Personnel and Persons Authorized to Exercise Operational Control:

(a) Management personnel listed in OpSpecs Paragraph A006 Management Personnel, that is exercising operational control will be familiar with and ensure that each crewmember assigned to a Part 135 flight is qualified and eligible to serve as a crewmember.

(i) The pilot list in paragraph (1) (b) above, in addition to containing the pilot name and certificate number, will contain the aircraft/position and type of operations assigned (VFR/IFR, day/night, extended overwater, international, etc.), and training/checking due dates. For each pilot assigned, flight time and rest period documents for each crewmember will be readily available and current at time of assignment to determine crewmember eligibility. The pilot list will be reviewed by the person exercising operational control to determine crewmember status before assignment to any flight. The pilot list will be updated monthly to ensure that ineligible crewmembers are not assigned to flights. Crewmembers and SMOKEY BAY AIR, INC. are responsible to ensure no crewmember is assigned a flight when that crewmember is ineligible.

(ii) Personnel exercising operational control, will ensure that an aircraft assigned to a flight is in an airworthy condition and listed in the company OpSpecs paragraph D085. In addition, an aircraft status sheet will be maintained to show aircraft maintenance status in accordance with SMOKEY BAY AIR, INC. approved maintenance program. The aircraft flight logs will be checked to ensure aircraft has been returned to service after any maintenance or inspection; no open discrepancies are listed; remaining flight time is sufficient to complete the planned flight; no outstanding AD's; flight log is complete and accurate; and MEL (if applicable) is reviewed for deferred items to ensure deferred items will not effect the type of flight operations proposed.

(7) Operational Control Information Requirements:

(a) Prior to SMOKEY BAY AIR, INC. conducting any Part 135 or Part 91 flight, the pilot in command will be thoroughly briefed on whether the flight is to be conducted under Part 135 or Part 91 operational requirements. In a situation

when the pilot in command is exercising operational control and positive determination cannot be made as to whether the flight is to be operated under Part 135 or Part 91, the pilot in command will delay or cancel the flight until positive determination can be made.

(b) Pilots assigned to any flight operations by SMOKEY BAY AIR, INC., must be thoroughly briefed on the responsibilities assigned. The pilot in command must adhere to all directions and instructions set forth by SMOKEY BAY AIR, INC. as to the conduct of the flight. Yielding to any aircraft owner or any outside private person or entity's directions or instructions contrary to SMOKEY BAY AIR, INC. directions and instructions, may be considered contrary to Part 119 and/or Part 135, and therefore subject to legal enforcement action by the FAA.

(c) These requirements do not apply to the following:

- Air Traffic Control instructions, clearances, Notices to Airmen (NOTAMS) received from FAA or cognizant foreign Air Traffic Control authorities.
- Aeronautical safety of flight information received by the pilot, and
- Operations under the emergency authority of the pilot in command in accordance with Section 91.3 (b), and/or Section 135.19 (b).

This pilot list contains the name and airman certificate number of company PICs that may be delegated the exercise of operational control. A copy of this list is maintained at the main base of operations and is made available for FAA inspection.

Persons authorized to exercise operational control in terms of initiating, diverting or terminating flights are included in Section A.10.

D.2. Aeronautical Weather Data

If available, current and forecasted weather for departure, enroute, and destination areas and locations will be obtained from a Flight Service Station, the National Weather Service, and/or other suitable sources prior to departure. If not available, the pilot will make a personal observation of current weather conditions at the point of departure prior to takeoff.

Once airborne, radio communication with a Flight Service Station will be established at the earliest opportunity to obtain enroute and destination weather and forecasts. If the destination and/or enroute weather is not available or cannot be obtained, the pilot will continuously make personal observations while enroute, and at the destination. Prior to departure the pilot will again use personal observations for departure, enroute, and new destination conditions.