



NATIONAL TRANSPORTATION SAFETY BOARD

Office of Aviation Safety
Washington, D.C. 20594

September 17, 2019

Attachment 7 – Regulatory preamble to §135.293(b)

OPERATIONAL FACTORS/HUMAN PERFORMANCE

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way, the agency would benefit by having additional information, views, and arguments to consider before adopting appropriate final rules governing part 135 operators.

SUBPART G—CREWMEMBER TESTING REQUIREMENTS

§ 135.293 *Initial and recurrent pilot testing requirements.* (Proposed § 135.225.)

Several commenters support § 135.293. One commenter objects to § 135.293(a) contending the testing of knowledge in each type of aircraft the pilot is authorized to fly will not improve safety. Operational experience shows that knowledge of each type of aircraft in which the pilot is authorized to perform a pilot crewmember function has a direct relationship to the pilot's overall competence and to safety.

One commenter suggests that the term "type" in §§ 135.293(a) (2) and (3) should be defined as it is in § 135.293(b) ("any one of a group of airplanes determined by the Administrator to have a similar means of propulsion, the same manufacturer, and no significantly different handling or flight characteristics"). Section 135.293(b) applies to flight competency checks. The definition of "type" in that paragraph relaxes the part 1 definition of "type" to contribute to the conservation of fuel. In contrast, §§ 135.293(a) (2) and (3) are written or oral test requirements and the part 1 definition of "type" is used. To clarify § 135.293(b), a definition of "type" for helicopters is added because the rule applies to both airplanes and helicopters.

One commenter on § 135.293(b) objects to leaving the extent of the competency check to the person conducting the check. This commenter contends that the rule would lead to a wide variance in the checking process, by leaving it to the whim of the local flight standards district office. The standard of performance in § 135.293(d) provides reasonable certainty of pilot competency, allows reasonable latitude in the conduct of the competency check and imposes no undue burden on either the pilot being tested or the operator. Another commenter states that the term "competency check" in § 135.293 (b) and (f) does not mean a "flight check." Section 135.293(b) clearly requires that this competency check be given in an aircraft. Section 135.293(f) allows portions of a required competency check to be given in an aircraft simulator or other appropriate training device if specifically approved.

One commenter suggests that helicopter competency checks be treated the same as competency checks in single-engine airplanes other than tur-

bojects. The commenter argues that all light piston-engine helicopters should be in one "class" and all light turbine-engine helicopters should be in another "class," and that a competency check in "that type of aircraft, if helicopter" should not be required. The handling and flight characteristics of light helicopters are significantly different. The equipment available for them also is considerably different. A separate flight check is necessary to judge pilot competence properly. As additional helicopters become available and standardization of various models is accomplished, competency check requirements will be established similar to those for airplanes.

§ 135.295 *Initial and recurrent flight attendant crewmember testing requirements.* (Proposed § 135.227.)

Notice 77-17 proposed to redesignate current § 135.139 without change. However, that rule does not require flight attendant crewmembers to be knowledgeable and competent concerning the location and operation of other items of emergency equipment, such as a megaphone, crash ax, first-aid kit, and so forth. The equipment is on board an aircraft to enable flight attendants to respond to an emergency situation and they must be competent to use it. To provide an appropriate level of safety in revised part 135, § 135.295(e) is amended to reflect that requirement.

§ 135.297 *Pilot in command: Instrument proficiency check requirements.* (Proposed § 135.229.)

Several commenters object to § 135.297(b). They contend that there was no reason to require a demonstration of each approach to be used. Another commenter contends that a pilot who demonstrates the basic instrument approaches during an instrument proficiency check should then be allowed to use derivative approaches. Another commenter recommends that a specific combination of instrument approaches be demonstrated instead of requiring the demonstration of "any type" of instrument approach expected to be used.

These comments have merit. A pilot should not have to demonstrate all possible types of instrument approach procedures before that pilot may use them under part 135. Section 135.297(b) is revised to reflect that. A pilot who successfully demonstrates separate instrument approach procedures using ILS, VOR, and NDB facilities is considered qualified to conduct all of the published standard instrument approach procedures prescribed under part 97. A letter of competency is issued to reflect that under revised § 135.297(h). The instrument approach procedures demonstrated must include at least one straight-in approach, one

circling approach in conjunction with a VOR or NDB, and one missed approach procedure. Each instrument approach procedure demonstrated must be conducted to published minimum for the procedure.

Pilots who demonstrate competency in at least the combination of instrument approach procedures described are equally competent to conduct other types of approach procedures. This does not apply, however, to the use of microwave landing systems because of the difference in glide slope gradient, instrumentation used and other differences which require a separate showing of competency.

One commenter on § 135.297(c) suggests that the second sentence be deleted and a reference to § 135.293(a)(2) be included instead. There is some similarity between the test areas listed in § 135.293(a)(2) and the test subject matter of § 135.297(c). However, the subjects of these tests are not identical and the two oral or written tests are not given for the same purpose. The test under § 135.293(a) covers subjects which are generally applicable, such as ground training requirements. The test under § 135.297(c) is an equipment test related to operational procedures in which the pilot must demonstrate competency before being used under IFR.

One commenter objects to § 135.297(c)(1) contending that the "procedures and maneuvers set forth for an ATPC (in FAR 61, appendix A)" is lengthy, many are not appropriate for 6-month instrument checks, and many could not be safely accomplished under IFR. Section 135.297(f) allows the use of a simulator or other appropriate training device for portions of the required flight check. Section 135.297(c)(1) is clarified to insure that each pilot in command is adequately tested on the procedures and maneuvers for the particular pilot certificate held and the privileges exercised under § 135.243. Also, the requirements of the instrument proficiency check for pilots in command required to hold an airline transport pilot certificate under § 135.243(a) and the requirements for pilots in command required to hold a commercial pilot certificate with an instrument rating under § 135.243(c) are stated in separate paragraphs. Another commenter suggests that the last sentence of § 135.297(c)(1) be deleted. The sentence is deleted because an instrument check is not required when operations are limited to VFR only.

Section 135.297(f) could be interpreted to allow a pilot in command to take the initial instrument proficiency check in a single-engine aircraft and then be authorized to pilot a multi-engine aircraft without a check in it until the next 6-month check is due.