

In What Type Of Operation, Not Regulated By 14 Cfr Part 119, May A Commercial Pilot Act As Pilot In Command

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Understanding the regulatory environment governing commercial pilots is essential for pilots, operators, and aviation enthusiasts alike. The Federal Aviation Regulations (FARs), particularly Part 119, establish the certification, operating rules, and safety standards for most commercial operations in the United States. However, there are specific scenarios and operations outside the scope of Part 119 where a commercial pilot may serve as Pilot In Command (PIC). This article explores these operations in detail, elucidating the types of activities, regulatory exemptions, and conditions under which a commercial pilot can act as PIC outside the strict confines of Part 119.

Overview of 14 CFR Part 119 and Its Scope

Before delving into the exceptions, it is important to understand what Part 119 encompasses.

Purpose and Coverage of Part 119

Part 119 primarily regulates:

- Commercial operations conducted for compensation or hire
- Certain ferry and repositioning flights
- Scheduled airline services
- Charter operations involving larger aircraft

The regulation stipulates certification requirements for operators, including the issuance of Operating Certificates, safety standards, and operational procedures.

Operations Typically Regulated by Part 119

These include:

- Airlines operating scheduled flights
- Charter services with aircraft over a specific weight
- Commercial cargo transport
- Certain large aircraft operations

When an operation falls under these categories, strict adherence to Part 119 and related

regulations is mandatory.

Operations Outside the Scope of Part 119

While Part 119 covers a broad spectrum of commercial aviation, certain activities are explicitly or implicitly excluded. These exceptions create opportunities where commercial pilots can act as PIC without the constraints of Part 119 certification requirements.

Categories of Operations Not Regulated by Part 119

Operations falling outside Part 119 generally include:

- Private operations not for compensation or hire
- Certain recreational and sport flying
- Part 91 general aviation operations
- Specific exemptions granted by the FAA
- Operations under other Regulations such as Part 135 or Part 137, depending on circumstances

Key Scenarios Allowing Commercial Pilots to Act as PIC Outside Part 119

Here are the primary scenarios where a commercial pilot may serve as PIC without the operation being regulated under Part 119.

1. Private, Non-Commercial Flights (Part 91 Operations)

One of the most common exceptions is when a commercial pilot operates under Part 91, which governs general aviation flights that are not for compensation or hire.

- **Conditions:** The flight must be purely private, with no payment or compensation involved, and not conducted as part of a commercial operation.
- **Implication:** Commercial pilots acting in this capacity are not subject to Part 119 regulations, provided the operation remains private.
- **Limitations:** Cannot carry passengers or cargo for compensation unless it falls under other specific regulations or exemptions.

2. Operations Conducted Under Part 91 Subpart F (Part 91.319 and Related)

Some specialized operations are permitted under Part 91, such as certain agricultural spraying, aerial photography, or banner towing, which are not covered by Part 119.

- **Conditions:** These operations often require specific exemptions or special permits from the FAA.
- **Implication:** Commercial pilots can serve as PIC in these activities if they meet the regulatory and operational requirements, including any necessary exemptions.
- **Note:** Many of these operations are regulated under Part 137 (Agricultural Aircraft Operations), but some may fall outside of Part 119's scope.

3. Part 135 Operations Under Specific Conditions

While Part 135 does regulate a significant portion of commercial operations, there are circumstances where a commercial pilot can act as PIC outside of Part 135.

- **Regulatory Exemptions:** Certain Part 135 operations may be conducted under a special waiver or exemption, allowing pilots to serve as PIC without full Part 119 certification.
- **Part 91 Subpart K (Fractional Ownership):** Some fractional ownership operations are exempt from certain Part 119 requirements, enabling commercial pilots to serve as PIC under Part 91 or other applicable regulations.

4. Ferry and Positioning Flights (Part 91.319)

Ferry flights or repositioning flights often occur outside the scope of Part 119.

- **Conditions:** These flights are typically conducted without passengers or cargo, solely to move aircraft from one location to another.
- **Implication:** A commercial pilot may act as PIC in these situations without the operation being subject to Part 119 regulations, provided the flight complies with Part 91 rules.

5. Operations Under Specific FAA Exemptions or Special Authorizations

The FAA occasionally grants exemptions or special authorizations that allow commercial pilots to serve as PIC outside of Part 119.

