



**U.S. Department  
of Transportation**  
Federal Aviation  
Administration

# Advisory Circular

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**Subject:** Parts 121 and 135 Certification

**Date:** 7/5/18

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**Change:**

This advisory circular (AC) provides guidance and basic information on the certification processes for a Title 14 of the Code of Federal Regulations (14 CFR) parts [121](#) and [135](#) Air Carrier or Operating Certificate.

A handwritten signature in black ink, appearing to read "John S. Duncan".

John S. Duncan  
Executive Director, Flight Standards Service



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## CHAPTER 1. GENERAL

- 1.1 Purpose of This Advisory Circular (AC).** This AC provides information and describes one means that would be acceptable to the Administrator for applying for a Title 14 of the Code of Federal Regulations (14 CFR) part [121](#) or [135](#) Air Carrier or Operating Certificate.
- 1.2 Audience.** The primary audience for this AC includes persons seeking certification as a part 121 and/or 135 air carrier or operator. The secondary audience includes Federal Aviation Administration (FAA) Flight Standards District Offices (FSDO) and principal inspectors (PI) assigned to certification projects and oversight of certificate holders conducting operations under part 121 and/or part 135.
- 1.3 Where You Can Find This AC.** You can find this AC on the FAA's website at [http://www.faa.gov/regulations\\_policies/advisory\\_circulars](http://www.faa.gov/regulations_policies/advisory_circulars).
- 1.4 What This AC Cancels.** AC 120-49, Certification of Air Carriers, dated November 23, 1988, is canceled.
- 1.5 Scope.** This AC provides a general overview of the parts 121 and 135 air carrier or operator certification process, the types of Air Carrier and Operating Certificates, and reference materials.
- 1.6 AC Feedback Form.** For your convenience, the AC Feedback Form is the last page of this AC. Note any deficiencies found, clarifications needed, or suggested improvements regarding the contents of this AC on the Feedback Form.

## CHAPTER 2. DETERMINING THE OPERATING RULE

- 2.1 General.** The 14 CFR part the applicant will operate under is determined by the type of operation in combination with the type and size of the aircraft(s) utilized.
- 2.2 Definitions and Certification Requirements.**
- 2.2.1 Definitions.** Title 14 CFR part [110](#) contains the commonly used definitions related to air carrier and operating certification.
- 2.2.2 Certification Requirements.** Title 14 CFR part [119](#) establishes the general certification requirements for air carriers and commercial operators. Part 119 contains the following:
1. Information to determine the appropriate operating rules for the kind of operations that are conducted;
  2. Common certification requirements for 14 CFR parts [121](#) and [135](#) (e.g., operations specifications (OpSpecs) and management personnel); and
  3. Miscellaneous safety provisions common to parts 121 and 135 (e.g., wet leasing and emergency operations).
- 2.3 Certification Determinations, Types of Certificates, and Applicable Rules.** An applicant can use the following steps to determine which certificate will apply to their proposed operation.
- 2.3.1 Step 1: Common Carriage or Noncommon Carriage.** The first step in evaluating an application for certification is to determine whether an applicant will be conducting operations in common carriage or noncommon carriage. The applicant should be familiar with these terms:
- 2.3.1.1 Common Carriage.** An applicant is engaged in common carriage if the applicant “holds itself out” to the public (by advertising or other means) to transport persons or property for compensation or hire. There are four elements in defining a common carrier:
1. A holding out to the public of a willingness to,
  2. Transport persons or property,
  3. From place to place, and
  4. For compensation.
- 2.3.1.2 Noncommon Carriage.** An applicant is engaged in noncommon carriage if they conduct aircraft operations for compensation or hire that do not involve a holding out to the public.
- Note:** For further information regarding common carriage and noncommon carriage, refer to the current edition of AC [120-12](#), Private Carriage Versus Common Carriage of Persons or Property, as well as part 110.

### **2.3.2** Step 2: Air Carrier Certificate or Operating Certificate (Part 119).

**2.3.2.1 Air Carrier Certificate.** This certificate is issued to applicants who plan to conduct interstate, foreign, or overseas transportation, or to carry mail.

**2.3.2.2 Operating Certificate.** This certificate is issued to applicants who plan to conduct intrastate transportation.

**2.3.3** Step 3: Operating Rules (Part 121 and/or Part 135). Once the type of certificate has been determined, the next step is to determine the appropriate operating rule and kinds of operation. There are two operating rules that are appropriate for air carriers and commercial operators. An applicant will operate under part 121, part 135, or both, depending on whether the operation is scheduled, and the size and type of aircraft used. There are five kinds of operations:

1. Domestic (part 121),
2. Flag (part 121),
3. Supplemental (part 121),
4. Commuter (part 135), and
5. On-demand (part 135).

**Note:** To determine the appropriate operating rule and kind of operation, the next step is to determine if scheduled or nonscheduled operations will be conducted.

### **2.3.4** Step 4: Scheduled Operations and Nonscheduled Operations.

**2.3.4.1 Scheduled Operations.** Scheduled operations include passenger operations in which the departure location, departure time, and the arrival location are offered in advance by the certificate holder. Scheduled operations may also carry cargo or mail in addition to passengers. However, an all-cargo operation is defined as a nonscheduled operation.

**Note:** Scheduled operations do not include public charter operations conducted under 14 CFR part [380](#).

**2.3.4.2 Nonscheduled Operations.** Nonscheduled operations include:

1. Passenger-carrying operations in which the departure time and the departure and arrival locations are specifically negotiated with the customer or the customer's representative.
2. All-cargo operations.

3. Scheduled passenger operations in aircraft (other than turbojet-powered airplanes) that have nine or fewer passenger seats and a 7,500-pound payload or less that are limited to operating with a frequency of fewer than five round trips a week on at least one route between two or more points according to a published flight schedule.
4. Passenger operations conducted as a public charter under part 380.

## **2.3.5** Step 5: Kinds of Scheduled and Nonscheduled Operations.

### **2.3.5.1** **Kinds of Scheduled Operations.**

**2.3.5.1.1** Domestic (Part 121). Domestic operations are scheduled operations between any points within the 48 contiguous states of the United States, or within any state. For more information, see Chapter 3, paragraph [3.3.1](#).

**2.3.5.1.2** Flag (Part 121). Flag operations are scheduled operations between any points outside the 48 contiguous states. For more information, see Chapter 3, paragraph [3.3.2](#).

**2.3.5.1.3** Commuter (Part 135). Certificate holders with commuter authority have specific limitations on the size and type of aircraft that can be utilized. A certificate holder who has commuter authority may also conduct on-demand operations. Chapter 6, paragraph [6.2.2](#) contains more information on part 135 commuter certificate holders.

