

**Federal Aviation Regulations Explained**

By  
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2006 Supplement to FARs Explained, Part 119\*

**Regulations Affected in this Supplement**

**Part 119 – Certification: Air Carriers and Commercial Operators**

119.3 – Definitions

119.5 – Certifications, authorizations, and prohibitions

119.25 – Rotorcraft operations: Direct air carriers and commercial operations

119.33 – General Requirements

119.43 – Certificate holder’s duty to maintain operations specifications

119.49 – Contents of operations specifications

119.51 – Amending operations specifications

119.59 – Conducting tests and inspections

119.65 – Management personnel required for operations conducted under Part 121 of this chapter

119.69 – Management personnel required for operations conducted under Part 135 of this chapter

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**119.3 – Definitions**

Add the following to Preamble:

Years in service means the calendar time elapsed since an aircraft was issued its first U.S. or first foreign airworthiness certificate. [68 FR 5782]

Add the following to Advisory Circulars:

AC 120-68C *Pilot Records Improvement Act of 1996 as Amended* (2004)

AC 136-1 *Commercial Air Tour Operations Conducted Over National Parks and Tribal Lands* (2002)

## **119.5 – Certifications, authorizations, and prohibitions**

Add the following to Preamble:

F. Appropriate Department of Transportation (DOT) Economic Authority. The applicant should be advised that it is the applicant's responsibility to apply for and obtain the appropriate DOT economic authority per 14 CFR part 119.5(i). The inspector should further advise the applicant that the FAA will not proceed with the certification process until Gate I requirements have been fully met (see figure 2.3.1.2). In addition, the FAA will not proceed beyond Gate III until the applicant provides the evidence of appropriate economic authority. The FAA will not issue the operations specifications until the DOT economic authority is obtained. In the case of a commuter air carrier or a carrier seeking a certificate of public convenience and necessity from DOT, a fitness determination is required under 14 CFR part 204.

Order 8400.10 – Air Transportation Operations Inspector’s Handbook

NOTE: For the on-demand part 135 air carrier, the part 298 OST registration form 4507 and proof of insurance coverage with the required fee (per 14 CFR part 298) must be submitted to the FAA Headquarters, AFS-260, 30 days prior to the commencement of operations. The liability insurance coverage can be established with an appropriate future effective date. The FAA will not issue the operations specifications that have an effective date before the liability insurance is effective.

## **119.25 – Rotorcraft operations: Direct air carriers and commercial operations**

Add the following to Explanations:

Because of the change to § 61.5(b)(5), there are no “appropriate type ratings” for small helicopters any longer. The only “appropriate type ratings” are for “Large aircraft other than lighter-than-air aircraft” and “Other aircraft type ratings specified by the Administrator through the aircraft type certification procedures” The requirement for type ratings in small aircraft (i.e., small helicopters) was deleted. Persons who hold type ratings in small helicopters, may retain the ratings. We won't take the ratings away from those who already hold the ratings. {Q&A-15}; {Q&A-37} Frequently Asked Questions, 14 CFR, Part 61.

## **119.33 – General requirements**

Add the following to Cases:

Add to end of existing case: Administrative law judge affirmed an order of the Administrator suspending the pilot’s private pilot certificate for 270 days. *Administrator v. Murray, III*, EA-5061 (2003). Please note the case name change.

### **119.43 – Certificate holder’s duty to maintain operations specifications**

Add the following to Cross References:

135.62, Recordkeeping Requirements

### **119.49 – Contents of operations specifications**

Revise (a)(13) to the following:

(13) An authorization permitting, or a prohibition against, accepting, handling, and transporting materials regulated as hazardous materials in transport under 49 CFR parts 171 through 180.

Revise (a)(14) to the following:

(14) Any other item the Administrator determines is necessary.

Revise (b)(13) to the following:

(13) An authorization permitting, or a prohibition against, accepting, handling, and transporting materials regulated as hazardous materials in transport under 49 CFR parts 171 through 180.

Revise (b)(14) to the following:

(14) Any other item the Administrator determines is necessary.

Revise (c)(12) to the following:

(12) An authorization permitting, or a prohibition against, accepting, handling, and transporting materials regulated as hazardous materials in transport under 49 CFR parts 171 through 180.

Revise (c)(13) to the following:

(13) Any other item the Administrator determines is necessary.

### **119.59 – Conducting tests and inspections**

Add the following to Cross References:

136.63, Recordkeeping requirements

**119.65 - Management personnel required for operations conducted under Part 121 of this chapter**

Add the following to Cross References:

119.36, Additional certificate application requirements for commercial operators

**119.69 – Management personnel required for operations conducted under Part 135 of this chapter**

Add the following to Cases:

The Administrator revoked the air carrier's part 135 certificate because it failed to exercise proper operational control over various flights. The air carrier also violated parts 135.25 and 135.87 by operating a plane in an unairworthy condition and improper carriage of cargo. An employee within the company exercised operational control, which is contrary to the Opspecs that provided for operational control to be exercised only by the Director of Operations or the Chief Pilot. At the time of the flights in question, the employee did not hold any FAA approved position within the company. Both parties authorized to exercise operational control resigned and the employee exercised operational control in their absence. The company operated several flights over a year period without proper operational control. The board affirmed the Administrator's revocation of the air carrier's part 135 certificate. *Administrator v. Aero Leasings, Inc.*, EA-5210 (2006).