

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.674

National Policy

Effective Date:
9/13/23

Cancellation Date:
9/13/24

SUBJ: Data Collection of 14 CFR Part 135 Operators Conducting 14 CFR Part 380 Public Charters

1. Purpose of This Notice. This notice provides information and tasks principal inspectors (PI) with oversight of Title 14 of the Code of Federal Regulations (14 CFR) part 135 on-demand operators conducting 14 CFR part 380 public charters with data collection.

2. Audience. The primary audience for this notice is Flight Standards Safety Assurance PIs with oversight responsibilities for part 135 on-demand certificate holders (CH) who conduct part 380 public charters. The secondary audience includes the Office of Safety Standards and the Safety Risk Management Division (AFB-400).

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee website at https://employees.faa.gov/tools_resources/orders_notices and the Dynamic Regulatory System (DRS) at <https://drs.faa.gov>. Operators and the public can find this notice on the Federal Aviation Administration's (FAA) website at https://www.faa.gov/regulations_policies/orders_notices and DRS.

4. Background. The FAA is reviewing information regarding current practices of part 135 on-demand operators conducting part 380 public charters. These operations are an emerging business model and the FAA requires additional data to evaluate their impact within the National Airspace System (NAS).

a. History. In 1995, the FAA published a rule requiring certain commuter operators that were conducting operations under part 135 to conduct those operations under 14 CFR part 121. The reasoning behind these changes were multifaceted. They were based upon a study by the National Transportation Safety Board (NTSB), Congressional hearings, and aviation accident statistics. This led to the codification of 14 CFR part 119 and established that all scheduled operations in airplanes with a passenger seating configuration of more than 9 seats and all turbojet scheduled passenger operations should comply with part 121 requirements. This rulemaking led to the current environment in which all turbojet aircraft being utilized to provide scheduled passenger-carrying operations are required to be operated under part 121.

b. Part 380. In 1997, the FAA published a change to part 119 in which they added part 380 public charters to the definitions of "on-demand operation," "scheduled operation," and "supplemental operation." These definitions are found in 14 CFR part 110, § 110.2. This change

specified that part 380 public charters would not be considered scheduled operations even though the departure location, departure time, and arrival location are offered in advance.

c. Regulatory Ownership. The Department of Transportation (DOT) is responsible for part 380 and primarily deals with economic requirements for consumer protection. A person that offers air transportation as a public charter under part 380 is required to charter aircraft from a direct air carrier to provide that air transportation. That direct air carrier is required to comply with the FAA safety provisions and requirements of either part 121 supplemental or part 135 on-demand regulations.

5. Discussion. The FAA has found that in recent years there has been a rapid increase in the number of the flights proposed to the DOT to be provided by part 380 public charter organizers, who then have part 135 on-demand operators provide the air transportation for those flights. These flights, which are conducted in a variety of aircraft from small single-engine turboprops to large turbojet aircraft with up to 30 passenger seats, often resemble part 121 operations because they are advertised as scheduled service or even as partners with major airlines. With this new trend, the FAA is committed to maintaining the safety of the NAS, taking into consideration the intent and requirements of the 1995 rulemaking, as well as any risk associated with a rapid expansion in aviation operations.

6. Action. PIs with oversight responsibilities for part 135 on-demand CHs being utilized by part 380 public charter organizers to conduct air transportation must review this notice and complete the actions below. A listing of these CHs is included in Appendix A, Part 135 On-Demand Certificate Holders Conducting Part 380 Public Charters.

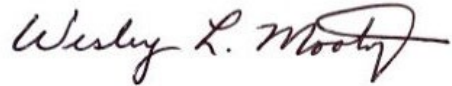
a. Custom Data Collection Tool (C DCT). A National/Divisional C DCT titled “Part 380 Public Charter Data Collection” is available in the Safety Assurance System (SAS) to capture data regarding current part 135 air carrier operations. One C DCT is available for Operations, and one is available for Airworthiness. Within 15 days of the effective date of this notice, PIs must add both the Operations and the Airworthiness C DCTs to the Comprehensive Assessment Plan (CAP) for part 135 air carriers conducting part 380 public charters and submit for resourcing by their manager.

b. Requirements. While adding the C DCT to the CAP, PIs must not add or delete questions from the C DCT template. The C DCT will be assigned according to office policy, and must be completed and closed by **November 13, 2023**. See Appendix B, National/Divisional Custom Data Collection Tool Instructions, for specific instructions on the completion of this C DCT.

c. Part 121 Requirements. If clarity is needed for those specific C DCT questions that refer to part 121 requirements, PIs should exercise interdependence and coordinate with management to seek the assistance of the Office of Air Carrier Safety Assurance (ACSA) resources.

d. SAS Assistance. For additional assistance in loading the C DCT, refer to the SAS Quick Reference Card (Q-Card) Q3-10, Custom DCT: Using a National/Divisional Template, which can be found in the SAS Resource Guide (SRG) under the quick link “Q-Cards and Checklists.”