### **2.3.5.2** **Kinds of Nonscheduled Operations.**

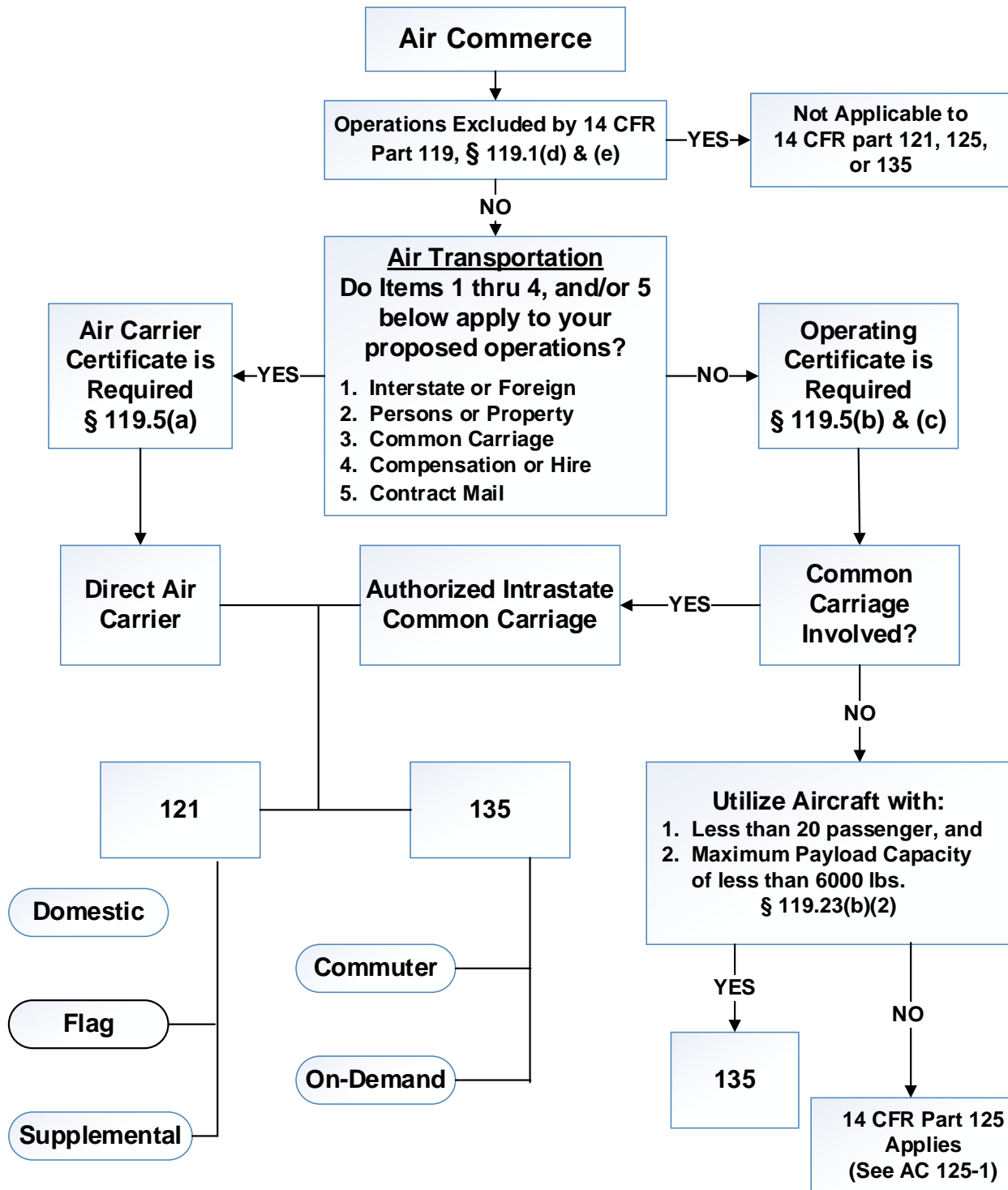
**2.3.5.2.1** Supplemental (Part 121). Supplemental operations are operations for which the departure time, departure location, and arrival location are specifically negotiated with the customer or the customer's representative; or all cargo operations. Chapter 3, paragraph [3.3.3](#) contains more information on part 121 supplemental certificate holders.

**2.3.5.2.2** On-Demand (Part 135). Certificate holders with on-demand authority have specific limitations on the size of aircraft that can be utilized. They can also conduct limited scheduled operations. Chapter 6, paragraph [6.2.1](#) contains more information on part 135 on-demand certificate holders.

**Note:** Figure [2-1](#), Air Carrier or Operating Certificate Flowchart, can be used in determining which type of certificate is appropriate.



Figure 2-1. Air Carrier or Operating Certificate Flowchart

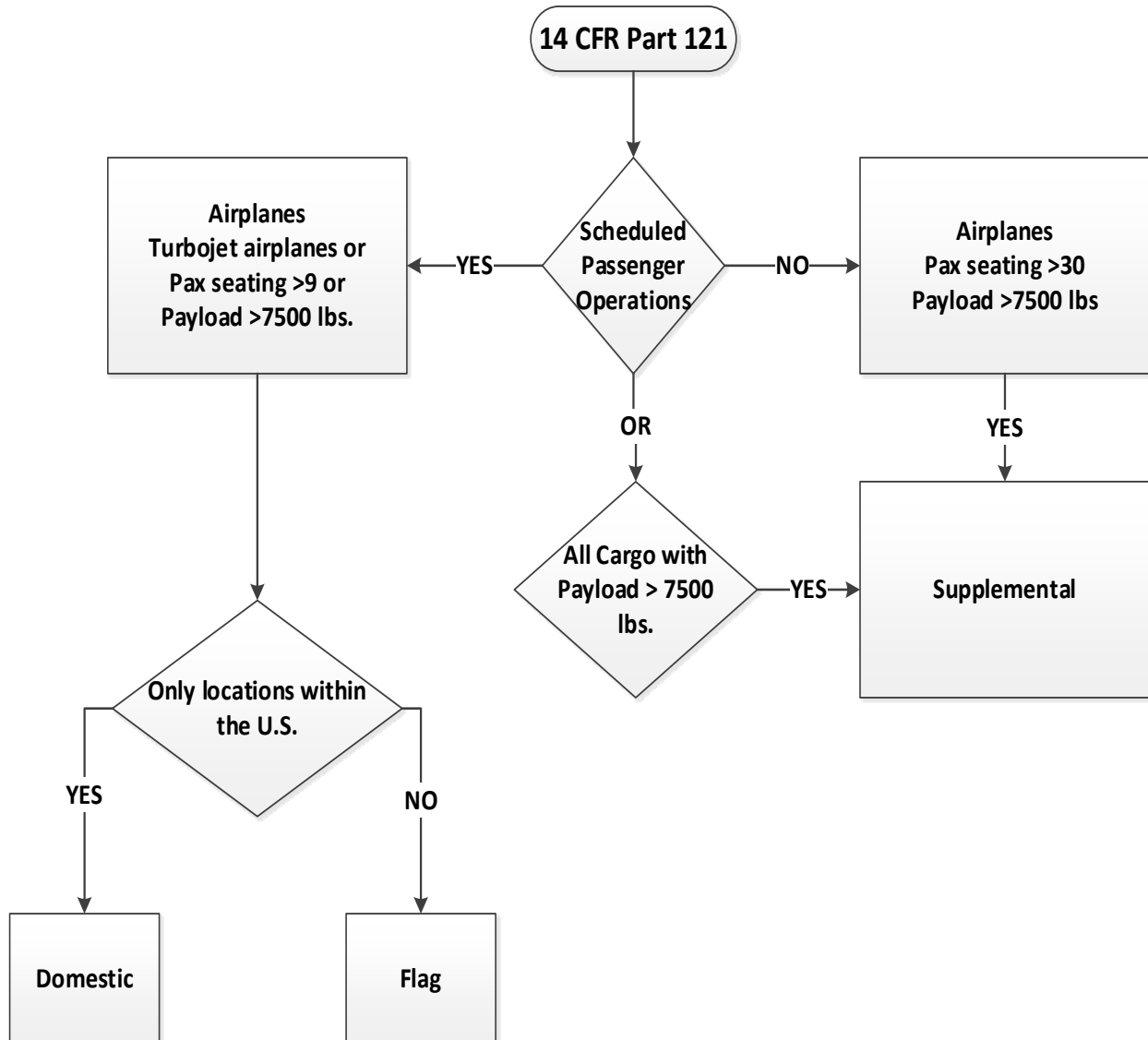


## CHAPTER 3. PART 121 CERTIFICATION INFORMATION

**3.1 General.** This chapter contains information on the kind of operations that can be conducted under part [121](#).

**3.2 Determining the Kind of Operation to be Conducted for Part 121.** This chart is to assist an applicant in determining what are the requirements for each kind of operation: domestic, flag, or supplemental. See Figure 3-1 below:

**Figure 3-1. Part 121 Domestic, Flag, or Supplemental Operations Flowchart**



### 3.3 Kinds of Operations.

**3.3.1 Domestic Operation.** A domestic operation is any scheduled operation conducted by any person operating any airplane as described in item 1, and at locations described in item 2.

1. Airplanes:

- a. Turbojet-powered airplanes;
- b. Airplanes having a passenger seat configuration of more than nine passenger seats, excluding each crewmember seat; or
- c. Airplanes having a payload capacity of more than 7,500 pounds.

2. Locations:

- a. Between any points within the 48 contiguous states of the United States or the District of Columbia;
- b. Operations solely within the 48 contiguous states of the United States or the District of Columbia;
- c. Operations entirely within any state, territory, or possession of the United States; or
- d. When specifically authorized by the Administrator, operations between any point within the 48 contiguous states of the United States or the District of Columbia and any specifically authorized point located outside the 48 contiguous states of the United States or the District of Columbia.

**3.3.2** Flag Operation. A flag operation is any scheduled operation conducted by any person operating any airplane described in item 1, and at the locations described in item 2.

1. Airplanes:

- a. Turbojet-powered airplanes;
- b. Airplanes having a configuration of more than nine passenger seats, excluding each crewmember seat; or
- c. Airplanes having a payload capacity of more than 7,500 pounds.

