§ 91.1043 Additional equipment requirements.

No person may operate a program aircraft on a program flight unless the aircraft is equipped with the following—

(a) Airplanes having a passenger-seat configuration of more than 30 seats or a payload capacity of more than 7,500 pounds:

(1) A cockpit voice recorder as required by §121.359 of this chapter as applicable to the aircraft specified in that section.

(2) A flight recorder as required by §121.343 or §121.344 of this chapter as applicable to the aircraft specified in that section.

(b) Airplanes having a passenger-seat configuration of 30 seats or fewer, excluding each crewmember, and a payload capacity of 7,500 pounds or less, and any rotorcraft (as applicable):

(1) A cockpit voice recorder as required by §135.151 of this chapter as applicable to the aircraft specified in that section.

(2) A flight recorder as required by §135.152 of this chapter as applicable to the aircraft specified in that section.

§ 91.1047 Drug and alcohol misuse education program.

(a) Each program manager must provide each direct employee performing flight crewmember, flight attendant, flight instructor, or aircraft maintenance duties with drug and alcohol misuse education.

(b) No program manager may use any contract employee to perform flight crewmember, flight attendant, flight instructor, or aircraft maintenance duties for the program manager unless
that contract employee has been pro-
vided with drug and alcohol misuse
education.

(c) Program managers must disclose
to their owners and prospective owners
the existence of a company drug and
alcohol misuse testing program. If the
program manager has implemented a
company testing program, the program
manager’s disclosure must include the
following:

(1) Information on the substances
that they test for, for example, alcohol
and a list of the drugs;

(2) The categories of employees test-
ed, the types of tests, for example, pre-
employment, random, reasonable
cause/suspicion, post accident, return
to duty and follow-up; and

(3) The degree to which the program
manager’s company testing program is
comparable to the federally mandated
drug and alcohol testing program re-
quired under part 120 of this chapter re-
quiring paragraph (c)(1) and (c)(2) of this section.

(d) If a program aircraft is operated
on a program flight into an airport at
which no maintenance personnel are
available that are subject to the re-
quirements of paragraphs (a) or (b) of
this section and emergency mainte-
nance is required, the program man-
ager may use persons not meeting the
requirements of paragraphs (a) or (b) of
this section to provide such emergency
maintenance under both of the fol-
lowing conditions:

(1) The program manager must notify
the Drug Abatement Program Division,
AAM–800, 800 Independence Avenue,
SW., Washington, DC 20591 in writing
within 10 days after being provided
emergency maintenance in accordance
with this paragraph. The program man-
ager must retain copies of all such
written notifications for two years.

(2) The aircraft must be reinspected
by maintenance personnel who meet
the requirements of paragraph (a) or
(b) of this section when the aircraft is
next at an airport where such mainte-
nance personnel are available.

(e) For purposes of this section,
emergency maintenance means main-
tenance that—

(1) Is not scheduled, and

(2) Is made necessary by an aircraft
condition not discovered prior to the
departure for that location.

(f) Notwithstanding paragraphs (a)
and (b) of this section, drug and alcohol
misuse education conducted under an
FAA-approved drug and alcohol misuse
prevention program may be used to
satisfy these requirements.

[Docket No. FAA–2001–10047, 68 FR 54561,
Sept. 17, 2003, as amended by Amdt. 91–307, 74
FR 22653, May 14, 2009]

§ 91.1049 Personnel.

(a) Each program manager and each
fractional owner must use in program
operations on program aircraft flight
crews meeting §91.1053 criteria and
qualified under the appropriate regula-
tions. The program manager must pro-
vide oversight of those crews.

(b) Each program manager must em-
ploy (either directly or by contract) an
adequate number of pilots per program
aircraft. Flight crew staffing must be
determined based on the following fac-
tors, at a minimum:

(1) Number of program aircraft.

(2) Program manager flight, duty,
and rest time considerations, and in all
cases within the limits set forth in
§§91.1057 through 91.1061.

(3) Vacations.

(4) Operational efficiencies.

(5) Training.

(6) Single pilot operations, if author-
ized by deviation under paragraph (d)
of this section.

(c) Each program manager must pub-
lish pilot and flight attendant duty
schedules sufficiently in advance to
follow the flight, duty, and rest time
limits in §§91.1057 through 91.1061 in
program operations.

(d) Unless otherwise authorized by
the Administrator, when any program
aircraft is flown in program operations
with passengers onboard, the crew
must consist of at least two qualified
pilots employed or contracted by the
program manager or the fractional
owner.

(e) The program manager must en-
sure that trained and qualified sched-
uling or flight release personnel are on
duty to schedule and release program
aircraft during all hours that such air-
craft are available for program oper-
ations.