

§ 135.97

(b) Is qualified, under this chapter, for the operation for which the person is to be used.

§ 135.97 Aircraft and facilities for recent flight experience.

Each certificate holder shall provide aircraft and facilities to enable each of its pilots to maintain and demonstrate the pilot's ability to conduct all operations for which the pilot is authorized.

§ 135.98 Operations in the North Polar Area.

After August 13, 2008, no certificate holder may operate an aircraft in the region north of 78°N latitude ("North Polar Area"), other than intrastate operations wholly within the state of Alaska, unless authorized by the FAA. The certificate holder's operation specifications must include the following:

(a) The designation of airports that may be used for en-route diversions and the requirements the airports must meet at the time of diversion.

(b) Except for all-cargo operations, a recovery plan for passengers at designated diversion airports.

(c) A fuel-freeze strategy and procedures for monitoring fuel freezing for operations in the North Polar Area.

(d) A plan to ensure communication capability for operations in the North Polar Area.

(e) An MEL for operations in the North Polar Area.

(f) A training plan for operations in the North Polar Area.

(g) A plan for mitigating crew exposure to radiation during solar flare activity.

(h) A plan for providing at least two cold weather anti-exposure suits in the aircraft, to protect crewmembers during outside activity at a diversion airport with extreme climatic conditions. The FAA may relieve the certificate holder from this requirement if the season of the year makes the equipment unnecessary.

[Doc. No. FAA-2002-6717, 72 FR 1885, Jan. 16, 2007, as amended by Amdt. 135-112, 73 FR 8798, Feb. 15, 2008]

§ 135.99 Composition of flight crew.

(a) No certificate holder may operate an aircraft with less than the min-

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imum flight crew specified in the aircraft operating limitations or the Aircraft Flight Manual for that aircraft and required by this part for the kind of operation being conducted.

(b) No certificate holder may operate an aircraft without a second in command if that aircraft has a passenger seating configuration, excluding any pilot seat, of ten seats or more.

§ 135.100 Flight crewmember duties.

(a) No certificate holder shall require, nor may any flight crewmember perform, any duties during a critical phase of flight except those duties required for the safe operation of the aircraft. Duties such as company required calls made for such nonsafety related purposes as ordering galley supplies and confirming passenger connections, announcements made to passengers promoting the air carrier or pointing out sights of interest, and filling out company payroll and related records are not required for the safe operation of the aircraft.

(b) No flight crewmember may engage in, nor may any pilot in command permit, any activity during a critical phase of flight which could distract any flight crewmember from the performance of his or her duties or which could interfere in any way with the proper conduct of those duties. Activities such as eating meals, engaging in nonessential conversations within the cockpit and nonessential communications between the cabin and cockpit crews, and reading publications not related to the proper conduct of the flight are not required for the safe operation of the aircraft.

(c) For the purposes of this section, critical phases of flight includes all ground operations involving taxi, take-off and landing, and all other flight operations conducted below 10,000 feet, except cruise flight.

NOTE: Taxi is defined as "movement of an airplane under its own power on the surface of an airport."

[Doc. No. 20661, 46 FR 5502, Jan. 19, 1981]

§ 135.101 Second in command required under IFR.

Except as provided in § 135.105, no person may operate an aircraft carrying