2. Locations:

- a. Between any point within the State of Alaska or the State of Hawaii or any territory or possession of the United States and any point outside the State of Alaska or the State of Hawaii or any territory or possession of the United States, respectively;
- b. Between any point within the 48 contiguous states of the United States or the District of Columbia and any point outside the 48 contiguous states of the United States and the District of Columbia; or
- c. Between any point outside the United States and another point outside the United States.

**3.3.3** Supplemental Operation. A supplemental operation is any common carriage operation for compensation or hire conducted with any airplane described in item 1 and the type of operation described in item 2.

1. Airplanes:

- a. Airplanes having a passenger seat configuration of more than 30 seats, excluding each crewmember seat;
- b. Airplanes having a payload capacity of more than 7,500 pounds;
- c. Each propeller-powered airplane having a passenger seat configuration of more than nine seats and fewer than 31 seats, excluding each crewmember seat, that is also used in domestic or flag operations and that is so listed in the operations specifications (OpSpecs) as required by 14 CFR part [119](#), § [119.49\(a\)\(4\)](#) for those operations; or
- d. Each turbojet-powered airplane having a passenger seat configuration of one or more and fewer than 31 seats, excluding each crewmember seat, that is also used in domestic or flag operations and that is so listed in the OpSpecs as required by § 119.49(a)(4) for those operations.

2. Types of Operation:

- a. Operations for which the departure time, departure location, and arrival location are specifically negotiated with the customer or the customer's representative;
- b. All-cargo operations; or
- c. Passenger-carrying public charter operations conducted under 14 CFR part [380](#).

## CHAPTER 4. PART 121 CERTIFICATION REQUIREMENTS

- 4.1 General.** This chapter contains information on the certification requirements for 14 CFR part [121](#).
- 4.2 Preapplication Statement of Intent (PASI).** The applicant submits an FAA Form [8400-6](#), Pre-application Statement of Intent, to the appropriate Flight Standards District Office (FSDO) (see Appendix [A](#) for the FAA’s website address to locate the nearest FSDO). The FSDO will place the form in the Certification Service Oversight Process (CSOP). The CSOP allows the FAA time to make a decision to move the application forward based on assurance that the FSDO has sufficient staff to support the certification process. Once the application is approved and moved forward to the FSDO, the project will be staffed and the applicant will be notified that they may submit a formal application letter (see Appendix A for a list of items that must be included in the formal application letter). That letter will request a tentative date for a formal application meeting. Upon submission of the request letter, the certification process will begin in earnest.
- 4.3 Certification Process Briefing and Safety Management System (SMS) Workshop.** The first activity will consist of a certification process briefing and an SMS workshop where the applicant will develop a Preliminary Risk Assessment (PRA) process with the help of the Certification Project Team (CPT). During this briefing the applicant will be informed of the documents, manuals, and programs that must be submitted as the process moves forward.

**Note:** The current edition of AC [120-92](#), Safety Management Systems for Aviation Service Providers, contains information on regulatory requirements, guidance, and methods of developing and implementing an SMS.

- 4.4 Required Documentation.** The applicant will submit the items in Table [4-1](#), Part 121 Preapplication Checklist, Section 1, through the FAA Safety Assurance System (SAS) External Portal at least 60 calendar-days prior to the formal application meeting.

**Note:** This checklist is primarily for the use of the applicant. The “Verified by” and “Date” columns are for the use of the applicant at their discretion. Further explanation of these requirements will be provided at the briefing and is available on the FAA website, [www.faa.gov](http://www.faa.gov) > Licenses & Certificates > Airline Certification > 14 CFR Part 121 Air Carrier Certification.

- 4.5 Part 121 Preapplication Checklist (PAC).** Table 4-1 below lists the documentation that should be submitted with the formal application.

**Table 4-1. Part 121 Preapplication Checklist**

<b>Section 1</b>		
<b>Documentation Required at Formal Application Meeting</b>		
Document/Manual:	Verified by:	Date:
Formal Application Letter		
Preapplication Statement of Intent (PASI) (FAA Form 8400-6)		
Completed Proposed Schedule of Events (SOE)		
List of Proposed Operations Specifications (OpSpecs)		
<b>Required Management Personnel Résumé, Qualification Summary (QS), and Quality Audit Forms (QAF)</b>		
Management Position:	Verified by:	Date:
Director of Maintenance      QS      QAF		
Director of Operations      QS      QAF		
Chief Pilot      QS      QAF		
Chief Inspector      QS      QAF		
Director of Safety      QS      QAF		
Applicant's Accountable Executive (14 CFR part 5) Designation Letter		
<b>Section 2</b>		
<b>Documentation Required at Formal Application Meeting</b>		
Document/Manual:	Verified by:	Date:
Updated PASI (FAA Form 8400-6)		
CPM/CTL Acceptance of PRA Process		
Evidence of Economic Authority Request		
Letters of Incorporation, etc.		
Proposed Draft OpSpecs from WebOPSS		
Self-Audited Element Design Data Collection Tools (ED DCT) NOTE: The ED DCT version must be current within 90 calendar-days of this submission.		
Initial Compliance Statement (to include 14 CFR parts 5, 117, 119, & 121). The Compliance Statement will be revised as manual references are changed throughout the certification process. This should be a living document after certification.		
Company Manuals and Programs		
Initial Cadre Check Airman (ICCA) Training Plan		
Facility Lease Agreements or Proof of Ownership		
Outsourcing Contractual Agreements		
Aircraft Lease or Proof of Ownership		
Current Aircraft Equipment List		
Aircraft Interior Configuration Document		
Aircraft Information Form		
Status of Drug and Alcohol Program		
Status of Security Program		
Status of Environmental Assessment (EA)		
Status of Hazardous Materials (Hazmat) Program and Hazmat Training Program		

## CHAPTER 5. PART 121 CERTIFICATION PROCESS

**5.1 General.** This chapter provides information on the phases of the certification process for 14 CFR part [121](#) applicants. The FAA utilizes a phase and gate system for certification projects. There are five phases and three gates in the certification process. All items of a particular phase(s) must be completed prior to proceeding past a gate.

**5.2 Phase 1: Preapplication.** The applicant will send their Preapplication Statement of Intent (PASI) (FAA Form [8400-6](#), Preapplication Statement of Intent) to the FAA through the Safety Assurance System (SAS) External Portal. Upon notification of a pending PASI, the Flight Standards Office (FSO) will ensure that there is sufficient information to further process the preapplication. The primary source of written communication will be conducted through the SAS External Portal.

**Note:** The SAS External Portal is a free, secure, web-based application that allows for more direct, streamlined, and timely communication between certificate holders and applicants and the FAA. Some of the SAS External Portal benefits include the ability for certificate holders and applicants to review and submit information electronically, and to see where documents are in the FAA review process. Applicants can sign up for access to the SAS External Portal at <https://sas.faa.gov>. Appendix [A](#) of this AC contains more information on signing up for access and using the SAS External Portal.

**5.3 Phase 2: Formal Application.** A formal application meeting is tentatively scheduled after the FAA receives all submissions required by the Preapplication Checklist (PAC). The Certification Project Team (CPT) reviews the applicant's PAC submissions for completeness, accuracy, and regulatory compliance before confirming the formal application meeting date. During the formal application meeting, the applicant's management personnel must demonstrate knowledge of their air carrier's system design.

**Note:** Phase 2 ends when the CPT accepts the formal application package and all Phase 2 Gate requirements are met.

**5.4 Phase 3: Design Assessment (DA).** The CPT evaluates the design of the applicant's operating systems to ensure their compliance with regulations and safety standards, including the obligation to provide service at the highest possible degree of safety in the public interest. This phase uses appropriate SAS Data Collection Tools (DCT) to collect data to be used to determine if the air carrier's operational system design and Safety Risk Management (SRM) process meet regulatory requirements.

**Note:** Phase 3 ends when all programs have been accepted or approved, and all Phase 3 Gate requirements have been met.

