Docket Management Facility US Department of Transportation
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Washington, DC 20590

U.S. DOT
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DOCKET OPERATIONS

June 8th, 2022

RE: Request for exemption

Exemption sought from: 14 CFR 121.436 (a)(3)

§ 121.436 Pilot Qualification: Certificates and experience requirements.

(a) No certificate holder may use nor may any pilot act as pilot-in-command of an aircraft (or as second in command of an aircraft in a flag or supplemental operation that requires three or more pilots) unless the pilot:

(1) Holds an airline transport pilot certificate not subject to the limitations in § 61.167 of this chapter;

(2) Holds an appropriate aircraft type rating for the aircraft being flown; and

(3) If serving as pilot in command in part 121 operations, has 1,000 hours as second in command in operations under this part, pilot in command in operations under § 91.1053(a)(2)(i) of this chapter, pilot in command in operations under § 135.243(a)(1) of this chapter, or any combination thereof. For those pilots who are employed as pilot in command in part 121 operations on July 31, 2013, compliance with the requirements of this paragraph (a)(3) is not required.

I am seeking relief from the above section by requesting to waive the pilot-in-command requirement from subsection (3) for the following reasons:

- There are two considerations to act as pilot-in-command in part 121 that applies to my case.
    - The first one is having 1,000 hours as second in command under this part.
    - The second one is being pilot-in-command in operations under § 91.1053(a)(2)(i). This section states that:

§ 91.1053 Crewmember experience.

(a) No program manager or owner may use any person, nor may any person serve, as a pilot-in-command or second in command of a program aircraft, or as a flight attendant on a program aircraft, in program operations under this subpart unless that person has met the applicable requirements of part 61 of this chapter and has the following experience and ratings:

(2) For multi-engine turbine-powered fixed-wing and powered-lift aircraft, the following FAA certification and ratings requirements:

(i) Pilot-in-command - Airline transport pilot and applicable type ratings.

Program aircraft means a commercial transport aircraft incorporating advanced technology.

- I have flown a total of 15,147 hours in different regions including Europe and Asia, 7,941 of which as pilot-in-command, all of them under the equivalent to part 121 in companies like Iberia, Skymark, Asiana, VietJet, Gowair, and Avion Express, and flying the A320 and A330, both with advanced technology, in the capacity of Airline Transport Pilot up to 10,875 hours in these aircrafts.
- I have been acting as pilot-in-command since February 2004.
- I am Type Rating Instructor on the A320 under EASA license, and CRM instructor.
- I have flown 203 hours on E175 as second in command for Horizon Air, aircraft with advanced technology.

An exception of § 121.436 would alleviate the shortage of experienced pilots and would save a lot of money and time in training to the companies.

This will not affect the safety of the flights. On the contrary it will enhance it since the companies would be able to pair an experienced pilot-in-command with a non-experienced first office vs. pairing a new pilot-in-command with a new first officer. In the case of Global Crossing Air (GlobalX), my current company, not being able to be hired directly as pilot-in-command will prevent me from acting as simulator instructor and they will incur in double expenses after my upgrade to captain is approved.

My demonstrated experience was already acknowledged when I obtained my ATPL and A320 type rating in the US on April 2019.

Considering that the experience requested has been met under flights equivalent to those in part 121 and that I have experience flying in the US,

I request the exemption of the 1,000 hours to fly as pilot-in-command, to be allowed to act as pilot-in-command with the current time and experience.

Summary for the Federal Register:

Exemption sought from: 14 CFR 121.436 (a)(3).

(3) If serving as pilot-in-command in part 121 operations, has 1,000 hours as second in command in operations under this part (...)

Authorization to be pilot-in-command without 1,000 hours as second in command in operations under part 121 if flown under equivalent to part 121 in a foreign country.

Additional information. GlobalX is trying to operate in Europe.

Considering that I have a lot of experience flying in Europe.

Considering that I still maintain my EASA license valid.

It would be of great interest if I could operate for the Company as pilot-in-command with my current time and experience.

Sincerely,

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