- **Examples:** Certain humanitarian, research, or government-related operations.
- **Conditions:** Must adhere to the terms of the exemption and all applicable safety standards.

Legal and Safety Considerations for Commercial Pilots in Non-Part 119 Operations

While operating outside the regulatory scope of Part 119 provides flexibility, it also demands careful attention to legal and safety responsibilities.

1. Flight Authority and Certification

- Commercial pilots must possess the appropriate certificates, ratings, and medical qualifications for the operation.
- They must ensure that their qualifications align with the specific activity they undertake.

2. Adherence to Part 91 Rules

- Even outside Part 119, pilots are bound by Part 91 regulations concerning aircraft operation, maintenance, and safety.
- This includes compliance with operational limitations, aircraft performance, and safety protocols.

3. Liability and Insurance

- Operating outside regulated frameworks can influence liability and insurance coverage.
- It is vital for pilots and operators to verify insurance policies cover non-Part 119 operations.

4. Safety and Compliance

- Pilots should be aware of any exemptions, special permits, or additional requirements applicable to their operation.
- Maintaining safety standards is paramount, regardless of regulatory scope.

Summary and Conclusion

In summary, commercial pilots can act as Pilot In Command outside the regulatory scope of 14 CFR Part 119 primarily in operations classified under Part 91, such as private flights, ferry flights, and certain specialized activities. These operations generally involve flights that are not conducted for compensation or hire or are conducted under specific exemptions or permits granted by the FAA.

Key points include:

- Operating under Part 91 allows commercial pilots to serve as PIC without Part 119 certification requirements, provided the flight remains private.
- Certain ferry, repositioning, or specialized operations are exempt from Part 119, enabling PIC duties for qualified pilots.
- Regulatory exemptions and special authorizations can further expand opportunities for commercial pilots outside Part 119.

However, pilots must remain vigilant about adhering to all applicable safety standards, certification requirements, and legal obligations. Understanding these distinctions ensures that pilots operate within the law while maintaining the highest safety standards. This flexibility allows for a diverse range of aviation activities, fostering innovation and safety in various sectors of the industry.

By carefully evaluating the nature of the operation, compliance with applicable regulations, and understanding the scope of exemptions, commercial pilots can effectively serve as PIC in a variety of operational contexts beyond the traditional regulatory boundaries set by Part 119.

Frequently Asked Questions

In what type of operation, not regulated by 14 CFR Part 119, can a commercial pilot act as pilot in command?

A commercial pilot can act as pilot in command in operations that are not required to be conducted under Part 119, such as certain recreational or private operations that do not involve commercial transportation or do not meet the specific regulatory thresholds.

Are there specific exemptions allowing commercial

pilots to serve as PIC outside Part 119 regulations?

Yes, exemptions or special permissions may allow commercial pilots to act as PIC in operations like aerial photography, banner towing, or other special flights that are exempt from Part 119 requirements.

What are some examples of operations where Part 119 does not regulate pilot-in-command responsibilities?

Examples include personal flights, certain types of agricultural spraying, or instructional flights conducted under specific exemptions that fall outside Part 119 scope.

Does operating under a Part 91 flight rule allow a commercial pilot to act as PIC without Part 119 regulation?

Yes, flights conducted under Part 91, which generally covers private or non-commercial operations, do not fall under Part 119 regulations, allowing a commercial pilot to serve as PIC in such cases.

What are the limitations for commercial pilots acting as PIC outside Part 119 regulated operations?

Limitations include adherence to applicable safety standards, aircraft operation rules, and pilot certification requirements, but they are not subject to Part 119's airline certification and oversight provisions.

Can a commercial pilot act as PIC in ferry or repositioning flights outside Part 119 regulation?

Yes, ferry or repositioning flights often fall outside Part 119 regulation, allowing a commercial pilot to act as PIC provided the operation complies with other applicable regulations.

Are there any restrictions on the type of aircraft a commercial pilot can operate as PIC outside Part 119?

Restrictions depend on the pilot's certifications and the aircraft's category and type, but generally, no specific Part 119 restrictions apply if the operation is outside its scope.

What role does Part 91 play in allowing commercial pilots to act as PIC in non-Part 119 operations?