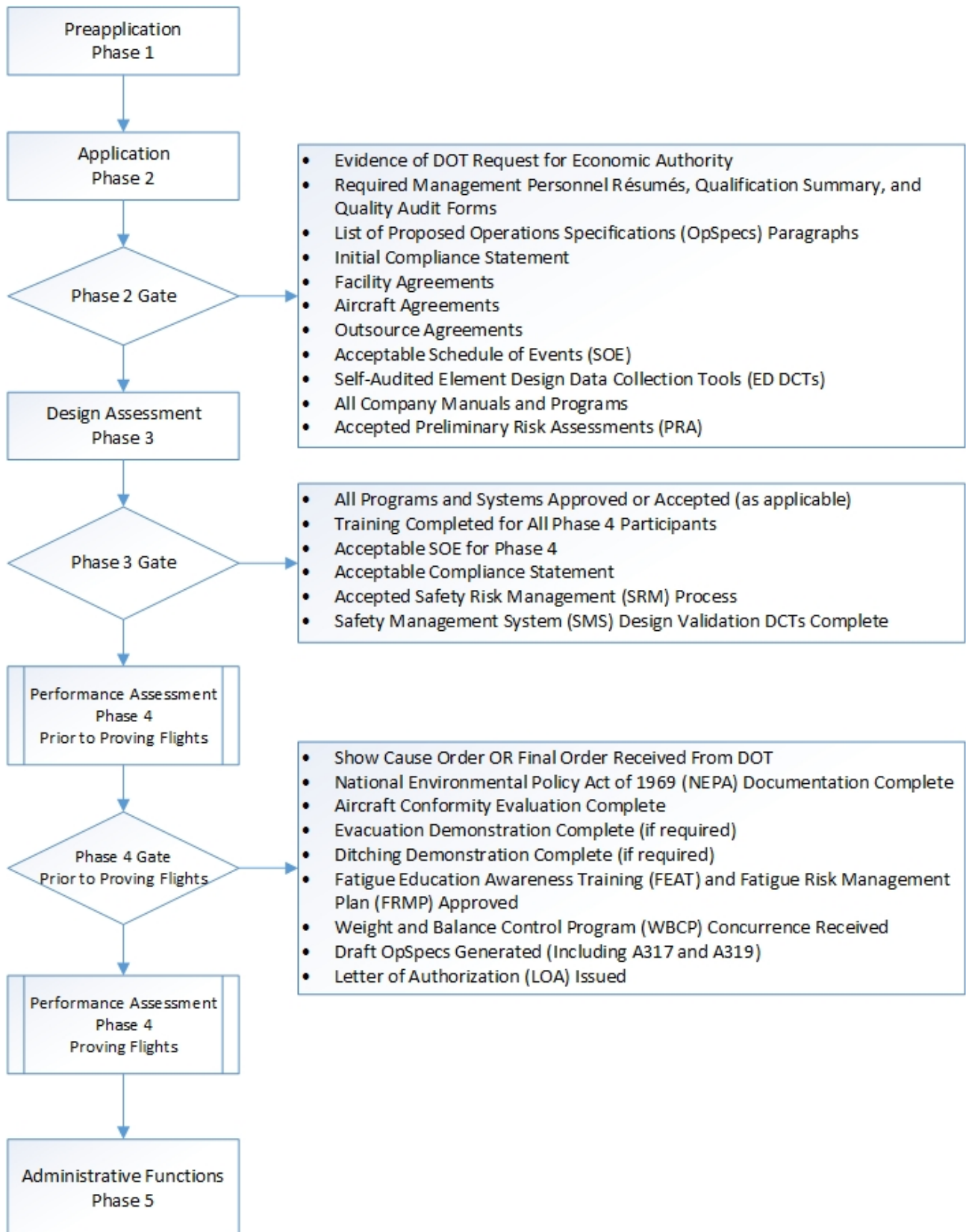
**5.5 Phase 4: Performance Assessment (PA).** FAA aviation safety inspectors (ASI) use appropriate DCTs during this phase to collect data to be used to determine if the applicant's systems are performing as intended and producing the desired results. This phase requires the operation of an aircraft to aid in the assessment of the applicant's system design. Proving tests begin only after all Phase 4 Gate requirements are met.

**Note:** Phase 4 ends after the successful completion of the proving tests.

**5.6 Phase 5: Administrative Functions.** This phase provides for completion of all administrative functions (e.g., issuance of the Air Carrier or Operating Certificate and operations specifications (OpSpecs), and completion of certification reports and Program Tracking and Reporting Subsystem (PTRS) reporting requirements).



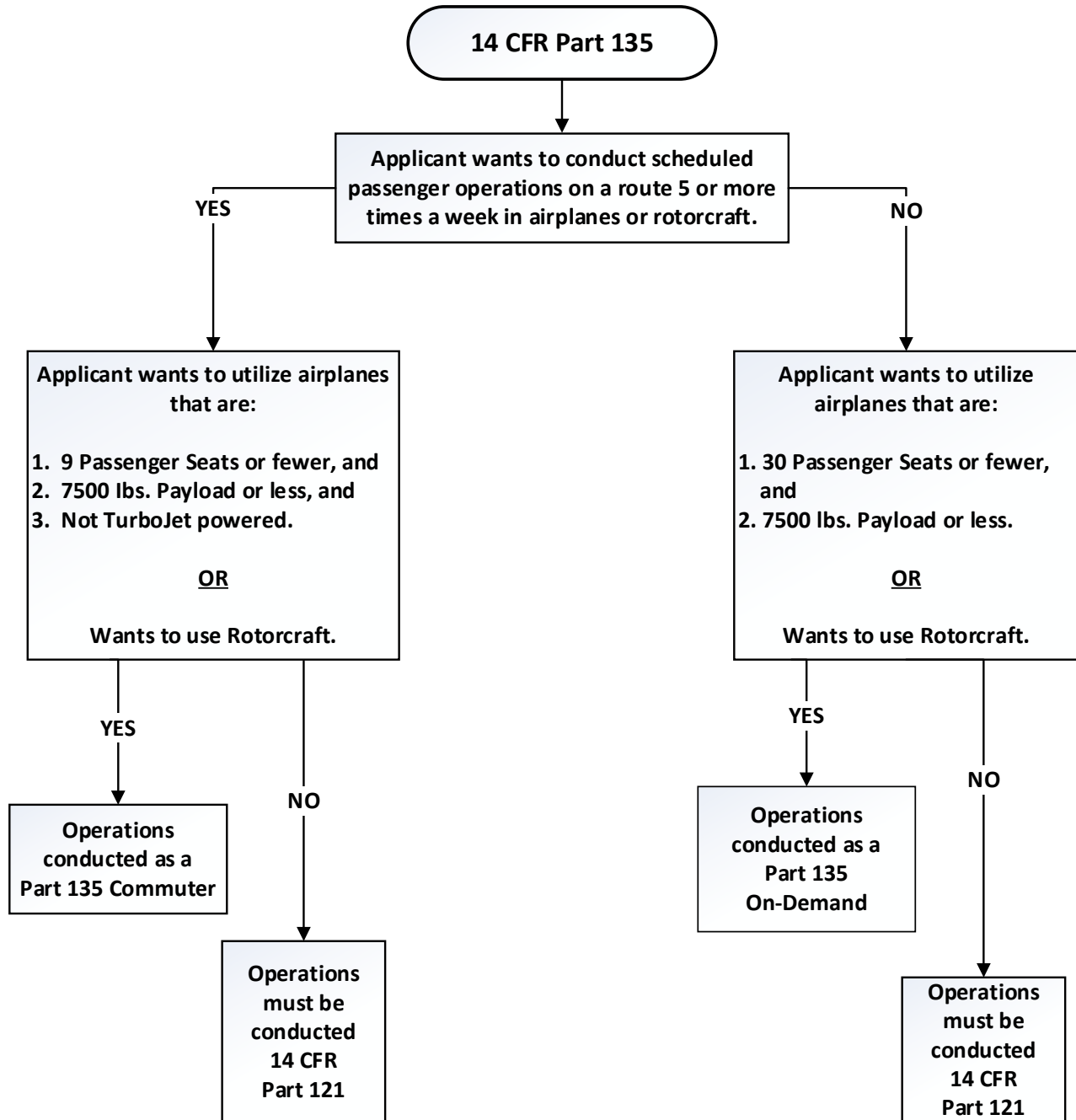
**Figure 5-1. Part 121 Certification Process Flowchart**



**CHAPTER 6. PART 135 CERTIFICATION INFORMATION**

**6.1 General.** This chapter contains information on the type and kind of operations that can be conducted under part [135](#).

