

Air Carrier Training Aviation Rulemaking Committee (ACT ARC)

**ACT ARC Recommendation 18-2:
Harmonization of Category II/III Pilot Authorization Requirements**

I. Submission

The recommendations below were submitted by the Air Carrier & Contract Training Workgroup (AC&CT WG)¹ for consideration by the Air Carrier Training Aviation Rulemaking Committee (ACT ARC) Steering Committee at F2F-17. The ACT ARC Steering Committee adopted the recommendations with unanimous consent, and they are submitted to the Federal Aviation Administration as ACT ARC Recommendation 18-2.

II. Statement of the Issue

Title 14 of the Code of Regulations (14 CFR) 61.3 contains the requirements for certificates, ratings, and authorizations. Pursuant to 61.3(f)(2)/(g)(2) a Second in Command in Category II/III operations is required to hold “a pilot certificate with category and class ratings for that aircraft and an instrument rating for that category aircraft.” Section 61.67 contains Category II pilot authorization requirements. Section 61.67(d)(2)(vi) requires the Second in Command (SIC) participating in a practical test for Category II operations to hold a ‘type rating’ for the aircraft involved. The requirement to hold a type rating for a required SIC during a practical testing event is inconsistent with the lesser requirement of category and class rating for an SIC as a required crewmember in actual Category II operations.

This inconsistency may be attributed to the fact that 61.67(d)(2)(vi) was written prior to the introduction of the SIC type rating. Industry confusion exists with regard to the ‘type rating’ 61.67 requires the SIC hold during a practical test. The current FAA interpretation is for the SIC to hold a *PIC* type rating to be eligible to be involved in the Category II practical test, even though only category, class and instrument ratings are required for actual in-flight Category II operations on the line. There is an opportunity for alignment in these two regulations.

III. Recommendations

The ACT ARC recommends the following regarding regulatory requirements for Category II/III training:

1. Harmonize 61.67(d)(2)(vi) with 61.3(f)(2)/(g)(2).
2. Clearly indicate the SIC type rating qualifies to both fly and test for Category II/III operations.

IV. Rationale

The ARC has previously considered and adopted recommendations related to aligning differences between regulatory requirements within 14 CFR parts 61, 142 and 135.²

The discrepancy between 61.67(d)(2)(vi) and 61.3(f)(2)/(g)(2) creates a more restrictive environment in testing Category II/III than actually flying the line with passengers on board. In addition, it restricts an SIC Type Rated crewmember from testing for Category II/III operations when he/she is clearly qualified on type. Under current Office of Aviation Safety (AVS) internal

¹ The AC&CT WG is comprised of ACT ARC Steering Committee Members including 135 operators, 142 training centers, and membership organizations/industry associations.

² ACT ARC Recommendation 15-2 notes that recommendations regarding rulemaking may be expanded as the AC&CT WG addresses its long-term initiatives.

guidance on the Rulemaking Process (AVS-002-010) and Office of Rulemaking (ARM) Rulemaking Work Instructions (ARM-002-001-W1), the need for rulemaking can be driven by a number of triggering events including changes in industry practice (e.g., the Aircraft-Specific 135 Standardized Curriculum model). These particular changes can be categorized as a Short Simple Project (SSP). The term SSP refers to an approach for certain projects that can be handled quickly, without noticeable impact on other rulemaking projects. A project may be a candidate for SSP handling only if the project requires minimal rulemaking resources, has minimal economic impact, and is nonsignificant under Department of Transportation Office of the Secretary (OST) and Office of Management and Budget (OMB) criteria.

Since the FAA may be able to define this rulemaking project as an SSP under its own internal guidance, reviewing the conflicting requirements of these two regulations would address the concerns raised by operators, training centers, and FAA personnel regarding the SIC's role in both Category II line operations and Category II practical tests. Although the impact is low, the ACT ARC wants to formally identify this inconsistency so that it can be addressed should the opportunity for rulemaking occur.

V. Background Information

AC&CT WG Scope of Work:

These recommendations partially address the following component of the AC&CT WG Scope of Work, which is "Consider strategies to improve 135 operator training and checking, including training/checking conducted by 142 training centers."

ACT ARC Initiatives:

These recommendations address the following Steering Committee Initiative assigned to the AC&CT WG. Initiative #9 tasks the AC&CT WG with establishing a Workgroup to make recommendations about the relationship between training centers and air carriers in order to achieve standardization (where appropriate) in the following areas:

9.1 Check Airman Qualification

9.2 Flight Instructor Qualification

9.3 Air Carrier Training Curriculums delivered by Part 142 Training Centers