Part 91 provides the regulatory framework for many private and recreational flights, enabling commercial pilots to serve as PIC in these operations without the requirements of Part 119.

How does the regulatory environment differ for commercial pilots acting as PIC outside Part 119 compared to airline operations?

In non-Part 119 operations, commercial pilots operate under general aviation rules like Part 91, which are less prescriptive than airline-specific regulations under Part 119, offering more operational flexibility.

Additional Resources

In What Type Of Operation, Not Regulated By 14 CFR Part 119, May A Commercial Pilot Act As Pilot In Command

Understanding the scope of a commercial pilot's authority and the regulatory framework governing their operational roles is essential for pilots, operators, and aviation enthusiasts alike. The phrase "In what type of operation, not regulated by 14 CFR Part 119, may a commercial pilot act as pilot in command" touches on the nuanced boundary between certified airline or commercial operations and other aviation activities where regulatory oversight varies. This article aims to thoroughly explore these operations, clarifying where and when a commercial pilot can act as Pilot in Command (PIC) outside the strict confines of Part 119 regulations, along with insights into the implications, restrictions, and opportunities presented by these scenarios.

Understanding 14 CFR Part 119 and Its Scope

What is 14 CFR Part 119?

Part 119 of the Federal Aviation Regulations (FARs) establishes the requirements for certificated air carriers and commercial operators. It covers the certification, operation, and safety standards for large and scheduled operations, including airlines, commercial operators, and certain large aircraft operations. Essentially, it sets the regulatory framework for what is considered "Part 119 operations" — typically those involving revenue-generating, large-scale, scheduled, or complex commercial flights.

Operations Regulated by Part 119

- Scheduled passenger and cargo flights operated by airlines
- Commercial operations involving large aircraft or those requiring a certificate
- Operations with more than a specified number of aircraft and crew
- Operations that involve extensive safety and operational oversight

Operations outside of this scope are generally not governed by Part 119, which opens avenues for other types of flying activities where different regulations apply.

Operations Not Regulated by 14 CFR Part 119

Private and Recreational Operations

Many flights conducted by commercial pilots fall outside Part 119 when they are classified as private or recreational. For example:

- Part 91 operations: This part governs general aviation flights, including personal, instructional, or business flights that are not for compensation or hire.
- Part 91.501/91.503: These sections cover recreational or personal flights where the pilot is acting as PIC without the operation being classified under Part 119.

In these cases, a commercial pilot, although holding the appropriate certificates, may act as PIC provided the operation does not involve the carriage of passengers or cargo for compensation or hire beyond certain limits, and no Part 119 certification is required.

Part 135 and Part 137 Operations

- Part 135: Commuter and on-demand operations, such as air taxi services, are regulated by Part 135, which is distinct from Part 119. Commercial pilots may act as PIC in these operations if they hold the appropriate certificates and meet the regulatory requirements.
- Part 137: Agricultural operations, such as crop dusting or aerial application, are governed by Part 137. Commercial pilots can serve as PIC here, provided they meet Part 137 requirements, which differ significantly from Part 119.

Specialized Operations

- Banner towing, aerial photography, pipeline patrols, and other niche operations often fall outside Part 119 regulation if they meet specific criteria, such as not exceeding certain operational thresholds.
- Part 121-Related Operations: Large commercial passenger flights under Part 121 are fully regulated by Part 119 and other parts, so pilots cannot act as PIC outside of such operations unless they transition into those roles.

Legal and Regulatory Framework for Pilots Acting as PIC Outside Part 119

Privileges and Limitations for Commercial Pilots

A commercial pilot certificate grants certain privileges, including acting as PIC for compensation or hire. However, the scope of operations where they can do so is governed by the applicable parts of the FARs.

Key points:

- In non-Part 119 operations, a commercial pilot must adhere to the operational rules of the relevant part (e.g., Part 91, Part 135, Part 137).
- The pilot's authority and responsibilities are defined by the operating rules, aircraft certification, and the pilot's experience and ratings.

Role of Operating Certificates

- For operations outside Part 119, the operator may hold a Part 135 or Part 137 certificate, which delineates what the pilot can do.
- In some cases, the pilot may need to hold additional ratings or endorsements, such as type ratings or specific operational authorizations.