**Figure 6-1. Part 135 Commuter or On-Demand Operations Flowchart**



- 6.2 Kinds of 14 CFR Part 135 Certificate Operating Authorities.** An important consideration when starting the certification process is for the applicant to determine the kind of operations that they wish to conduct. Part 135 certificate holders may conduct on-demand operations or scheduled (commuter) operations. Each kind of operation, on-demand or commuter, has specific limitations associated with them, including the number of passenger seats that can be installed on the aircraft, maximum payload limits, and whether turbojet aircraft can be used in that kind of operation.
- 6.2.1 On-Demand.** Common carriage on-demand operations can be conducted in airplanes that have a passenger seating configuration of 30 seats or less and a maximum payload capacity of 7,500 pounds, or in any rotorcraft.
- 6.2.1.1 Limited Scheduled Operations.** On-demand certificate holders can also conduct limited scheduled operations with the following additional restrictions:
1. Fewer than five round trips per week on at least one route between two or more points according to published flight schedules;
  2. No turbojet airplanes can be used; and
  3. Airplanes are limited to a maximum passenger seating configuration of nine seats or less.
- 6.2.1.2 Noncommon On-Demand Operations.** Noncommon on-demand operations can be conducted with airplanes having a passenger seat configuration of fewer than 20 seats, excluding each crewmember seat, and a payload capacity of less than 6,000 pounds.
- 6.2.2 Commuter.** Commuter operations may be conducted in airplanes that have a maximum passenger seating configuration of nine seats and a maximum payload capacity of 7,500 pounds, or in any rotorcraft. Commuter operations cannot be conducted in any turbojet aircraft. A certificate holder with commuter authority can also conduct on-demand operations.
- 6.3 Classifications of Part 135 Certificates.** A part 135 certificate holder has further options depending on the scope of the operations that they wish to conduct. The FAA authorizes the scope of operations through the issuance of operations specifications (OpSpecs). The following classifications of operations are available:
1. Single-pilot;
  2. Single pilot in command (PIC);
  3. Basic part 135; and
  4. Standard part 135.
- 6.3.1 Part 135 Single Pilot.** A single-pilot operator is a certificate holder that is limited to using only one pilot for all part 135 operations. That specific pilot is listed by name and

certificate number on the FAA-issued OpSpecs. In general, the regulations do not require a single-pilot operator to develop and maintain manuals or training programs, or designate a Director of Operations (DO), chief pilot, or a Director of Maintenance (DOM). However, they are required to designate the management officials responsible for operational control, and to provide a hazardous materials (hazmat) training program.

**Note:** Under International Civil Aviation Organization (ICAO) Standards and Recommended Practices (SARP), international flight operations (including overflight of international waters) require management, manuals, and a training program, regardless of scope of operation. As of the release date of this document, the FAA has not filed differences with ICAO on this SARP. Unless differences are filed with ICAO and accepted by the country in which a certificate holder wishes to conduct operations, single-pilot operators will be required to have management, manuals, and a training program in order to conduct international operations.

**6.3.2** Part 135 Single PIC. A single PIC operator is a certificate holder that is limited to using only one PIC and up to three second-in-command (SIC) pilots for all part 135 operations. The PIC and the SIC(s) are listed by name and certificate number on the FAA-issued OpSpecs. The certificate holder is authorized to use those pilots only in the specific duty positions listed in the FAA-issued OpSpecs. Single PIC certificate holders have limitations on the size of aircraft and the scope of operations that are allowed, which include:

1. Aircraft are limited to those type certificated (TC) with nine passenger seats or less;
2. Operations are limited to the United States, Canada, Mexico, and the Caribbean; and
3. No Category II (CAT II) or Category III (CAT III) instrument approach operations are allowed.

**Note 1:** Although required by regulation, deviations may be granted for a required manual, training programs, and certain management positions. In order for a deviation to be granted, the operator must show safety will allow a deviation from these requirements.

**Note 2:** Under ICAO SARP, international flight operations (including overflight of international waters) require management, manuals, and a training program, regardless of scope of operation. As of the release date of this document the FAA has not filed differences with ICAO on this SARP. Unless differences are filed with ICAO and accepted by the country that a certificate holder wishes to conduct operations, single PIC operators will be required to have management, manuals, and a training program if they conduct international operations.

**6.3.3** Basic Part 135. A basic part 135 operator is a certificate holder whose operation is limited in the size and scope of their operations. They have the following limitations:

1. Maximum of five pilots, including SICs;
2. Maximum of five aircraft can be used in operations;
3. Maximum of three different types of aircraft used;
4. Aircraft are limited to those TC'd with nine passenger seats or fewer;
5. Operations are limited to the United States, Canada, Mexico, and the Caribbean; and
6. No CAT II or CAT III instrument approach operations are allowed.

**Note:** Basic part 135 operators are required to develop and maintain manuals, training programs, and have the required management positions. However, due to the limited size and scope of these certificate holders, specific limited deviations to those requirements may be authorized by the FAA. In order for a deviation to be granted, the operator must show safety will allow a deviation from these requirements.

**6.3.4** Standard Part 135. A standard part 135 operator is a certificate holder that does not have pre-set limits on the available size or scope of their operations. The applicant, per 14 CFR part [119](#), § [119.51\(c\)](#), must apply, qualify, and be granted FAA authorization through OpSpecs for each type of operation they wish to conduct. Standard part 135 operators are required to develop and maintain manuals, training programs, and have the required part 119 management positions.

**6.3.5** Changes in Classification or Scope of Operations. As a certificate holder's business evolves, they may decide to change the classification or scope of their operation. Should the operator decide to request authority for a change in the classification or scope of their operations, an abbreviated certification process may be required. Some examples of changes in scope that may require an abbreviated certification process include:

1. Addition of a new category or class of aircraft;
2. Requesting additional areas of operations;
3. Adding operating authorities, such as air ambulance, helicopter air ambulance (HAA), scheduled passenger operations, etc.; or
4. Changing from one classification of certificate to another.

**Note:** The certificate holder should contact the managing Flight Standards District Office (FSDO) or certificate management office (CMO) for a determination of any additional certification requirements whenever they wish to initiate a change in the classification or scope of their operations.

## CHAPTER 7. PART 135 CERTIFICATION REQUIREMENTS

- 7.1 General.** This chapter contains information on 14 CFR part [135](#) certification requirements. Some items may not be required depending on the classification of the part 135 certificate the applicant is seeking.
- 7.2 Company Ownership.** An applicant for any certificate issued under 14 CFR part [119](#) must be a citizen of the United States. If the proposed certificate holder will be owned by a partnership, each member of the partnership must be a U.S. citizen. If owned by a corporation or association created or organized under the laws of the United States or of any state, territory, or possession of the United States, the president and two-thirds or more of the board of directors and other managing officers must be citizens of the United States, and at least 75 percent of the voting interest must be owned or controlled by persons who are citizens of the United States or one of its possessions.
- 7.3 Principal Base of Operation.** The applicant must maintain a principal base of operation at the time of application. This can be demonstrated via either documentation of ownership, lease agreement, or a letter of intent that it has established a physical location for the principal base of operation.
- 7.4 Aircraft.** Per part 135, § [135.25\(b\)](#), an applicant/certificate holder must have the exclusive use of at least one aircraft that meets the requirements for at least one kind of operation. The applicant must either own or have a lease agreement for a period of 6 continuous months from the time of certification to satisfy the exclusive use requirement. The applicant may begin the certification process with a letter of intent showing that an aircraft will be purchased or leased, but in no circumstance will the certification process be completed until a suitable aircraft has been provided.

**Note:** Once the scope of operation is determined, a written statement showing that the aircraft and its equipment conform to the requirements of part 135 [subpart C](#) should be provided. This will include proof that the aircraft has the proper registration, airworthiness certification, identification, and is in an Airworthy condition. The certificate holder must also show that the aircraft meets the requirements for their proposed operations.

- 7.4.1 Aircraft Maintenance Requirements for Part 135 Operations.** Certification of a part 135 operation requires applicants show and the Administrator find that the applicant can meet their responsibility to ensure the aircraft are airworthy at all times during operational use. The part 135 certificate holder's operation and the aircraft's passenger seating capacity will determine the maintenance, preventative maintenance, and alteration program needed by the certificate holder.

**7.4.1.1 Aircraft Type Certificated (TC) With Nine Passenger Seats or Less.**

Applicants utilizing these aircraft may use the aircraft inspections required or allowed under 14 CFR part [91](#). Whenever the Administrator finds part 91 aircraft inspections are not adequate, or upon application by a certificate holder, an Approved Aircraft Inspection Program (AAIP) is authorized with

Operations Specification (OpSpec) D073, Approved Aircraft Inspection Program (AAIP). An applicant who is not otherwise required, may elect to maintain its aircraft under a Continuous Airworthiness Maintenance Program (CAMP). Additional information regarding these programs is found in the current editions of AC [120-16](#), Air Carrier Maintenance Programs, and AC [120-79](#), Developing and Implementing an Air Carrier Continuing Analysis and Surveillance System. When a CAMP is found to meet the full part 135 requirements, its use is authorized with OpSpec D072, Aircraft Maintenance—Continuous Airworthiness Maintenance Program (CAMP) Authorization.

