

National Transportation Safety Board, who is performing official duties.

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PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON DEMAND OPERATIONS AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

■ 7. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 41706, 44113, 44701–44702, 44705, 44709, 44711–44713, 44715–44717, 44722.

■ 8. Add a new § 135.76 to read as follows:

§ 135.76 DOD Commercial Air Carrier Evaluator’s Credentials: Admission to pilots compartment: Forward observer’s seat.

(a) Whenever, in performing the duties of conducting an evaluation, a DOD commercial air carrier evaluator presents S&A Form 110B, “DOD Commercial Air Carrier Evaluator’s Credential,” to the pilot in command of an aircraft operated by the certificate holder, the evaluator must be given free and uninterrupted access to the pilot’s compartment of that aircraft. However, this paragraph does not limit the emergency authority of the pilot in command to exclude any person from the pilot compartment in the interest of safety.

(b) A forward observer’s seat on the flight deck or forward passenger seat with headset or speaker must be provided for use by the evaluator while

conducting en route evaluations. The suitability of the location of the seat and the headset or speaker for use in conducting en route evaluations is determined by the FAA.

■ 9. Amend § 135.85 by adding a new paragraph (h) to read as follows:

§ 135.85 Carriage of persons without compliance with the passenger-carrying provisions of this part.

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(h) A DOD commercial air carrier evaluator conducting an en route evaluation.

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Marion C. Blakey,
Administrator.
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