FAA Guidance and Advisory Circulars

The FAA provides guidance through advisory circulars (ACs) that clarify permissible operations and the scope of PIC authority for commercial pilots in various scenarios. For example:

- AC 120-12A discusses pilot responsibilities in Part 135 operations.
- AC 91-45 provides guidance on recreational and private operations.

Examples of Operations Where Commercial Pilots Can Act as PIC Outside Part 119

Part 91 Personal and Business Flights

- Commercial pilots may serve as PIC in personal or business flights conducted under Part 91, provided the operation is not for compensation or hire.
- For example, a commercial pilot flying a company aircraft for internal business purposes, without offering flights to the public, is operating under Part 91.

Part 135 On-Demand Air Taxi Services

- Commercial pilots with the appropriate certifications can serve as PIC in on-demand air taxi operations under Part 135.
- These flights are often unscheduled and involve carrying passengers or cargo for remuneration but are not part of Part 119-regulated scheduled services.

Part 137 Agricultural Operations

- Crop dusting and aerial application often involve commercial pilots acting as PIC in operations that are not regulated by Part 119.
- These operations are governed by Part 137, which sets specific safety standards for aerial agriculture.

Banner Towing and Aerial Advertising

- Pilots engaged in banner towing, aerial advertising, or other specialized services often operate under Part 91 or Part 135, depending on the operation.
- These operations are typically small-scale and tailored to specific niches outside Part 119 regulation.

Flight Training and Instruction

- While flight schools are regulated under Part 141 or Part 142, individual commercial pilots may serve as CFIs (Certified Flight Instructors) in Part 91 operations, providing instruction without the operation being classified under Part 119.

Pros and Cons of Operating Outside Part 119 Regulations

Pros:

- **Flexibility:** Less stringent operational requirements allow for more adaptable and diverse flying activities.
- **Cost-Effectiveness:** Reduced regulatory burden can lower operational costs, especially for small-scale or niche operations.
- **Entrepreneurial Opportunities:** Pilots and operators can engage in innovative or specialized services without the heavy oversight of Part 119.
- **Broader Range of Operations:** Enables pilots to work in various sectors such as agricultural, banner towing, or private business flights.

Cons:

- **Limited Oversight:** Reduced regulation may lead to increased safety risks if not managed properly.
- **Liability and Insurance:** Insurers may require additional coverage or impose restrictions, given the less regulated environment.
- **Operational Constraints:** Certain operations may have restrictions regarding passenger carriage, cargo limits, or aircraft types.
- **Regulatory Complexity:** Pilots must be well-versed in multiple parts of the FARs, as they are operating under different regulatory frameworks.

Key Features and Considerations for Pilots

- Certification Requirements: Commercial pilots must hold the appropriate ratings, endorsements, and experience for the type of operation.
- Operational Limits: Always operate within the bounds of FAA regulations pertinent to the specific operation.
- Safety First: Even outside Part 119, safety standards should be maintained to protect pilots, passengers, cargo, and the public.
- Documentation and Record-Keeping: Maintain proper logs, operational records, and compliance documentation as mandated by the relevant FAR parts.
- Continued Education: Stay updated on FAA regulations, guidance materials, and best practices applicable to various operations.

Conclusion

Understanding the scope of where a commercial pilot can act as Pilot in Command outside of Part 119 regulation is crucial for safe, legal, and effective operation. While Part 119 primarily governs large, scheduled, and revenue-generating commercial operations, many other activities—such as private flights, on-demand air taxi services, agricultural work, banner towing, and certain business flights—allow commercial pilots to operate as PIC under different parts of the FARs, notably Part 91, Part 135, and Part 137. These operations offer flexibility and entrepreneurial opportunities but come with their own set of responsibilities, safety considerations, and regulatory requirements.

For pilots, understanding these distinctions ensures they operate within legal boundaries while leveraging their skills across diverse aviation sectors. For operators, compliance with applicable regulations enhances safety, efficiency, and reputation. As aviation continues to evolve, the boundaries of regulated and unregulated operations will adapt, but the foundational principles of safety, professionalism, and adherence to FAA rules remain paramount.

In summary, a commercial pilot may act as PIC in various operations outside the scope of Part 119, provided they adhere to the specific rules and limitations of the relevant FAR parts. Recognizing these opportunities enables pilots to diversify their careers and contribute meaningfully to the broad spectrum of general and specialized aviation activities.

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