**7.4.1.2 Aircraft TC'd With 10 Passenger Seats or More.** Applicants utilizing these aircraft must maintain them under a CAMP, which is authorized with OpSpec D072. Additional information can be found in AC 120-16 and AC 120-79.

**7.5 Insurance.** Specific requirements exist for the amount of insurance coverage a part 135 certificate holder must carry. Prior to being authorized to commence part 135 operations, the applicant must have the required insurance coverage and file the required forms with the FAA's Technical Programs Branch, 800 Independence Avenue SW, Washington, DC 20591. The forms that are required are determined by the kind of operating authority as listed below:

1. Commuter. Office of the Secretary of Transportation (OST) Form 6410, U.S. Air Carriers—Certificate of Insurance.
2. On-Demand. OST Form 4507, Air Taxi Operator Registration and Amendments Under Part 298 of the Regulations of the Department of Transportation, and OST Form 6410.

**Note:** Copies of these forms and additional information on insurance requirements can be found at the Technical Programs Branch website (see Appendix [A](#)).

**7.6 Economic Authority.** Applicants who are applying to conduct interstate commuter operations are required to obtain economic authority from the U.S. Department of Transportation (DOT). The DOT issues the economic authority when it determines that an applicant is “fit, willing, and able” to conduct operations. Because this is a requirement to complete certification, an applicant should apply for the economic authority determination as early as possible to avoid the possibility of delays. More information and forms are located at the DOT Aviation Policy website (see Appendix A).

**7.7 Management Personnel.** In order to become certificated as a part 135 certificate holder, an applicant must designate (by name) any individuals required by part 119 who will serve as the Director of Operations (DO), chief pilot, and Director of Maintenance (DOM). For the specific experience requirements required to serve in these positions, refer to part 119, § [119.71](#).

**Note:** If applying for certification as either a “Basic” or “Single PIC” certificate holder, an applicant may request a deviation for certain management positions.

**7.8 Manuals.** At the time of formal application, all required company manuals and training programs must be submitted to the FAA for review and approval or acceptance.

**7.8.1 General Operations Manual (GOM).** The certificate holder’s GOM must contain the certificate holder’s operations policies and procedures. Crewmembers are required to comply with the operations policies, methods, and procedures contained in that manual. Section [135.23](#) lists items that are required to be included in the GOM.

**Note:** Certificate holders that operate aircraft with nine or less passenger seats generally include their maintenance procedures in the GOM.

**7.8.2 General Maintenance Manual (GMM).** A separate GMM is required for certificate holders that operate aircraft TC’d with 10 or more passenger seats. The GMM per §§ [135.425](#) and [135.427](#), must include the following three sections:

1. Administrative policies and procedures;
2. Detailed instructions for the administration, management, and accomplishment of the elements of the certificate holder’s maintenance program; and
3. Technical data that describes maintenance standards, methods, techniques, and procedures.

**Note:** For additional guidance relating to maintenance manual requirements, refer to §§ [135.21](#) and [135.427](#), as applicable.

**7.8.3 Airplane Flight Manual (AFM) and Rotorcraft Flight Manual (RFM).** Section [135.81\(c\)](#) requires that certificate holders maintain a current flight manual (or the equivalent information for aircraft that were certificated without a flight manual) for each aircraft used in their air transportation operations. To satisfy those requirements, certificate holders may use the approved AFM or RFM, as applicable. Certificate holders may also develop a Company Flight Manual (CFM), which must be reviewed and approved by the FAA, per § 135.81(c).

**7.9 Hazardous Materials (hazmat) Manual: Will-Carry or Will-Not-Carry Program.** All certificate holders are required to submit for FAA acceptance and approval a hazmat operations manual and training program, even if they do not intend to carry hazmat. The definition of “hazmat employer” and “hazmat employee” can be found in Title 49 of the Code of Federal Regulations (49 CFR) part [171](#), § [171.8](#), and the training requirements are found in 49 CFR part [172 subpart H](#). For additional information on hazmat requirements refer to 14 CFR part 135 [subpart K](#).

**7.10 Training Programs.** An applicant who uses more than one pilot in their operation, or an applicant that only uses one pilot and operates internationally or in international waters, is required to submit a training program for their pilot crewmembers and, if applicable,



flight attendants (F/A). The training curriculum (completed to the extent possible) must be included with the formal application letter. Training curricula must include at least the following curriculum segments, as applicable, for each crewmember position:

- Basic indoctrination training.
- Emergency training.
- Crew Resource Management (CRM) training.
- Initial ground and flight training.
- Upgrade ground and flight training.
- Recurrent ground and flight training.
- Requalification training.
- Differences ground and flight training.
- Transition ground and flight training.
- Hazmat training.

**Note:** For additional information on training curriculum requirements, refer to part 135 [subpart H](#).

- 7.11 Drug and Alcohol Program Requirements.** The DOT rule 49 CFR part [40](#) describes required procedures for conducting workplace drug and alcohol testing for the federally regulated transportation industry. All air carriers and operators requiring certification by part 119 and authorized to conduct part 135 operations must have a drug and alcohol program. This program is administered by the Office of Aerospace Medicine (AAM), Drug Abatement Division (AAM-800). Refer to 14 CFR part [120](#) for additional information.
- 7.12 Transportation Security Administration (TSA) Security Program Requirements for Part 135 Certificate Holders.** Applicants who intend on conducting operations under part 135 may be required to adopt and implement a TSA-approved security program. The size and scope of the security program required will be based on several factors including, but not limited to, the kind of operations conducted, maximum certificated takeoff weight of the aircraft, aircraft seating capacity, and whether or not they will enplane or deplane passengers within a sterile area of an airport. For specific security program applicability and requirements, refer to 49 CFR part [1544](#), § [1544.101\(a\)](#) through (i). For additional information regarding TSA security program requirements and to find out how to apply for approval of your program, contact the TSA at [Charters-AirCargo-S@tsa.dhs.gov](mailto:Charters-AirCargo-S@tsa.dhs.gov).
- 7.13 Minimum Equipment List (MEL).** In the absence of an approved MEL and an appropriate OpSpec authorization, any aircraft listed on a part 135 OpSpec that has inoperative instruments or equipment may not be operated. Although not an absolute requirement, it is highly recommended that all certificate holders submit an MEL for each type of aircraft they will be operating.

**7.14 Proving and Validation Testing.** Section [135.145](#) states that no certificate holder may operate a turbojet aircraft, or an aircraft for which two pilots are required for operations under visual flight rules (VFR), if it has not previously proved such an aircraft in part 135 operations in at least 25 hours of proving tests acceptable to the Administrator.

**7.14.1 Proving Tests.** Aircraft proving tests are essentially full-scale simulations of revenue operations to demonstrate the ability to operate independently, safely, and in compliance with the applicable 14 CFR parts. Proving tests are comprehensive and focus on multiple areas. Examples of these areas include, but are not limited to, the following:

1. Cabin safety,
2. Operational control,
3. Abnormal procedures,
4. MEL management,
5. Ability to operate the aircraft in the National Airspace System (NAS), and
6. Ability to safely operate the aircraft into en route airports that are in the applicant's proposed areas of operations.

**Note:** Although pilot flight training may be conducted during part of the proving tests, no passengers may be carried except those needed to make the tests and those designated by the Administrator to observe the tests.

**7.14.2 Validation Testing.** Validation testing is required to determine that a certificate holder is capable of conducting operations safely and in compliance with applicable regulatory standards. Validation tests are required for the following authorizations:

1. The addition of an aircraft for which two pilots are required for operations under VFR or a turbojet airplane, if that aircraft or an aircraft of the same make or similar design has not been previously proved or validated in operations under this part (e.g., adding an aircraft requiring a new type rating or training program).
2. Operations outside U.S. airspace (including flight from the 48 contiguous states to Hawaii or Alaska, areas of magnetic unreliability (AMU), Extended Operations (ETOPS), and North Polar).
3. Class II navigation authorizations (e.g., long-range navigation system (LRNS)).
4. Special performance or operational authorizations (e.g., Category II (CAT II), CAT III, enhanced flight vision system (EFVS), Head-Up Display (HUD), and Required Navigation Performance (RNP)).

**Note:** Actual flights may not be required on some validations when an applicant can demonstrate competence and compliance with appropriate regulations without conducting a flight. The applicant or certificate holder should contact the managing Flight Standards District Office (FSDO) or certificate management

office (CMO) for a determination of the content of validation testing. The FAA may authorize proving tests and validation testing to be conducted simultaneously when appropriate.

