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U.S. Department of Transportation  
Docket Operations  
West Building Ground Floor  
Room W12-140  
1200 New Jersey Avenue, S.E.  
Washington DC, 20590  
*Submitted Electronically at regulations.gov*

Subject: Petition for Exemption – 14 CFR §135.25(b) and (c)

Chantilly Air, Inc., a Manassas, Virginia-based aviation company, holds a 14 CFR Part 119 Air Carrier Certificate (certificate ZH9A864J), issued on August 7, 2002, and is authorized to conduct 14 CFR Part 135 charter operations. In the past twenty years, Chantilly Air has grown to include an FBO and a Part 145 repair station, demonstrating the stability of the growing organization.

Chantilly Air has an exemplary safety and compliance record almost two decades in the making, demonstrating the company's commitment to compliance with Part 135 regulations. The company is accredited through the International Standards for Business Aviation Operations (IS-BAO), which is recognized by the FAA and other leading aviation authorities as a means of meeting International Civil Aviation Organization (ICAO) Safety Management System (SMS) standards.

Chantilly Air's Part 119 management team is very experienced. I am the current Director of Operations and have been on the Part 119 management team for the entire duration of the company's history. The Chief Pilot has been with the company since 2004 and has served as the Chief Pilot for over a decade. The Director of Maintenance recently assumed that position but is assuming the position from the previous long-time Director of Maintenance, who has been with the company since 2006 but plans to retire in a few years. The previous Director of Maintenance will remain with the organization to ensure a smooth transition of the important authorities, responsibilities, and duties of a Director of Maintenance.

Chantilly Air is currently authorized to fly five aircraft under Part 135, as listed on Operations Specification D085 – Aircraft Listing. This includes one Lear 45, one Lear 60, two Challenger 600s, and a Challenger 300. All five aircraft are exclusively on Chantilly Air's Operations Specifications, with no interchange or other agreements with other Part 135 certificate holders. The Lear 60 serves as Chantilly Air's exclusive use aircraft.

The number of aircraft on Chantilly Air's operations specifications has varied through the years but has always been sufficient to ensure continuous and uninterrupted air carrier operations in a safe manner. Chantilly Air is petitioning for an exemption from 14 CFR §135.25(b) and (c), which requires a Part 135 certificate holder to have exclusive use of at least one aircraft that meets the requirements for at least one kind of operation authorized in the certificate holder's operations specifications. [Ref. 14 CFR §11.81(b)].

Chantilly Air proposes to remove the Lear 60 from the Part 135 Operations Specification, thereby removing its exclusive use aircraft as required by 135.25(b)(c). [Ref. 14 CFR §11.81(c)].

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## § 135.25 Aircraft requirements.

(b) Each certificate holder must have the exclusive use of at least one aircraft that meets the requirements for at least one kind of operation authorized in the certificate holder's operations specifications. In addition, for each kind of operation for which the certificate holder does not have the exclusive use of an aircraft, the certificate holder must have available for use under a written agreement (including arrangements for performing required maintenance) at least one aircraft that meets the requirements for that kind of operation. However, this paragraph does not prohibit the operator from using or authorizing the use of the aircraft for other than operations under this part and does not require the certificate holder to have exclusive use of all aircraft that the certificate holder uses.

(c) For the purposes of paragraph (b) of this section, a person has exclusive use of an aircraft if that person has the sole possession, control, and use of it for flight, as owner, or has a written agreement (including arrangements for performing required maintenance), in effect when the aircraft is operated, giving the person that possession, control, and use for at least 6 consecutive months.

The exclusive use requirement was published decades ago with the intent to prevent companies without the financial means to safely operate Part 135 operations from holding a certificate.

Chantilly Air wishes to sell its exclusive use aircraft, a Lear 60, N326HG, which would require the company to purchase a different aircraft, likely a single engine piston airplane, to meet the requirements of 135.25(b) and (c). This purchase would not only cost the company the purchase price but also additional housing, insurance, maintenance, and training costs. This new airplane would serve as the exclusive use aircraft but will not be held out to the public for Part 135 revenue operations.

After purchasing the aircraft, Chantilly Air would need to add the new aircraft to the Part 135 certificate, requiring the FAA to review manual changes, approve a new training manual, and conduct checkrides. This is an unnecessary use of FAA resources, providing no clear safety benefit in an organization with a twenty-year history of Part 135 on-demand charter operations.

Both Chantilly Air and FAA resources would be better spent on ensuring safety of operations. Grant of this exemption would allow Chantilly Air to redeploy resources in such a way to avoid financial waste and further develop Chantilly Air's SMS and crewmember training, which exceeds regulatory requirements. Use of funds in this manner would be in the public interest. [Ref. 14 CFR §11.81(d)].

Meanwhile, local FAA inspectors would be able to direct their attention to oversight of relevant Part 135 operations, rather than reviewing Chantilly Air manual revisions, approving a new training program, overseeing training of a new exclusive use aircraft type, and conducting necessary checkrides. While some of these activities are essentially one-time changes, others, including oversight of training and conduct of checkrides, will be ongoing use of FAA resources.

Elimination of the exclusive use aircraft would have no bearing on Chantilly Air's ability to maintain operational control or maintenance continuity. Chantilly Air has robust operational control and maintenance control policies and procedures in place and has a continuous Part 119 management team. Continued compliance with 135.25(b)(c) creates unnecessary burden without appreciable safety benefit. [Ref. 14 CFR §11.81(e)].

Chantilly Air will need to exercise this exemption outside of the U.S.; however, granting this petition for exemption would not have any effect on Chantilly Air's international operations, as currently authorized by its Operations Specifications. [Ref. 14 CFR §11.81(h).]

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Petitions for exemptions to 14 CFR 135.25(b) and (c) for substantially similar circumstances have been previously granted to Executive Air Fleet Corporation (Exemption No. 3438A issued 07/01/1985, Exemption No. 3438B issued 07/01/1987, Exemption No. 3438C issued 06/10/1987 and Exemption No. 6158 issued 09/11/1995) and Pentastar Aviation Charter, Inc. (Exemption No. 17462A issued August 21, 2017).

Chantilly Air's nearly twenty-year history and exemplary safety and compliance record demonstrate our commitment to regulatory compliance. This exemption would allow the company to redirect funds to expand proven safety and training programs, which is in the public interest and maintains or exceeds the level of safety provided by 135.25(b) and (c).

Thank you for considering this exemption request.

Sincerely,



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[Ref. 14 CFR §11.81(a)]

The following Operations Specifications would be affected by granting this exemption:

Operations Specification A005 – Summary of Exemptions and Deviations

Operations A008 d(3) – Exclusive Aircraft Use Requirements for Part 135 Operations

At least one aircraft that meets the requirements for at least one kind of operation authorized in the certificate holder's operations specifications must remain in the certificate holder's exclusive legal possession and actual possession (directly or through the certificate holder's employees and agents) as specified in Section 135.25. This aircraft cannot be listed on any other Part 119 certificate holder's operations specifications during the term of the exclusive use lease.

14 CFR §11.81(f) Summary of Petition for Exemption for publication in the Federal Register:

**Petitioner:** Chantilly Air, Inc.

**Sections of the FAR affected:** 14 CFR §135.25(b) and (c)

**Brief description of the nature of exemption being sought:**

Chantilly Air, Inc. seeks exemption from the exclusive use aircraft requirements specified under 14 CFR §135.25(b) and (c) to the degree necessary to enable Chantilly Air to operate its aircraft as authorized by its operations specifications without having the exclusive use of at least one aircraft that meets the requirements for at least one kind of operation authorized in the certificate holder's operations specifications.

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