7. Disposition. We will not incorporate the information in this notice into FAA Order 8900.1 before this notice expires. Direct questions or comments concerning the information in this notice to the Operations Group (AFS-220), 135 Flight Operations Section at 202-267-8166 or 9-AFS-200-Correspondence@faa.gov.

A handwritten signature in black ink, reading "Wesley L. Mooty". The signature is written in a cursive style with a large, stylized initial 'W'.

Wesley L. Mooty
Acting Deputy Executive Director, Flight Standards Service

**Appendix A. Part 135 On-Demand Certificate Holders Conducting Part 380
Public Charters**

Business Name	Doing Business As (DBA)	Designator
Acadian Seaplanes, LLC		6KDA
Advanced Air, LLC		19AA
Coleman Jet, LLC		IEYA
Corporate Flight Management, Inc.	Contour Airlines	FJTA
Delux Public Charter, LLC	JSX Air	4DPA
Lima NY Corp.	Fly the Whale	L87A
Meregrass, Inc.		M85A
Northeastern Aviation Corp.		AOYA
Pegasus Elite Aviation, Inc.		E0XA
Prime Jet, LLC	Prime Jet US, LLC	DBGA
Sea to Sky Air	Flying Zebra	891A
Southern Airways Express, LLC		141A
Steelman Aviation, Inc.		8SMA
Tri-State Charter, LLC		AHTA
Tropic Ocean Airways		Z9YA
Ultimate Jet Charters, LLC		DTHA
USAC Airways 695, LLC		5USA
Verijet, Inc.		VSNA
Western Air Charter, Inc.		W6JA

Note: This listing is based on available public information at the time this notice was published. Principal inspectors (PI) should consult with their office management if an operator on this list no longer conducts Title 14 of the Code of Federal Regulations (14 CFR) part 380 public charters (excluding seasonal operations), and should contact the Operations Group (AFS-220) at 9-AFS-200-Correspondence@faa.gov if they do not intend to complete the National Custom Data Collection Tool (C DCT).

Appendix B. National/Divisional Custom Data Collection Tool Instructions

DISCLAIMER: These questions may address operational areas that are not required by Title 14 of the Code of Federal Regulations (14 CFR) part 135. This Custom Data Collection Tool (C DCT) is intended to gather information so the Air Transportation Division (AFS-200) can conduct a gap analysis. Therefore, responses are not meant to evaluate whether the carrier is operating in compliance with regulatory requirements.

1. If clarity is needed for those specific C DCT questions that refer to 14 CFR part 121 requirements, confer with your management team to coordinate with a subject matter expert (SME) from the Office of Air Carrier Safety Assurance (ACSA) to assist.
2. When answering questions related to how a higher level of safety is being met, use the “Supporting Comments” field as necessary to describe in detail how the operator is attaining the higher level of safety. For example, although part 135 air carriers are not required to comply with 14 CFR part 5, if the air carrier has an accepted Safety Management System (SMS) Voluntary Program (SMSVP) in place, you should state that in the applicable question.
3. The purpose of this C DCT is collection of data potentially related to the conduct of 14 CFR part 380 public charters. However, in the course of this data collection, if regulatory noncompliance is discovered, generate followup action using the responsible Flight Standards office’s policy/guidance such as a Dynamic Observation Report (DOR), an Element Performance Assessment (EPA), initiate a risk management process (RMP), compliance action or enforcement, etc., as appropriate.
4. The purpose of this C DCT is not directly related to surveillance of the operator as part of the principal inspector’s (PI) planned Comprehensive Assessment Plan (CAP).
5. If the data is unable to be obtained because it was not or cannot be observed, describe why it was not observable in the “Supporting Comments” field.

Note: PIs may include these instructions, and any additional instructions, at their discretion when adding the C DCT to their CAP.