**7.15 Pilot Records Improvement Act of 1996 (PRIA).** PRIA was enacted to ensure that air carriers adequately investigate a pilot's background before allowing that pilot to conduct commercial air carrier flights. Under PRIA, an air carrier cannot place a pilot into service until after it obtains and reviews the last 5 years of the pilot's records as specified in PRIA. For more information on PRIA, refer to the current edition of AC [120-68](#), Pilot Records Improvement Act of 1996, and any additional information located at the FAA PRIA webpage (see Appendix [A](#)).

**7.16 Compliance Statement.** An applicant is required to prepare and submit a compliance statement to the FAA for review. The purpose of the compliance statement is to ensure that the applicant adequately addresses applicable regulations during the certification process. The compliance statement must be in the form of a listing of all 14 CFR parts 91, 119, and 135 regulations by part, section, paragraph, subparagraph, etc., that are applicable to the applicant's proposed operation. Next to each regulation, the applicant should provide a specific reference to a manual or other document, and may provide a brief narrative description that describes how the applicant will comply with each regulation. Applicants not required to prepare a manual and who do not have that information contained in another document are required to include a narrative in the compliance statement that describes how they will comply with each regulation.

**Note 1:** The compliance statement also serves as a master index to the applicant's manual system to expedite the FAA's review and approval of the operation and manual system. During the certification process, the compliance statement is considered a living document, and as changes are made to the applicant's system the compliance statement should be revised to reflect those changes. A copy of the final compliance statement is one of the documents that are required to be included in the certification report, which is maintained in the certificate holder's permanent file at the FSDO.

**Note 2:** See Appendix A for examples of the format of a compliance statement.

## CHAPTER 8. PART 135 CERTIFICATION PROCESS

**8.1 General.** This chapter provides information on the phases of the certification process for 14 CFR part [135](#) applicants. The FAA utilizes a phase and gate system for certification projects. There are five phases and three gates in the certification process. All items of a particular phase(s) must be completed prior to proceeding past a gate.

**8.2 Phase 1: Preapplication.** This phase starts when a prospective applicant first enquires about or requests an application for an Air Carrier or Operating Certificate. This phase can be initiated by individuals or organizations and may be in writing, or during an informal meeting with Flight Standards District Office (FSDO) personnel. In the preapplication phase, the following actions will occur:

**8.2.1** Applicants should sign up for access to the FAA's Safety Assurance System (SAS) External Portal at <https://sas.faa.gov>.

**Note:** The SAS External Portal is a free, secure, web-based application that allows for more direct, streamlined, and timely communication between certificate holders and applicants and the FAA. Some of the SAS External Portal benefits include the ability for certificate holders and applicants to review and submit information electronically, and to see where documents are in the FAA review process. Appendix A contains more information on signing up for access and using the SAS External Portal.

**8.2.2** The applicant will then submit an FAA Form [8400-6](#), Preapplication Statement of Intent, to the local FSDO. Applicants who have access to the SAS External Portal may submit the Preapplication Statement of Intent (PASI) to the local FSDO via the SAS external portal.

**8.2.3** When the PASI is accepted by the FAA, the office manager will initiate the Certification Service Oversight Process (CSOP).

**Note:** CSOP is a process that the FAA uses to determine if it has the necessary resources to conduct an initial certification and the continued operational safety oversight for a certificate applicant. CSOP determines if the certification process will be assigned to begin, or if the applicant will be placed onto a wait list.

**8.2.4** The applicant and their key management personnel will attend a preapplication meeting with the Certification Project Team (CPT) that was assigned to the certification project.

**Note:** The completion of the preapplication phase also completes Gate 1 of the certification process.

**8.3 Phase 2: Formal Application.** The formal application phase begins when the FAA certification team receives the formal application and all the required documents. Items that must be submitted include:

1. Formal application letter;
2. Schedule of Events (SOE);
3. Compliance statement;
4. Company manuals (i.e., General Operations Manual (GOM) and General Maintenance Manual (GMM)) (if required by the classification and/or scope of operation);
5. Training curricula (if required by the classification and/or scope of operation);
6. Management qualification attachments (e.g., résumés);
7. Documents of purchase, contracts, and/or lease attachments;
8. SAS Element Design Data Collection Tools (ED DCT) (scoped to the applicant's proposed operation) (if applicable); and
9. Flight attendant (F/A) materials (if applicable).

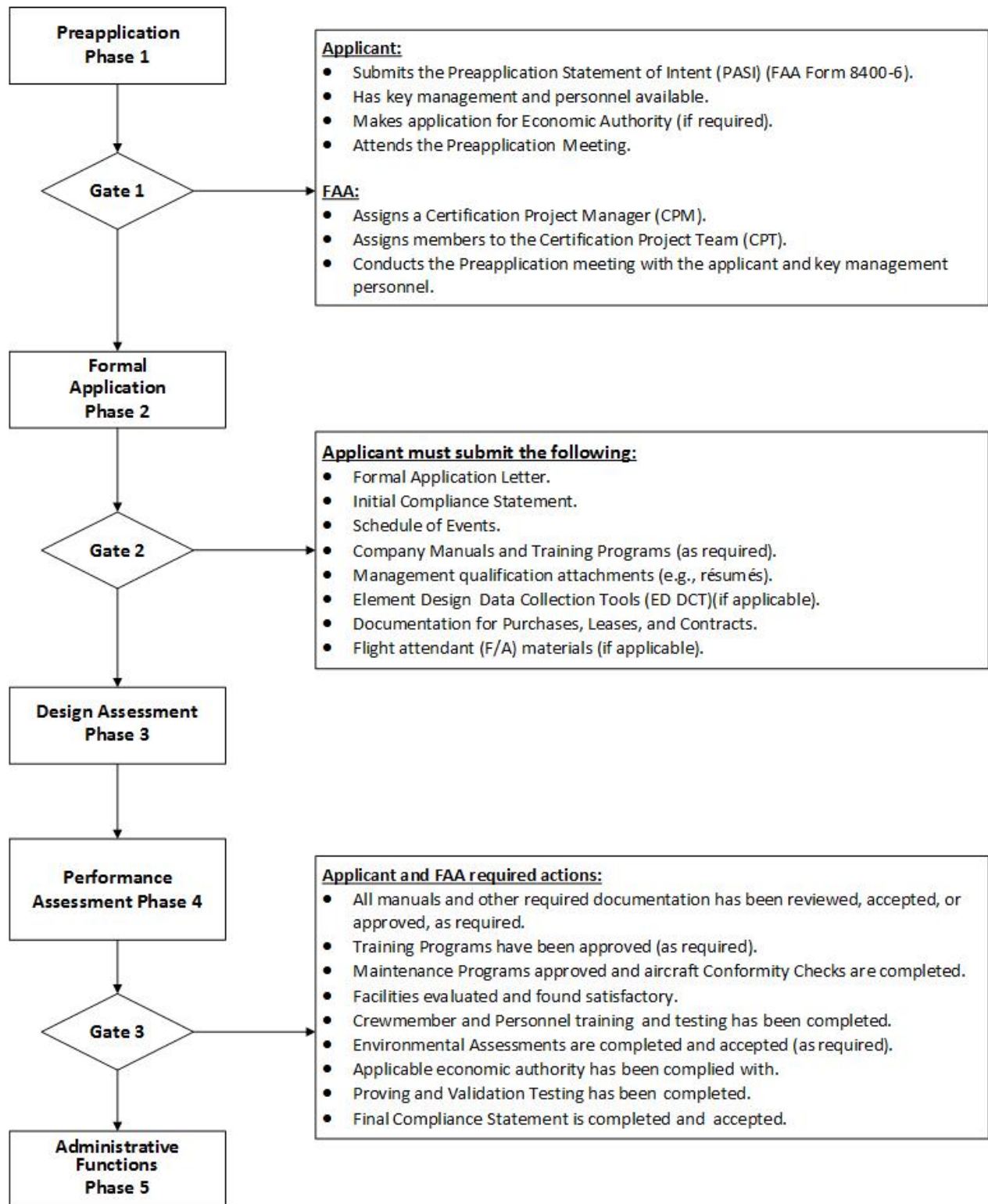
**Note:** The formal application phase is concluded with the formal application meeting. This meeting gives the FAA and the applicant an opportunity to address any questions and resolve minor issues encountered in the certification process to this point. The completion of the formal application phase also completes Gate 2 of the certification process.

