

## CHAPTER 101 FAR PART 125 INTRODUCTION

### Section 1 Applicability of FAR Part 125

**1. PURPOSE.** FAR Part 125 prescribes rules governing the operation of U.S.-registered civil airplanes with either a passenger seating configuration of 20 or more or a maximum payload capacity of 6,000 pounds or more, when common carriage is not involved.

### 3. CONDITIONS AND LIMITATIONS

A. A FAR Part 125 operator cannot conduct any operation that results directly or indirectly from holding out transportation to the public.

B. Only one operating certificate may be issued to any one person. A partnership is considered a single person even though it may consist of more than one individual or corporation. Since all involved parties are considered a single person, only one name can appear on the certificate.

C. Seating configuration is defined as the number of passenger seats authorized for use by the manufacturer's type certificate or production data, supplemental type certificate, or other FAA-approved data. The addition or removal of seats constitutes a major alteration and requires appropriate FAA approval.

### 5. OPERATIONS BY FOREIGN NATIONALS

A. FAR § 125.247 outlines inspection programs and maintenance requirements. It requires defects be corrected according to FAR Part 43. This includes the exclusive use of FAA-certificated and appropriately rated persons to approve the airplane for return to service.

When a foreign national operates a U.S.-registered airplane entirely outside the United States, its territories, or possessions, only FAR § 125.247 applies.

B. Foreign nationals who wish to operate within the United States, its territories, or possessions, using U.S.-registered airplanes to which FAR Part 125 applies, must be certificated under FAR Part 125.

(1) The operator must apply to the Flight Standards District Office (FSDO) nearest the port of entry for a letter of authorization allowing entry into the United States for certification purposes. The request must include the following:

- Name, address, and telephone number of the operator
- Make, model, serial, and registration number of the airplane
- Where in the United States the airplane will be based
- A statement indicating that the purpose of the request is to enter the U.S. to obtain certification under FAR Part 125

(2) The district office shall review the request and, if appropriate, issue a letter of authorization. The letter must contain appropriate operating limitations and authorize flight over U.S. territory only.

### Section 2 Deviations

#### 1. GENERAL

A. FAR § 125.3 allows a person to request a deviation from any portion or all of FAR Part 125. It also specifies the method of petitioning for deviations.

B. Deviation authority may be granted depending on the circumstances of the operation and the justification provided by the applicant. The applicant must justify the request for each section from which deviation is sought. The FAA evaluation considers the applicant's

record, experience with the particular type of airplane, compensation arrangements, airplane seating capacity, and company operating procedures.

#### 3. LETTER OF REQUEST

A. A request for deviation must be by letter, preferably on company letterhead, not less than 60 days prior to the first date of intended operation. It must include all pertinent information concerning the proposed operations, including the following:

- (1) Name and address of the applicant
- (2) The sections from which deviation is sought
- (3) Aircraft subject to the deviation, including:
  - Aircraft make, model, serial, and registration numbers
  - Number of passenger seats
  - The applicant's experience with this type of airplane
  - The types of operations and compensation planned
  - Inspection program used, as applicable
  - Special equipment installed, as applicable

(4) Airmen subject to the deviation, including name, certificate number and ratings, and experience

(5) Reasons and justification for the deviation, including any mitigating circumstances that qualify the operation for a deviation

(6) Actions to be taken by the applicant to ensure the maintenance of a level of safety equivalent to that provided in the rule

(7) The name and phone number of the person authorized to answer any questions regarding the request

B. Requests for deviation authority must be addressed to the nearest FSDO, per FAR § 125.3.

## 5. INSPECTOR RESPONSIBILITIES

A. In response to requests for deviation authority, the district office will accomplish the following:

- Verify that the information in the letter of request is correct
- Ensure that all appropriate information, including operational background history, is provided
- Determine whether to issue or deny the deviation

B. The FSDO will issue a deviation when it determines that, without compliance with all or part of FAR Part 125, the operator will safely and satisfactorily conduct the operation while providing the required level of safety.

## 7. USING THE DEVIATION AUTHORITY

A. The FSDO grants a deviation by letter, outlining the operations allowed by the deviation and the limitations that must be observed.

B. The applicant must incorporate into the operations specifications any granted deviation from specific sections.

C. Operators granted a deviation from all FAR Part 125 requirements must carry a copy of the letter of deviation in the airplane during all flight operations.