



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

Aviation Safety

800 Independence Ave
Washington, DC 20591

May 30, 2019

Exemption No. 4901P
Regulatory Docket No. FAA-2001-9282

Ms. Sophia Ghezai
Director, Aviation Safety and Operations
Airlines for America
1275 Pennsylvania Avenue, NW, Suite 1300
Washington, D.C. 20004

Dear Ms. Ghezai:

This letter is to inform you that we have granted your petition to extend Exemption No. 4901, as amended. It transmits our decision, explains its basis, and gives you the conditions and limitations.

The Basis for Our Decision

By letter dated March 1, 2019 you petitioned the Federal Aviation Administration (FAA) on behalf of Airlines for America (A4A), for an extension of Exemption No. 4901, as amended.¹ That exemption from §§ 63.39(b)(1) and (2) and 121.425(a)(2)(i) and (ii) of Title 14, Code of Federal Regulations (14 CFR) allows A4A-member airlines to meet the certification requirements of § 63.39(b)(1) and (2) concurrently with the qualification requirements of §§ 121.425(a)(2)(i) and (ii) in a single flight check.²

The exemption also allows applicants in training for that flight check to take (1) the airplane preflight inspection portion of that flight check using an advanced pictorial means instead of an airplane, and (2) the normal procedures portion of that flight check in an approved flight simulation training device (FSTD).

In your petition, you indicated that there has been no change in the conditions and reasons relative to public interest and safety that were the basis for granting the original exemption.

¹ In the petition A4A referenced § 121.424 (a)(2)(i) and (ii). On April 9, 2019, the petitioner clarified that reference was in error, and that the reference should have been to § 121.425(a)(2)(i) and (ii).

² To the extent petitioner requests relief for similarly situated part 142 training center certificate holders and part 63 flight engineer operators, the FAA has determined that such petitioners are not similarly situated to the A4A part 121 air carriers. Therefore, the FAA is considering such petitions for exemption separately.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested extension of the exemption would not set a precedent, and any delay in acting on this petition would be detrimental to A4A.

Our Decision

The FAA has determined that the justification for the issuance of Exemption No. 4901, as amended, remains valid with respect to this exemption and is in the public interest. Therefore, under the authority provided by 49 U.S.C § 106(f), 40113, and 44701, which the FAA Administrator has delegated to me, Airlines for America is granted an extension to Exemption No. 4901 to the extent it allows A4A-member airlines and other part 119 certificate holders listed in Attachment 1 hereto to conduct part 121-approved flight engineer training programs to meet the certification requirements of §§ 63.39(b)(1) and (2) concurrently with the qualification requirements of §§ 121.425(a)(2)(i) and (ii) in a single flight check.

Conditions and Limitations

1. Advanced Pictorial Means. Part 119 certificate holders may use advanced pictorial means to conduct the airplane preflight inspection portion of the initial flight engineer flight check under certain conditions. For those employees who are applying for the flight engineer certificate and who are able to present (for the class rating sought) satisfactory evidence of any one of the requirements specified in §§ 63.37(b)(1) through (7), or who are applying for an additional class rating in accordance with the requirements of § 63.33, the part 119 certificate holder must –
 - a. Develop and use advanced pictorial means that provide distant views and detailed close-up views of each passenger compartment and exterior preflight inspection item depicting normal and abnormal conditions;
 - b. Provide equipment with random access capability to any picture for training and checking purposes;
 - c. Ensure the pictures and descriptions of the items are approved by the Flight Standards office having responsibility for the air carrier certificate; and
 - d. Ensure the holder of a flight engineer certificate issued under this exemption demonstrates proficiency on at least one complete visual inspection of the aircraft exterior and the cabin interior of a static airplane of the appropriate type. This demonstration of proficiency must be completed successfully and documented before the completion of operating experience required by § 121.434 and this exemption.
2. Restricted Flight Engineer Certificate. Part 119 certificate holders may conduct the normal procedures portion of the in-flight phase of the flight engineer practical test (and flight check, as applicable) for a restricted flight engineer certificate in an approved flight simulation training device (FSTD). For flight engineer certificate applicants who are applying for an additional class rating in accordance with the

requirements of § 63.33 or who meet any one of the experience requirements of § 63.37(b)(4) through (7) (Note: In the case of paragraph (b)(7), the applicant also must hold at least a commercial pilot certificate with an instrument rating), the certificate holder must—