**8.4 Phase 3: Design Assessment (DA).** The DA phase is that part of the certification process when the applicant's manuals and other documents are reviewed in depth to ensure compliance with applicable regulations and conformity to safe operating practices.

**8.5 Phase 4: Performance Assessment (PA).** In this phase, the certification team determines that the applicant's proposed procedures and programs for training and directing personnel in the performance of their duties are effective by validating through observation and testing. The certification team will observe any required training, flight checks, and proving and validation tests. In this phase, the emphasis is on compliance with regulations and the operating procedures contained in the applicant's manuals, as applicable. The completion of the PA phase also completes Gate 3 of the certification process.

**8.6 Phase 5: Administrative Functions.** In this phase, the FAA will issue the certificate and the operations specifications (OpSpecs) to the applicant. This action completes the certification process. The FAA will not, under any circumstances, certificate an applicant until the certification project manager (CPM) determines that the applicant is fully capable of fulfilling his or her responsibilities as charged by Title 49 of the United States Code (49 U.S.C.) and that the applicant will comply with 14 CFR.

**Figure 8-1. Part 135 Certification Process Flowchart**



## APPENDIX A. REFERENCE INFORMATION AND EXAMPLES

### A.1 Resources List.

- Federal Aviation Administration (FAA) Website: <http://www.faa.gov/>.
- Flight Standards District Office (FSDO) contact information: [http://www.faa.gov/about/office\\_org/field\\_offices/fsdo/](http://www.faa.gov/about/office_org/field_offices/fsdo/).
- U.S. Department of Transportation (DOT) Aviation Policy Website: <https://www.transportation.gov/policy/aviation-policy/licensing/US-carriers>.
- FAA Technical Programs Branch Website: [https://www.faa.gov/about/office\\_org/headquarters\\_offices/avs/offices/afx/afs/afs200/afs260/exemptions/](https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afx/afs/afs200/afs260/exemptions/).
- Office of Aerospace Medicine (AAM), Drug Abatement Division (AAM-820): [https://www.faa.gov/about/office\\_org/headquarters\\_offices/avs/offices/aam/drug\\_alcohol/about/](https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/aam/drug_alcohol/about/).
- Pilot Records Improvement Act of 1996 (PRIA): [https://www.faa.gov/pilots/lic\\_cert/pria/forms\\_docs/](https://www.faa.gov/pilots/lic_cert/pria/forms_docs/).
- Title 14 of the Code of Federal Regulations (14 CFR): Aeronautics and Space: [https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title14/14tab\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title14/14tab_02.tpl).
- Advisory Circulars (AC): [https://www.faa.gov/regulations\\_policies/advisory\\_circulars/](https://www.faa.gov/regulations_policies/advisory_circulars/).

### A.2 Certification Information.

1. FAA Order 8900.1, Flight Standards Information Management System (FSIMS): <http://fsims.faa.gov>.
2. The Certification Process:
  - a. Title 14 CFR Part [121](#) Certification:
    - Order 8900.1, Volume 2, Chapter 3, The Certification Process—Title 14 CFR Part 121.
    - Part 121 Certification Webpage: [https://www.faa.gov/about/initiatives/atos/air\\_carrier/](https://www.faa.gov/about/initiatives/atos/air_carrier/).
  - b. Title 14 CFR Part [135](#) Certification:
    - Order 8900.1, Volume 2, Chapter 4, The Certification Process—Title 14 CFR Part 135.
    - Part 135 Certification Webpage: [https://www.faa.gov/about/initiatives/atos/135\\_certification/](https://www.faa.gov/about/initiatives/atos/135_certification/).
3. Certification Services Oversight Process (CSOP): Order 8900.1, [Volume 11, Chapter 13, Section 1](#), Flight Standards Certification Services Oversight Process.

4. Deviations or Exemptions:

- Order 8900.1, [Volume 2, Chapter 4, Section 6](#), Safety Assurance System: Single Pilot, Single Pilot-in-Command, and Basic Part 135 Operations.
- Order 8900.1, [Volume 3, Chapter 2, Section 1](#), Exemptions, Deviations, Waivers, and Authorizations.

5. Check Pilots: Order 8900.1, Volume 3, Chapter 20, Check Airman, Instructor, and Supervisor Programs for Part 121 and 135 Certificate Holders.6. Proving and Validation Testing: Order 8900.1, Volume 3, Chapter 29, Proving and Validation Tests.7. Safety Assurance System (SAS):

- SAS External Portal Training:  
[http://fsims.faa.gov/wdocs/sas/guide/training/story\\_flash.html](http://fsims.faa.gov/wdocs/sas/guide/training/story_flash.html).
- SAS External Portal Login Request: <https://sas.faa.gov/sas.external.portal/>.
- SAS External Portal Information Guide:  
[http://fsims.faa.gov/wdocs/sas/guide/story\\_flash.html](http://fsims.faa.gov/wdocs/sas/guide/story_flash.html).
- SAS Master List of Functions Chart:  
Order 8900.1, [Volume 10, Chapter 1, Section 2](#), Table 10-1-2B, Mapping of Program Elements to Master List of Functions (SAS Approved Numbering).
- SAS Data Collection Tools (DCT) System or Subsystem Performance Assessment (SPA)/Element Performance Assessment (EPA)/Element Design Assessment (EDA):  
<http://fsims.faa.gov/PICResults.aspx?mode=Publication&doctype=SAS%20DCT>.

**A.3 Forms.** FAA Form 8400-6, Preapplication Statement of Intent (PASI):

<https://www.faa.gov/forms/index.cfm/go/document.information/documentID/186277>.

**A.4 Formal Application Letter.** The formal application letter does two things. First, it serves as a formal application for either an Air Carrier Certificate or an Operating Certificate and secondly it serves as the vehicle to transmit the package of required documents. The formal application letter must, per Title 49 of the United States Code (49 U.S.C.) § [46103\(c\)](#):

1. Contain the full and official name of the applicant.
2. Be signed by the owner, when applying as an individual or sole proprietorship; all partners, when applying as a partnership; or an authorized officer(s), when applying as an organization, such as a company of corporation.
3. Contain the physical location address of the applicant's intended primary operating location. The applicant mailing address must be included in the formal application letter if different from its physical location address.
4. Include the full name and address of the applicant's agent for service as required by 49 U.S.C. § [46103\(c\)](#).



5. Confirm the identity of key management personnel, such as the general manager, Director of Operations (DO), Director of Maintenance (DOM), Chief Pilot, and chief inspector, as applicable.
6. Include any anticipated request(s) for deviation from the qualification requirements of management personnel. It is essential, however, to make a request for the deviation and the justification for that deviation in a separate letter. (See "[Deviation or Exemptions](#)," above.)

## **A.5 Compliance Statement Format Examples.**

### **A.5.1** Format example of an applicant's General Operations Manual (GOM) page and paragraph references contained in the compliance statement:

- Section 135.244, Operating Experience:
  1. GOM page 217, paragraph 237;
  2. GOM page 218, paragraph 238;
  3. GOM page 219, paragraph 240; and
  4. Pilot crewmembers must acquire operating experience as follows:
    - GOM page 220, paragraph 241, Training Manual, page 25; and
    - GOM page 221, paragraph 242, Training Manual, page 26.

### **A.5.2** Format example of an applicant's GOM page and paragraph reference that also contains explanatory text contained in the compliance statement:

- Section 135.65, Reporting Mechanical Irregularities.
- The GOM, page 37-5, paragraph 35, instructs the PIC on the requirements for, and methods of completing, the aircraft discrepancy log. The PIC is required to review the log before each flight and to ascertain the status of each previous entry.

## Advisory Circular Feedback Form

If you find an error in this AC, have recommendations for improving it, or have suggestions for new items/subjects to be added, you may let us know by contacting the Air Transportation Division at 9-AWA-AVS-AFS-200-Air-Transportation-Division@faa.gov or the Flight Standards Directives Management Officer at 9-AWA-AFB-140-Directives@faa.gov.

Subject: AC 120-49A, Parts 121 and 135 Certification

Date: \_\_\_\_\_

*Please check all appropriate line items:*

An error (procedural or typographical) has been noted in paragraph \_\_\_\_\_  
on page \_\_\_\_\_.

Recommend paragraph \_\_\_\_\_ on page \_\_\_\_\_ be changed as follows:

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In a future change to this AC, please cover the following subject:  
*(Briefly describe what you want added.)*

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Other comments:

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I would like to discuss the above. Please contact me.

Submitted by: \_\_\_\_\_

Date: \_\_\_\_\_