- a. Ensure each approved FSTD used to conduct the normal procedures portion of the flight engineer practical test is approved and maintained in accordance with § 121.407 and qualified in accordance with part 60 or a previously qualified device, as permitted in accordance with § 60.17. This FSTD must be a flight training device qualified at Level 6 or above or a full flight simulator qualified at Level A or above with or without operating motion and visual systems;
- b. Ensure the flight engineer normal procedures portion of the practical test is conducted in an approved FSTD with a complete crew complement that is task familiar in accordance with Advisory Circular (AC) 120-35, as amended, Flightcrew Member Line Operational Simulations: Line-Oriented Flight Training, Special Purpose Operational Training, Line Operational Evaluation. The certificate holder must provide a means for ensuring individuals who are not qualified and current remain task familiar. The crew complement may not include another flight engineer certificate applicant;
- c. Ensure the holder of a restricted flight engineer certificate issued under this exemption understands that the certificate may be used in service as a required flight engineer crewmember only under the supervision of a flight engineer, approved by the Administrator, during the initial 12 hours of operating experience. The supervising flight engineer must hold the necessary certificates and ratings and must be qualified to perform flight engineer duties in the particular type airplane involved. The 12-hour operating experience required herein may be reduced to 6 hours by substituting one additional takeoff and landing for each hour of flight time. If the qualifying flight engineer demonstrates competence during supervised operating experience, the selected flight engineer must issue a letter of competence upon completion of the required period of in-flight supervision. This letter must signify that the restriction on the certificate no longer applies. This letter must be retained by the holder until a permanent unrestricted flight engineer certificate can be issued;
- d. Ensure the competence of the flight engineer applicant is certified in accordance with Condition No. 2(c). In addition, ensure the applicant knows that only upon completion of proper certification of competence may the flight engineer applicant apply to any Flight Standards office for the issuance of a permanent unrestricted flight engineer certificate;
- e. Ensure the applicant knows that when serving in revenue operations conducted under the authority of this exemption, the applicant must maintain in his or her possession at all times his or her letter of competence and restricted flight

- engineer certificate, or unrestricted flight engineer certificate, with the reference to this exemption deleted;
- f. Ensure a restricted flight engineer certificate issued under this exemption bears the statement: "This certificate is subject to the provisions of Exemption No. 4901, as amended;"
 - g. Obtain approval from the Flight Standards office having responsibility for the air carrier certificate before exercising the privileges of this exemption; and
 - h. Ensure those flight engineers selected to observe a qualifying flight engineer during the operating experience required by this exemption are approved by the Administrator before acting as in-flight supervisor flight engineers. In addition, if the selected flight engineer notes discrepancies in the performance of duties by the qualifying flight engineer and recommends additional training and further observation in the areas of discrepancy, the certificate holder must ensure the recommended additional training and further line observation is completed satisfactorily before application is made for the FAA unrestricted flight engineer certificate.
3. Unrestricted Flight Engineer Certificate. Part 119 certificate holders may conduct the normal procedures portion of the in-flight phase of the flight engineer practical test (and flight check, as applicable) for an unrestricted flight engineer certificate in an approved FSTD. Supervised operating experience is not a requirement for the unrestricted certificate. Accordingly, the requirements for the normal procedures portion of the practical test are different from those associated with the restricted certificate (Condition No. 2 above). The transition from training to line operations, including crew coordination issues, is promoted by three additional requirements in the flight test for the unrestricted certificate: (1) a higher level of flight simulation, including operational visual and motion systems; (2) a more highly qualified crew complement; and (3) a line operational evaluation (LOE).

For those flight engineer certificate applicants who are able to present, for the class rating sought, satisfactory evidence of any one of the requirements specified in § 63.37(b)(1) through (7), or who are applying for an additional class rating in accordance with the requirements of § 63.33, the certificate holder must—

 - a. Ensure each approved FSTD used to conduct the flight engineer normal procedures LOE portion of the flight engineer practical test is approved and maintained in accordance with § 121.407 and qualified in accordance with part 60 or a previously qualified device, as permitted in accordance with § 60.17. This approved FSTD may be qualified at any level (Level A or higher) and must have operating visual and motion systems;
 - b. Ensure the flight engineer normal procedures LOE is conducted with a complete crew complement that is task familiar in accordance with AC 120-35, as amended. Such crewmembers must be qualified in accordance with § 61.58.

- No medical certificate or 90-day landing currency is required. The crew complement may not include another flight engineer certificate applicant;
- c. Develop, obtain approval for, and have available for use during the conduct of the flight engineer normal procedures LOE no fewer than six separate flight engineer normal procedures LOE scenarios. Each scenario must be designed in a manner that avoids stereotyping and makes it distinct from other scenarios used in training or testing; and
 - d. Obtain approval from the Flight Standards office having responsibility for the air carrier certificate before exercising the privileges of this exemption.
4. Any part 119 certificate holder that is not a member or associate member of A4A wishing to exercise the relief provided by this grant of exemption must submit a petition for similar relief to the docket. Once the FAA has received the certificate holder's petition for exemption, and after analysis of the petition, if appropriate, the FAA will amend Attachment 1 to Exemption No. 4901 to include the additional certificate holder. A certificate holder may only exercise the relief provided by the grant of exemption when it is listed in Attachment 1 to Exemption No. 4901, as amended.

The Effect of Our Decision

Our decision extends the termination date of Exemption No. 4901, as amended, to May 31, 2021 unless sooner superseded or rescinded.

Sincerely,

/s/

Robert C. Carty
Deputy Executive Director, Flight Standards Service

Attachment 1

The relief provided by Exemption No. 4901 is limited to the certificate holders listed below³:

Airlines for America

Alaska Airlines, Inc.
American Airlines, Inc.
Atlas Air Inc.
Federal Express Corporation
Hawaiian Airlines, Inc.
JetBlue Airways Corporation
Southwest Airlines Co.
United Airlines, Inc.
United Parcel Service Co.

Additional Air Carriers⁴

Gulf and Caribbean Cargo, Inc.
USA Jet Airlines

³ Attachment amended May 30, 2019.

⁴ Additional air carriers petitioned for exemption through the following FAA Docket Numbers: Gulf and Caribbean Cargo, Inc. (FAA-2016-9321); USA Jet Airlines (FAA-2019-0125).